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DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1787

RIN 0572–AC42

''Buy American'' Requirement

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule.

SUMMARY: The Rural Utilities Service (RUS), a Rural Development Agency of the United States Department of Agriculture (USDA), hereinafter referred to as RUS or the Agency, is issuing a final rule to amend its regulations to address its ''Buy American'' requirement. This will codify long-standing RUS requirements which Agency borrowers have been required to follow pursuant to statute, bulletin, and contract as early as the 1950s. RUS will rescind Bulletin 43–9:344–3, '' 'Buy American' Requirement,'' when this regulation becomes effective.

DATES: This rule is effective November 27, 2018.

FOR FURTHER INFORMATION CONTACT: Norris Nicholson, Electric Program, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Ave. SW, Washington, DC 20250, Email: *Norris.Nicholson@wdc.usda.gov*; telephone number: (202) 720–1979. Kenneth Kuchno, Telecommunications Program, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Ave. SW, Washington, DC 20250, email: *Kenneth.Kuchno@wdc.usda.gov,* phone number: 202–720–9424.

SUPPLEMENTARY INFORMATION:

Executive Order 12372, Intergovernmental Consultation

This final rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with State and local officials. A Notice of Final Rule titled Department Programs and Activities Excluded from Executive Order 12372 (50 FR 47034) exempts RUS loans and loan guarantees to governmental and nongovernmental entities from coverage under this Order.

Executive Order 12866, Regulatory Planning and Review

This final rule has been determined to be not significant for the purposes of Executive Order 12866, Regulatory Planning and Review, and therefore has not been reviewed by the Office of Management and Budget (OMB).

Executive Order 12988, Civil Justice Reform

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. RUS has determined that this final rule meets the applicable standards provided in section 3 of the Executive Order. In addition, all State and local laws and regulations that are in conflict with this rule will be preempted, no retroactive effort will be given to this rule, and, in accordance with Sec. 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. Sec. 6912(e)), administrative appeal procedures, if any, must be exhausted before an action against the Department or its agencies may be initiated.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This final rule has been reviewed in accordance with the requirements of Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' Executive Order 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes or on the distribution of power and responsibilities between the Federal Government and Indian tribes. The policies contained in this final rule do not have Tribal implications that preempt Tribal law. The Agency will continue to work directly with Tribes and Tribal applicants to improve access to Agency programs. This includes providing focused outreach to Tribes regarding implementation of this rule change. Additionally, the Agency will respond in a timely and meaningful manner to all Tribal government requests for consultation concerning this rule. For further information on the Agency's Tribal consultation efforts, please contact Rural Development's Native American Coordinator at (720) 544–2911 or *AIAN@wdc.usda.gov.*

Regulatory Flexibility Act Certification

The Agency has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), given that the amendment is only an administrative act on the government's part to codify a statute with respect to obligation of funds.

Information Collection and Recordkeeping Requirements

In accordance with the Paperwork Reduction Act, the paperwork burden associated with this final rule has been approved by the Office of Management and Budget (OMB) under the currently approved OMB Control Numbers 0572–0107. The Agency has determined that this regulatory action does not change any current data collection that would require approval under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Catalog of Federal Domestic Assistance

The programs described by this rule are listed in the Catalog of Federal Domestic Assistance programs under No. 10.850, Rural Electrification Loans and Loan Guarantees; No. 10.851, Rural Telephone Loans and Loan Guarantees; and No. 10.852, Rural Telephone Bank Loans and No. 10.886, Rural Broadband Access Loans and Loan Guarantees. All active CFDA programs can be found at *www.cfda.gov.* The Catalog is available on the internet at *http://www.cfda.gov* and the General Services Administration's (GSA's) free CFDA website at *http://www.cfda.gov.* The CFDA website also contains a PDF file version of the Catalog that, when printed, has the same layout as the printed document that the Government Publishing Office (GPO) provides. GPO prints and sells the CFDA to interested buyers. For information about purchasing the Catalog of Federal Domestic Assistance from GPO, call the

Superintendent of Documents at 202–512–1800 or toll free at 866–512–1800, or access GPO's online bookstore at *http://bookstore.gpo.gov.*

Unfunded Mandate

This final rule contains no Federal mandates (under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995) for state, local, and tribal governments or the private sector. Therefore, this final rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act of 1995.

National Environmental Policy Act Certification

The Administrator of RUS has determined that this final rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

E-Government Act Compliance

The Agency is committed to the E-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

USDA Non-Discrimination Policy

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

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To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *http://www.ascr.usda.gov/complaint_filing_cust.html* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by: (1) Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410; (2) fax: (202) 690–7442; or (3) email: *program.intake@usda.gov.*

USDA is an equal opportunity provider, employer, and lender.

Background

The Rural Electrification Act requires that in making loans pursuant to the Rural Electrification Act of 1936, the Secretary of Agriculture shall require that, to the extent practicable and the cost of which is not unreasonable, the borrower agrees to use in connection with the expenditure of such funds only such unmanufactured articles, materials, and supplies, as have been mined or produced in the United States or in any eligible country, and only such manufactured articles, materials, and supplies as have been manufactured in the United States or in any eligible country, substantially all from articles, materials, or supplies mined, produced or manufactured, as the case may be, in the United States or any eligible country. This regulation will codify long-standing RUS requirements which Agency borrowers have been required to follow pursuant to statute, bulletin, and contract as early as the 1950s, but which were inadvertently never codified when all existing RUS bulletins were incorporated into regulation. Nothing in this regulation will change or modify those procedures with respect to borrowers' responsibilities in complying with the Buy American requirement, such as the waiver process, but will simplify compliance by compiling all such existing requirements into a single document.

List of Subjects in 7 CFR Part 1787

Communications equipment, Electric power, Loan programs—communications, Loan programs—energy, Reporting and recordkeeping requirements, Rural areas, Telephone.

■ For the reasons set out in the preamble, RUS amends 7 CFR chapter XVII by adding part 1787 to reads as follows:

PART 1787—THE "BUY AMERICAN" REQUIREMENT

Sec.
1787.1 General.
1787.2 Definitions.
1787.3 Products constituting a portion of a purchase order or contract.
1787.4 Unmanufactured articles, materials, and supplies.
1787.5 Eligible countries.
1787.6 Nondomestic products.
1787.7 Components.
1787.8 Purchase of nondomestic products.
1787.9 Waivers.
1787.10 Application for specific waivers.
1787.11 Cost differential.
1787.12 Non-availability or shortages.
1787.13 Public interest or impracticality.
1787.14 General waivers.
Appendix A to Part 1787—Product Procurement

Authority: 7 U.S.C. 903.

§ 1787.1 General.

(a) The ''Buy American'' provision of the Rural Electrification Act of 1936 (RE Act) requires, to the extent practicable and the cost of which is not unreasonable, that RUS Borrowers use loan funds only for such manufactured articles, materials, and supplies as have been manufactured in the United States or in any eligible country, substantially all from articles, materials, or supplies mined, produced or manufactured, as the case may be, in the United States or any eligible country.

(b) Each RUS Borrower is responsible for assuring that its use of loan funds complies with this requirement, and that the contracts it enters into for construction, materials and equipment, and purchases with vendors contain the Buy American requirement, along with certification as to compliance, made through RUS Form 213.

§ 1787.2 Definitions.

For purpose of this part, the following terms have the following meanings:

Administrator. The Administrator of the RUS, or his/her designee.

Buy American. A provision of the RE Act requiring that loan funds only be used to purchase products made in the U.S. or an eligible country.

Component. Any article, material, or supply, whether manufactured or unmanufactured, that is directly incorporated into the end product at the final assembly location.

Domestic product. A product or like product which both:

(1) Is manufactured in the United States or in any eligible country; and

(2) Contains components manufactured in the United States or in

any eligible country consisting of more than 50 percent of the total cost of all components used in the product.

Eligible country. Any country that the United States Trade Representative determines as having corporations located therein, as eligible to enter into contract with an RUS Borrower, under which loan funds will be provided for unmanufactured and manufactured goods.

Loan funds. Funds provided under an RUS direct or guaranteed loan.

Manufactured. The application of processes to alter the form or function of materials or of elements of the product such that value is added or the materials or elements are transformed into a new end product functionally different from that which would result from mere assembly of the materials or elements.

Nondomestic bid. An offer to sell a nondomestic product to an RUS borrower.

Nondomestic product. Any product other than a domestic product or product from an eligible country.

Product. An item of manufactured material or assembled components, which is complete and capable of performing an intended practical purpose.

RE Act. Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*).

RUS. The Rural Utilities Service.

RUS Borrower. Any organization that has an outstanding RUS loan made or guaranteed by RUS pursuant to the RE Act.

Telecommunications. Any communication service for the transmission or reception of voice, data, sounds, signals, pictures, writings, or signs of all kinds, by wire, fiber, radio, light, or other visual or electromagnetic means, including all telephone lines, facilities, or systems used in the rendition of such service; but shall not be deemed to mean message telegram service or community antenna television system services or broadcasting facilities other than those intended exclusively for educational purposes, or radio broadcasting services or facilities within the meaning of section 3(o) of the Communications Act of 1934, as amended.

Unmanufactured. With respect to articles, materials, or supplies, refers to such goods that have not been manufactured.

§ 1787.3 Products constituting a portion of a purchase order or contract.

Where a supplier or contractor offers or furnishes several products under a purchase order or contract, the provisions of this part apply to each product individually.

§ 1787.4 Unmanufactured articles, materials, and supplies.

The Buy American requirement also applies to unmanufactured articles, materials, and supplies to be financed with RUS loan funds, and will be considered domestic if mined or produced in the United States or in an eligible country.

§ 1787.5 Eligible countries.

The United State Trade Representative (USTR) determines what countries are eligible countries with respect to purchases made by electric borrowers or telecommunications borrowers. A particular country may be determined to be an eligible country for purchases made by telecommunications borrowers, for electric borrowers, or both. RUS maintains the latest **Federal Register** notice on its website which sets out the list of Eligible Countries for each RUS program at *https://www.rd.usda.gov/files/UEP_Engineering_EligibleCountries.pdf.*

§ 1787.6 Nondomestic products.

A product is considered to be nondomestic for the purpose of compliance with the ''Buy American'' requirement if:

(a) The product is manufactured outside the United States or any eligible country; or

(b) The product is manufactured in the United States or in any eligible country, but the cost of nondomestic components used therein constitutes 50 percent or more of the cost of all components. The cost of components shall be determined on a comparable basis, so that only the cost of domestic and nondomestic components, up to the point where they are combined and manufactured into a complete product shall be considered.

(1) The determination of the cost of the nondomestic components of a product shall include:

(i) The price paid to the nondomestic source;

(ii) The cost of shipment to the port of entry into the United States;

(iii) Applicable tariffs or duties;

(iv) The cost of transportation from the port of entry to the distributor's plant or warehouse; and

(v) Profit, overhead, and commissions of domestic and nondomestic suppliers and subcontractors of the components.

(2) The following items shall not be considered in determining the cost of components, although they are proper elements in the determination of the final selling price of the product:

(i) Fabrication or processing costs, if any, of nondomestic or domestic components at the assembly plant, or any other place of fabrication in the United States or any eligible country;

(ii) Testing costs at the assembly plant or at the installation site;

(iii) Direct profit, overhead, and commissions of the domestic distributor; and

(iv) Cost of transportation from the domestic assembly point to the installation site.

§ 1787.7 Components.

Where a component is manufactured only determines whether the component is classified as domestic or nondomestic even if all the materials and subcomponents comprising the component are manufactured in ineligible countries. A component manufactured in the United States or in an eligible country shall be considered domestic when determining whether a product is classified as domestic or nondomestic. A component manufactured in an ineligible country shall be considered nondomestic.

§ 1787.8 Purchase of nondomestic products.

An RUS Borrower may only use loan funds to purchase a nondomestic product if a waiver pursuant to § 1787.10 has been received by the Administrator before entering into a contract with the vendor. Should the Administrator deny the waiver request, the RUS Borrower must use its own funds for the expenditure.

§ 1787.9 Waivers.

Under limited circumstances the Administrator may waive the Buy American requirement with respect to a specific contract entered into between an RUS Borrower and a third party which will be paid for with loan funds, subject to §§ 1787.10 through 1787.14.

§ 1787.10 Applications for specific waivers.

RUS borrowers may request a specific waiver of the Buy American requirement through a written, detailed explanation showing that:

(a) The cost between the nondomestic product and domestic product is unreasonable;

(b) There is a non-availability of domestic products; or

(c) It is not in the public interest or impractical for the RUS Borrower to purchase a domestic product.

§ 1787.11 Cost differential.

By application pursuant to § 1787.10, the Administrator may waive the Buy American requirement if the cost of the domestic product is unreasonable. Given that RUS loans terms normally range from 20 to 35 years, and that

additional costs will be magnified with interest over these terms, the Administrator has determined that if the lowest bid or offered price is a nondomestic bid that is at least 6percent lower than the next lowest bid or offered price, the RUS Borrower may request a cost differential waiver. With respect to contracts that are not required to be bid, prices of market-available, domestic products must be used for comparison in a request for waiver.

§ 1787.12 Non-availability or shortages.

By application pursuant to § 1787.10, the Administrator may waive the Buy American requirement upon a showing that there is no domestic product available in the market in sufficient and reasonable quantities and of satisfactory quality, and that such shortage of suitable domestic alternatives jeopardizes the project being completed on budget and/or according to scheduled planning. A lack of responsive and responsible bids to a well-publicized request for bids will be presumed to meet the conditions of a non-availability waiver. With respect to contracts that are not required to be bid, sufficient evidence must be presented to the Administrator in order to make a determination.

§ 1787.13 Public interest or impracticality.

(a) By application pursuant to § 1787.10, the Administrator may waive the Buy American requirement upon a showing that application of the requirement would be inconsistent with the public interest or impractical for the RUS Borrower. With respect to impracticality, an RUS Borrower may request a waiver upon a showing that the domestic product is incompatible or impractical to integrate with existing, significant capital infrastructure or existing, critical software already in use. Notwithstanding, the burden shall rest with the RUS Borrower to present how the use of the domestic product would create a hardship or negatively impact its project.

(b) With respect to contracts that were approved by RUS based on a bidder or offer that originally certified compliance with the Buy America requirements, but which can no longer comply with such certification, the Administrator may grant an impracticality waiver based on a showing that the original certification was made in good faith and that the product cannot now be obtained domestically due to commercial impossibility or impracticability, or without undue hardship or a negative impact to the project.

(c) In determining whether to issue any public interest waiver, the Administrator will consider all appropriate factors on a case-by-case basis, unless a general waiver has already been issued by the Administrator with respect to the product.

§ 1787.14 General waivers.

(a) The Administrator may issue a general waiver for all RUS Borrowers for a determinate period, if the Administrator finds that such manufactured or unmanufactured goods are in shortage regionally or nationally, so as to avoid the administrative burden of issuing individual, specific waivers.

(b) The Administrator has determined that it is in the best interest of RUS to issue a permanent general public interest waiver from the Buy America requirements for ''small purchases,'' which shall be published in the **Federal Register** for each program under the RE Act and amended as needed from time to time. In carrying out this exception, however, the Administrator shall ensure that contracts are not artificially fragmented.

Appendix A to Part 1787—Product Procurement

This appendix shows an example of how the 6 percent differential is applied to determine award of a bid. In response to a request for bids for a digital central office a borrower receives four responsive bids to the specification, three domestic bids and one nondomestic bid. The nondomestic bid is the apparent low bid. We will consider in our analysis the nondomestic bid and the lowest domestic bid as shown in the following table.

	Nondomestic bid	Domestic bid
Total materials	$895,000	$920,000
Installation	155,000	177,000
Freight	*+1,000*	*+1,500*
Total bid	$1,051,000	$1,098,500

Please note that once the product has been determined as nondomestic, the 6 percent cost differential shall be applied to all the material content in the nondomestic bid, even if the nondomestic product includes domestic components.

In this example, 6 percent of the total material content in the nondomestic bid ($895,000) equals $53,700. This cost differential is added to the total nondomestic bid as shown in the following table.

Total of the nondomestic bid	$1,051,000
6% of the all material cost	*+53,000*
Total evaluated bid	$1,104,700

This total evaluated bid, (that is the nondomestic bid plus the 6% of the cost of its material content), is compared with all the domestic bids for award of the bid. In our example the domestic bid ($1,098,500) is lower than the nondomestic evaluated bid ($1,104,700).

The domestic bid becomes the low bid and the domestic bidder gets award of the bid. This product is classified as domestic since the cost of the domestic components used in the product constitutes more than 50 percent of the cost of all the components used.

Dated: November 6, 2018.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2018–25815 Filed 11–26–18; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 13

Office of the Secretary

14 CFR Part 383

Federal Aviation Administration

14 CFR Part 406

Saint Lawrence Seaway Development Corporation

33 CFR Part 401

Maritime Administration

46 CFR Parts 221, 307, 340, and 356

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 107, 171, and 190

Federal Railroad Administration

49 CFR Parts 209, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 270, and 272

Federal Motor Carrier Safety Administration

49 CFR Part 386

National Highway Traffic Safety Administration

49 CFR Part 578

RIN 2105–AE70

Revisions to Civil Penalty Amounts

AGENCY: Department of Transportation (DOT or the Department).

ACTION: Final rule.

SUMMARY: In accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, this final rule provides the 2018 inflation adjustment to civil penalty amounts that may be imposed for violations of certain DOT regulations. This rule also finalizes the National Highway Traffic Safety Administration's and the Office of the Secretary's catch-up inflation adjustment interim final rules required by the same Act.

DATES: Effective November 27, 2018.

FOR FURTHER INFORMATION CONTACT: Alex Zektser, Attorney-Advisor, Office of the General Counsel, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, 202–366–9301, *alexander.zektser@dot.gov* (email).

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

This rule implements the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA), Public Law 101–410, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), Public Law 114–74, 129 Stat. 599, codified at 28 U.S.C. 2461 note. The FCPIAA and the 2015 Act require federal agencies to adjust minimum and maximum civil penalty amounts for inflation to preserve their deterrent impact. The 2015 Act amended the formula and frequency of inflation adjustments. It required an initial catch-up adjustment in the form of an interim final rule, followed by annual adjustments of civil penalty amounts using a statutorily mandated formula. Section 4(b)(2) of the 2015 Act specifically directs that the annual adjustment be accomplished through final rule without notice and comment. This rule is effective immediately.

The Department's authorities over the specific civil penalty regulations being amended by this rule are provided in the preamble discussion below.

I. Background

On November 2, 2015, the President signed into law the 2015 Act, which amended FCPIAA, to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. The 2015 Act requires federal agencies to: (1) Adjust the level of civil monetary penalties with an initial ''catch-up'' adjustment through an interim final rule (IFR); and (2) make subsequent annual adjustments for inflation.

The 2015 Act directed the Office of Management and Budget (OMB) to issue guidance on implementing the required annual inflation adjustment no later than December 15 of each year.[1] On December 15, 2017, OMB released this required guidance, in OMB Memorandum M–18–03, which provides instructions on how to calculate the 2018 annual adjustment. To derive the 2018 adjustment, the Department must multiply the maximum or minimum penalty amount by the percent change between the October 2017 Consumer Price Index for All Urban Consumers (CPI–U) and the October 2016 CPI–U. In this case, as explained in OMB Memorandum M–18–03, the percent change between the October 2017 CPI–U (246.663) and the October 2016 CPI–U (241.729) is 1.02041.

II. Dispensing With Notice and Comment

This final rule is being published without notice and comment and with an immediate effective date.

The 2015 Act provides clear direction for how to adjust the civil penalties, and clearly states at section 4(b)(2) that this adjustment shall be made ''notwithstanding section 553 of title 5, United States Code.'' By operation of the 2015 Act, DOT must publish an annual adjustment by January 15 of every year, and the new levels take effect upon publication of the rule. NHTSA and OST are finalizing their ''catch-up'' adjustment interim final rules in this annual adjustment. Pursuant to the 2015 Act and notwithstanding 5 U.S.C. 553, NHTSA and OST adopt their interim final rules as final and superseded by this rule. Accordingly, DOT is publishing this final rule without prior notice and comment, and with an immediate effective date.

Additionally, the Act clearly prescribes the frequency with which civil monetary penalties must be reviewed and adjusted. NHTSA's regulations at 49 CFR 578.5 stating that the Administrator will review and, if necessary, adjust its civil penalties every four years is superseded by the Act. NHTSA has no discretion to review and adjust its civil penalties at different intervals, and is therefore conforming its regulations to the requirements of the Act, as discussed in section IV below. Accordingly, and pursuant to 5 U.S.C. 553(b)(3)(B), 553(d)(3), DOT finds that good cause exists for immediate implementation of this provision of the final rule without prior notice and comment, and with an immediate effective date.

III. Discussion of the Final Rule

In 2016, OST and DOT's operating administrations with civil monetary penalties promulgated the ''catch up'' IFR required by the 2015 Act. OST and NHTSA have not yet finalized their IFRs, and accordingly, this rule both finalizes OST and NHTSA's ''catch up'' IFRs and makes the annual inflation adjustment required by the 2015 Act. All other DOT operating administrations have already finalized their ''catch up'' IFRs and for those operating administrations, this rule makes the annual inflation adjustment required by the 2015 Act.

The Department emphasizes that this rule adjusts penalties prospectively, and therefore the penalty adjustments made by this rule will apply only to violations that take place after this rule becomes effective. This rule also does not change previously assessed or enforced penalties that DOT is actively collecting or has collected.

A. OST ''Catch-Up'' IFR and 2017 and 2018 Adjustments

OST's ''catch-up'' IFR is finalized in this rule, and superseded by the annual inflation adjustment discussed in the next section. Additionally, OST is updating its civil monetary penalties to reflect inflation for both 2017 and 2018 in this rule. OST did not timely complete the 2017 annual adjustment for civil penalties contained in 49 U.S.C.

[1] 28 U.S.C. 2461 note.

46301. However, consistent with the intent of the law and to ensure uniform year-over-year application of the 2015 Act, the 2018 update is being calculated as if the 2017 update had occurred. No violations will be assessed at the 2017 inflation adjustment amount. It is included in the chart below to clearly show the Department's calculations.

OST's 2018 civil penalty adjustments are summarized in the chart below.

Description	Citation	Existing penalty	Unpromulgated 2017 adjustment (existing penalty × 1.01636)	New penalty (2017 adjustment × 1.02041)
General civil penalty for violations of certain aviation economic regulations and statutes.	49 U.S.C. 46301(a)(1)	$32,140	$32,666	$33,333
General civil penalty for violations of certain aviation economic regulations and statutes involving an individual or small business concern.	49 U.S.C. 46301(a)(1)	1,414	1,437	1,466
Civil penalties for individuals or small businesses for violations of most provisions of Chapter 401 of Title 49, including the anti-discrimination provisions of sections 40127 and 41705 and rules and orders issued pursuant to these provisions.	49 U.S.C. 46301(a)(5)(A)	12,856	13,066	13,333
Civil penalties for individuals or small businesses for violations of 49 U.S.C. 41719 and rules and orders issued pursuant to that provision.	49 U.S.C. 46301(a)(5)(C)	6,428	6,533	6,666
Civil penalties for individuals or small businesses for violations of 49 U.S.C. 41712 or consumer protection rules and orders issued pursuant to that provision.	49 U.S.C. 46301(a)(5)(D)	3,214	3,267	3,334

B. FAA 2018 Annual Adjustment

In 2016, Congress enacted 49 U.S.C. 46320. It imposes a civil penalty of not more than $20,000 for operating an unmanned aircraft where the operator knowingly or recklessly interferes with a wildfire suppression, law enforcement, or emergency response effort. The FAA did not adjust this maximum civil penalty for inflation in 2017 because, per OMB guidance, new civil monetary penalties are not adjusted for inflation the first year they are in effect.[2] Therefore, the FAA is applying the 2018 adjustment directly to the statutory maximum of $20,000. The 2018 adjustment is therefore $20,408.

The FAA's 2018 adjustments are summarized in the following chart:

Description	Citation	Existing penalty	New penalty (existing penalty × 1.02041)
Violation of hazardous materials transportation law	49 U.S.C. 5123(a)(1)	$78,376	$79,976
Violation of hazardous materials transportation law resulting in death, serious illness, severe injury, or substantial property destruction.	49 U.S.C. 5123(a)(2)	182,877	186,610
Minimum penalty for violation of hazardous materials transportation law relating to training.	49 U.S.C. 5123(a)(3)	471	481
Maximum penalty for violation of hazardous materials transportation law relating to training.	49 U.S.C. 5123(a)(3)	78,376	79,976
Violation by a person other than an individual or small business concern under 49 U.S.C. 46301(a)(1)(A) or (B).	49 U.S.C. 46301(a)(1)	32,666	33,333
Violation by an airman serving as an airman under 49 U.S.C. 46301(a)(1)(A) or (B) (but not covered by 46301(a)(5)(A) or (B)).	49 U.S.C. 46301(a)(1)	1,437	1,466
Violation by an individual or small business concern under 49 U.S.C. 46301(a)(1)(A) or (B) (but not covered in 49 U.S.C. 46301(a)(5)).	49 U.S.C. 46301(a)(1)	1,437	1,466
Violation by an individual or small business concern (except an airman serving as an airman) under 49 U.S.C. 46301(a)(5)(A)(i) or (ii).	49 U.S.C. 46301(a)(5)(A)	13,066	13,333
Violation by an individual or small business concern related to the transportation of hazardous materials.	49 U.S.C. 46301(a)(5)(B)(i)	13,066	13,333
Violation by an individual or small business concern related to the registration or recordation under 49 U.S.C. chapter 441, of an aircraft not used to provide air transportation.	49 U.S.C. 46301(a)(5)(B)(ii)	13,066	13,333
Violation by an individual or small business concern of 49 U.S.C. 44718(d), relating to limitation on construction or establishment of landfills.	49 U.S.C. 46301(a)(5)(B)(iii)	13,066	13,333
Violation by an individual or small business concern of 49 U.S.C. 44725, relating to the safe disposal of life-limited aircraft parts.	49 U.S.C. 46301(a)(5)(B)(iv)	13,066	13,333
Tampering with a smoke alarm device	49 U.S.C. 46301(b)	4,194	4,280

[2] OMB Memorandum M–16–06.

Description	Citation	Existing penalty	New penalty (existing penalty × 1.02041)
Knowingly providing false information about alleged violation involving the special aircraft jurisdiction of the United States.	49 U.S.C. 46302	22,957	23,426
Interference with cabin or flight crew	49 U.S.C. 46318	34,731	35,440
Permanent closure of an airport without providing sufficient notice.	49 U.S.C. 46319	13,066	13,333
Operating an unmanned aircraft and in so doing knowingly or recklessly interfering with a wildfire suppression, law enforcement, or emergency response effort.	49 U.S.C. 46320	20,000	20,408
Violation of 51 U.S.C. 50901–50923, a regulation issued under these statutes, or any term or condition of a license or permit issued or transferred under these statutes.	51 U.S.C. 50917(c)	229,562	234,247

In addition to the civil penalties listed in the above chart, FAA regulations also provide for maximum civil penalties for violation of 49 U.S.C. 47528–47530, relating to the prohibition of operating certain aircraft not complying with stage 3 noise levels. Those civil penalties are identical to the civil penalties imposed under 49 U.S.C. 46301(a)(1) and (a)(5), which are detailed in the above chart, and therefore, the noise-level civil penalties will be adjusted in the same manner as the section 46301(a)(1) and (a)(5) civil penalties.

C. NHTSA ''Catch-Up'' IFR and 2017 and 2018 Adjustments

NHTSA's ''catch-up'' IFR is finalized in this rule, and superseded by the annual inflation adjustment discussed in the next section. Additionally, NHTSA is updating its civil monetary penalties to reflect inflation for both 2017 and 2018 in this rule. NHTSA did not timely complete the 2017 annual adjustment for its civil penalty authority. However, consistent with the intent of the law and to ensure uniform year-over-year application of the 2015 Act, the 2018 update is being calculated as if the 2017 update had occurred. No violations will be assessed at the 2017 inflation adjustment amount. It is included in the chart below to clearly show the Department's calculations. NHTSA's 2018 civil penalty adjustments are summarized in the chart below.[3]

Description	Citation	Existing penalty	Unpromulgated 2017 adjustment (existing penalty × 1.01636)	New penalty (2017 adjustment × 1.02041)
Maximum penalty amount for each violation of the Safety Act.	49 U.S.C. 30165(a)(1), 30165(a)(3).	$21,000	$21,344	$21,780.
Maximum penalty amount for a related series of violations of the Safety Act.	49 U.S.C. 30165(a)(1), 30165(a)(3).	105,000,000	106,717,800	108,895,910.
Maximum penalty per school bus related violation of the Safety Act.	49 U.S.C. 30165(a)(2)(A)	11,940	12,135	12,383.
Maximum penalty amount for a series of school bus related violations of the Safety Act.	49 U.S.C. 30165(a)(2)(B)	17,909,550	18,202,550	18,574,064.
Maximum penalty per violation for filing false or misleading reports.	49 U.S.C. 30165(a)(4)	5,141	5,225	5,332.
Maximum penalty amount for a series of violations related to filing false or misleading reports.	49 U.S.C. 30165(a)(4)	1,028,190	1,045,011	1,066,340.
Maximum penalty amount for each violation of the reporting requirements related to maintaining the National Motor Vehicle Title Information System.	49 U.S.C. 30505	1,677	1,704	1,739.
Maximum penalty amount for each violation of a bumper standard under the Motor Vehicle Information and Cost Savings Act (Pub. L. 92–513, 86 Stat. 953, (1972)).	49 U.S.C. 32507(a)	2,750	2,795	2,852.
Maximum penalty amount for a series of violations of a bumper standard under the Motor Vehicle Information and Cost Savings Act (Pub. L. 92–513, 86 Stat. 953, (1972)).	49 U.S.C. 32507(a)	3,062,500	3,112,603	3,176,131.
Maximum penalty amount for each violation of 49 U.S.C. 32308(a) related to providing information on crashworthiness and damage susceptibility.	49 U.S.C. 32308(b)	2,750	2,795	2,852.
Maximum penalty amount for a series of violations of 49 U.S.C. 32308(a) related to providing information on crashworthiness and damage susceptibility.	49 U.S.C. 32308(b)	1,500,000	1,524,540	1,555,656.

[3] On December 28, 2016, NHTSA published a final rule regarding some aspects of its IFR provisions regarding Corporate Average Fuel Economy (CAFE) penalties. 81 FR 95489 (Dec. 28, 2016). On July 12, 2017, NHTSA announced that it was reconsidering that final rule. 82 FR 32140 (July 12, 2017). Accordingly, the CAFE civil penalty provisions at 49 U.S.C. 32912(b)-(c) and 49 CFR 578.6(h)(2), which are the subject of the reconsideration, are not being adjusted in the final rule promulgated herein. Instead, they will be addressed in a separate final rule for which an NPRM has been issued. 83 FR 13904 (Apr. 2, 2018). The provision in 49 CFR 578.6(h)(1), establishing the maximum civil penalty for each violation of 49 U.S.C. 32911(a), will also be addressed in that separate notice.

Description	Citation	Existing penalty	Unpromulgated 2017 adjustment (existing penalty × 1.01636)	New penalty (2017 adjustment × 1.02041)
Maximum penalty for each violation related to the tire fuel efficiency information program.	49 U.S.C. 32308(c)	56,917	57,848	59,029.
Maximum civil penalty for willfully failing to affix, or failing to maintain, the label requirement in the American Automobile Labeling Act (Pub. L. 102–388, 106 Stat. 1556 (1992)).	49 U.S.C. 32309	1,677	1,704	1,739.
Maximum penalty amount per violation related to odometer tampering and disclosure.	49 U.S.C. 32709	10,281	10,450	10,663.
Maximum penalty amount for a related series of violations related to odometer tampering and disclosure.	49 U.S.C. 32709	1,028,190	1,045,011	1,066,340.
Maximum penalty amount per violation related to odometer tampering and disclosure with intent to defraud.	49 U.S.C. 32710	10,281	10,450	Three times actual damages or $10,663, whichever is greater.
Maximum penalty amount for each violation of the Motor Vehicle Theft Law Enforcement Act of 1984 (Vehicle Theft Act), sec. 608, Public Law 98–547, 98 Stat. 2762 (1984).	49 U.S.C. 33115(a)	2,259	2,296	2,343.
Maximum penalty amount for a related series of violations of the Motor Vehicle Theft Law Enforcement Act of 1984 (Vehicle Theft Act), sec. 608, Public Law 98–547, 98 Stat. 2762 (1984).	49 U.S.C. 33115(a)	564,668	573,906	585,619.
Maximum civil penalty for violations of the Anti-Car Theft Act (Pub. L. 102–519, 106 Stat. 3393 (1992)) related to operation of a chop shop.	49 U.S.C. 33115(b)	167,728 per day	170,472 per day	173,951 per day.
Maximum civil penalty for a violation under the medium- and heavy-duty vehicle fuel efficiency program.	49 U.S.C. 32902	39,391	40,035	40,852.

D. FMCSA 2018 Annual Adjustment

FMCSA's civil penalties affected by this rule are all located in Appendices A and B to 49 CFR part 386. The 2018 adjustments to these civil penalties are summarized in the chart below.

Description	Citation	Existing penalty	New penalty (existing penalty × 1.02041)
Appendix A II Subpoena	49 U.S.C. 525	$1,045	$1,066
Appendix A II Subpoena	49 U.S.C. 525	10,450	10,663
Appendix A IV (a) Out-of-service order (operation of CMV by driver).	49 U.S.C. 521(b)(7)	1,811	1,848
Appendix A IV (b) Out-of-service order (requiring or permitting operation of CMV by driver).	49 U.S.C. 521(b)(7))	18,107	18,477
Appendix A IV (c) Out-of-service order (operation by driver of CMV or intermodal equipment that was placed out of service).	49 U.S.C. 521(b)(7)	1,811	1,848
Appendix A IV (d) Out-of-service order (requiring or permitting operation of CMV or intermodal equipment that was placed out of service).	49 U.S.C. 521(b)(7)	18,107	18,477
Appendix A IV (e) Out-of-service order (failure to return written certification of correction).	49 U.S.C. 521(b)(2)(B)	906	924
Appendix A IV (g) Out-of-service order (failure to cease operations as ordered).	49 U.S.C. 521(b)(2)(F)	26,126	26,659
Appendix A IV (h) Out-of-service order (operating in violation of order).	49 U.S.C. 521(b)(7)	22,957	23,426
Appendix A IV (i) Out-of-service order (conducting operations during suspension or revocation for failure to pay penalties).	49 U.S.C. 521(b)(2)(A) and (b)(7)).	14,739	15,040
Appendix A IV (j) (conducting operations during suspension or revocation).	49 U.S.C. 521(b)(7)	22,957	23,426
Appendix B (a)(1) Recordkeeping—maximum penalty per day	49 U.S.C. 521(b)(2)(B)(i)	1,214	1,239
Appendix B (a)(1) Recordkeeping—maximum total penalty	49 U.S.C. 521(b)(2)(B)(i)	12,135	12,383
Appendix B (a)(2) Knowing falsification of records	49 U.S.C. 521(b)(2)(B)(ii)	12,135	12,383
Appendix B (a)(3) Non-recordkeeping violations	49 U.S.C. 521(b)(2)(A)	14,739	15,040
Appendix B (a)(4) Non-recordkeeping violations by drivers	49 U.S.C. 521(b)(2)(A)	3,685	3,760
Appendix B (a)(5) Violation of 49 CFR 392.5 (first conviction)	49 U.S.C. 31310(i)(2)(A)	3,034	3,096
Appendix B (a)(5) Violation of 49 CFR 392.5 (second or subsequent conviction).	49 U.S.C. 31310(i)(2)(A)	6,068	6,192
Appendix B (b) Commercial driver's license (CDL) violations	49 U.S.C. 521(b)(2)(C)	5,479	5,591
Appendix B (b)(1): Special penalties pertaining to violation of out-of-service orders (first conviction).	49 U.S.C. 31310(i)(2)(A)	3,034	3,096

Description	Citation	Existing penalty	New penalty (existing penalty × 1.02041)
Appendix B (b)(1) Special penalties pertaining to violation of out-of-service orders (second or subsequent conviction).	49 U.S.C. 31310(i)(2)(A)	6,068	6,192
Appendix B (b)(2) Employer violations pertaining to knowingly allowing, authorizing employee violations of out-of-service order (minimum penalty).	49 U.S.C. 521(b)(2)(C)	5,479	5,591
Appendix B (b)(2) Employer violations pertaining to knowingly allowing, authorizing employee violations of out-of-service order (maximum penalty).	49 U.S.C. 31310(i)(2)(C)	30,337	30,956
Appendix B (b)(3) Special penalties pertaining to railroad-highway grade crossing violations.	49 U.S.C. 31310(j)(2)(B)	15,727	16,048
Appendix B (d) Financial responsibility violations	49 U.S.C. 31138(d)(1), 31139(g)(1).	16,169	16,499
Appendix B (e)(1) Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (transportation or shipment of hazardous materials).	49 U.S.C. 5123(a)(1)	78,376	79,976
Appendix B (e)(2) Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (training)—minimum penalty.	49 U.S.C. 5123(a)(3)	471	481
Appendix B (e)(2): Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (training)—maximum penalty.	49 U.S.C. 5123(a)(1)	78,376	79,976
Appendix B (e)(3) Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (packaging or container).	49 U.S.C. 5123(a)(1)	78,376	79,976
Appendix B (e)(4): Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (compliance with FMCSRs).	49 U.S.C. 5123(a)(1)	78,376	79,976
Appendix B (e)(5) Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (death, serious illness, severe injury to persons; destruction of property).	49 U.S.C. 5123(a)(2)	182,877	186,610
Appendix B (f)(1) Operating after being declared unfit by assignment of a final ''unsatisfactory'' safety rating (generally).	49 U.S.C. 521(b)(2)(F)	26,126	26,659
Appendix B (f)(2) Operating after being declared unfit by assignment of a final ''unsatisfactory'' safety rating (hazardous materials)—maximum penalty.	49 U.S.C. 5123(a)(1)	78,376	79,976
Appendix B (f)(2): Operating after being declared unfit by assignment of a final ''unsatisfactory'' safety rating (hazardous materials)—maximum penalty if death, serious illness, severe injury to persons; destruction of property.	49 U.S.C. 5123(a)(2)	182,877	186,610
Appendix B (g)(1): Violations of the commercial regulations (CR) (property carriers).	49 U.S.C. 14901(a)	10,450	10,663
Appendix B (g)(2) Violations of the CRs (brokers)	49 U.S.C. 14916(c)	10,450	10,663
Appendix B (g)(3) Violations of the CRs (passenger carriers)	49 U.S.C. 14901(a)	26,126	26,659
Appendix B (g)(4) Violations of the CRs (foreign motor carriers, foreign motor private carriers).	49 U.S.C. 14901(a)	10,450	10,663
Appendix B (g)(5) Violations of the CRs (foreign motor carriers, foreign motor private carriers before implementation of North American Free Trade Agreement land transportation provisions)—maximum penalty for intentional violation.	49 U.S.C. 14901 note	14,371	14,664
Appendix B (g)(5) Violations of the CRs (foreign motor carriers, foreign motor private carriers before implementation of North American Free Trade Agreement land transportation provisions)—maximum penalty for a pattern of intentional violations.	49 U.S.C. 14901 note	35,929	36,662
Appendix B (g)(6) Violations of the CRs (motor carrier or broker for transportation of hazardous wastes)—minimum penalty.	49 U.S.C. 14901(b)	20,900	21,327
Appendix B (g)(6) Violations of the CRs (motor carrier or broker for transportation of hazardous wastes)—maximum penalty.	49 U.S.C. 14901(b)	41,801	42,654
Appendix B (g)(7): Violations of the CRs (HHG carrier or freight forwarder, or their receiver or trustee).	I49 U.S.C. 14901(d)(1)	1,572	1,604
Appendix B (g)(8) Violation of the CRs (weight of HHG shipment, charging for services)—minimum penalty for first violation.	49 U.S.C. 14901(e)	3,146	3,210
Appendix B (g)(8) Violation of the CRs (weight of HHG shipment, charging for services) subsequent violation.	49 U.S.C. 14901(e)	7,864	8,025
Appendix B (g)(10) Tariff violations	49 U.S.C. 13702, 14903	157,274	160,484
Appendix B (g)(11) Additional tariff violations (rebates or concessions)—first violation.	49 U.S.C. 14904(a)	314	320
Appendix B (g)(11) Additional tariff violations (rebates or concessions)—subsequent violations.	49 U.S.C. 14904(a)	393	401
Appendix B (g)(12): Tariff violations (freight forwarders)—maximum penalty for first violation.	49 U.S.C. 14904(b)(1)	787	803
Appendix B (g)(12): Tariff violations (freight forwarders)—maximum penalty for subsequent violations.	49 U.S.C. 14904(b)(1)	3,146	3,210

Description	Citation	Existing penalty	New penalty (existing penalty × 1.02041)
Appendix B (g)(13): Service from freight forwarder at less than rate in effect—maximum penalty for first violation.	49 U.S.C. 14904(b)(2)	787	803
Appendix B (g)(13): Service from freight forwarder at less than rate in effect—maximum penalty for subsequent violation(s).	49 U.S.C. 14904(b)(2)	3,146	3,210
Appendix B (g)(14): Violations related to loading and unloading motor vehicles.	49 U.S.C. 14905	15,727	16,048
Appendix B (g)(16): Reporting and recordkeeping under 49 U.S.C. subtitle IV, part B (except 13901 and 13902(c)—minimum penalty.	49 U.S.C. 14901	1,045	1,066
Appendix B (g)(16): Reporting and recordkeeping under 49 U.S.C. subtitle IV, part B—maximum penalty.	49 U.S.C. 14907	7,864	8,025
Appendix B (g)(17): Unauthorized disclosure of information	49 U.S.C. 14908	3,146	3,210
Appendix B (g)(18): Violation of 49 U.S.C. subtitle IV, part B, or condition of registration.	49 U.S.C. 14910	787	803
Appendix B (g)(21)(i): Knowingly and willfully fails to deliver or unload HHG at destination.	49 U.S.C. 14905	15,727	16,048
Appendix B (g)(22): HHG broker estimate before entering into an agreement with a motor carrier.	49 U.S.C. 14901(d)(2)	12,135	12,383
Appendix B (g)(23): HHG transportation or broker services—registration requirement.	49 U.S.C. 14901 (d)(3)	30,337	30,956
Appendix B (h): Copying of records and access to equipment, lands, and buildings—maximum penalty per day.	49 U.S.C. 521(b)(2)(E)	1,214	1,239
Appendix B (h): Copying of records and access to equipment, lands, and buildings—maximum total penalty.	49 U.S.C. 521(b)(2)(E)	12,135	12,383
Appendix B (i)(1): Evasion of regulations under 49 U.S.C. ch. 5, 51, subchapter III of 311 (except 31138 and 31139), 31302–31304, 31305(b), 31310(g)(1)(A), 31502—minimum penalty for first violation.	49 U.S.C. 524	2,090	2,133
Appendix B (i)(1): Evasion of regulations under 49 U.S.C. ch. 5, 51, subchapter III of 311 (except 31138 and 31139), 31302–31304, 31305(b), 31310(g)(1)(A), 31502—maximum penalty for first violation.	49 U.S.C. 524	5,225	5,332
Appendix B (i)(1): Evasion of regulations under 49 U.S.C. ch. 5, 51, subchapter III of 311 (except 31138 and 31139), 31302–31304, 31305(b), 31310(g)(1)(A), 31502—minimum penalty for subsequent violation(s).	49 U.S.C. 524	2,612	2,665
Appendix B (i)(1): Evasion of regulations under 49 U.S.C. ch. 5, 51, subchapter III of 311 (except 31138 and 31139), 31302–31304, 31305(b), 31310(g)(1)(A), 31502—maximum penalty for subsequent violation(s).	49 U.S.C. 524	7,837	7,997
Appendix B (i)(2): Evasion of regulations under 49 U.S.C. subtitle IV, part B—minimum penalty for first violation.	49 U.S.C. 14906	2,090	2,133
Appendix B (i)(2): Evasion of regulations under 49 U.S.C. subtitle IV, part B—minimum penalty for subsequent violation(s).	49 U.S.C. 14906	5,225	5,332

E. FRA 2018 Annual Adjustment

FRA's 2018 civil penalty adjustments are summarized in the chart below.

Description	Citation	Existing penalty	New penalty (existing penalty × 1.02041)
Minimum rail safety penalty	49 U.S.C. ch. 213	$853	$870
Ordinary maximum rail safety penalty	49 U.S.C. ch. 213	27,904	28,474
Maximum penalty for an aggravated rail safety violation	49 U.S.C. ch. 213	111,616	113,894
Minimum penalty for hazardous materials training violations	49 U.S.C. 5123	471	481
Maximum penalty for ordinary hazardous materials violations	49 U.S.C. 5123	78,376	79,976
Maximum penalty for aggravated hazardous materials violations	49 U.S.C. 5123	182,877	186,610

F. PHMSA 2018 Annual Adjustment

PHMSA's 2018 civil penalty adjustments are summarized in the chart below.

Description	Citation	Existing penalty	New penalty (existing penalty × 1.02041)
Maximum penalty for hazardous materials violation	49 U.S.C. 5123	$78,376	$79,976
Maximum penalty for hazardous materials violation that results in death, serious illness, or severe injury to any person or substantial destruction of property.	49 U.S.C. 5123	182,877	186,610
Minimum penalty for hazardous materials training violations	49 U.S.C. 5123	471	481
Maximum penalty for each pipeline safety violation	49 U.S.C. 60122(a)(1)	209,002	213,268
Maximum penalty for a related series of pipeline safety violations	49 U.S.C. 60122(a)(1)	2,090,022	2,132,679
Maximum penalty for liquefied natural gas pipeline safety violation	49 U.S.C. 60122(a)(2)	76,352	77,910
Maximum penalty for discrimination against employees providing pipeline safety information.	49 U.S.C. 60122(a)(3)	1,214	1,239

G. MARAD 2018 Annual Adjustment

MARAD's 2018 civil penalty adjustments are summarized in the chart below.

Description	Citation	Existing penalty	New penalty (existing penalty × 1.02041)
Maximum civil penalty for a single violation of any provision under 46 U.S.C. Chapter 313 and all of Subtitle III related MARAD regulations, except for violations of 46 U.S.C. 31329.	46 U.S.C. 31309	$20,111	$20,521
Maximum civil penalty for a single violation of 46 U.S.C. 31329 as it relates to the court sales of documented vessels.	46 U.S.C. 31330	50,276	51,302
Maximum civil penalty for a single violation of 46 U.S.C. 56101 as it relates to approvals required to transfer a vessel to a noncitizen.	46 U.S.C. 56101(e)	19,246	19,639
Maximum civil penalty for failure to file an AMVER report	46 U.S.C. 50113(b)	127	130
Maximum civil penalty for violating procedures for the use and allocation of shipping services, port facilities and services for national security and national defense operations.	50 U.S.C. 4513	25,409	25,928
Maximum civil penalty for violations in applying for or renewing a vessel's fishery endorsement.	46 U.S.C. 12151	147,396	150,404

H. SLS 2018 Annual Adjustment

SLS' 2018 civil penalty adjustment is as follows:

Description	Citation	Existing penalty	New penalty (existing penalty × 1.02041)
Maximum civil penalty for each violation of the Seaway Rules and Regulations at 33 CFR part 401.	33 U.S.C. 1232	$90,063	$91,901

IV. Conforming Change to 49 CFR 578.5

Currently, 49 CFR 578.5 specifies that the NHTSA Administrator will review the amount of civil penalties set forth in 49 CFR part 578 at least once every four years and, if appropriate, adjust them by rule. Since this no longer reflects the law, NHTSA is updating this provision to conform to the 2015 Act's requirement of annual inflationary adjustments to civil penalty amounts.

Regulatory Analysis and Notices

A. Executive Orders 12866 and 13563 and DOT Regulatory Policies and Procedures

This final rule has been evaluated in accordance with existing policies and procedures and is considered not significant under Executive Orders 12866 and 13563 or DOT's Regulatory Policies and Procedures; therefore, the rule has not been reviewed by the Office of Management and Budget (OMB) under Executive Order 12866.

B. Regulatory Flexibility Analysis

The Department has determined the Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601, *et seq.*) does not apply to this rulemaking. The RFA applies, in pertinent part, only when ''an agency is required . . . to publish general notice of proposed rulemaking.'' 5 U.S.C. 604(a).[4] The Small Business Administration's *A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act* (2012), explains that:

If, under the APA or any rule of general applicability governing federal grants to state

[4] Under 5 U.S.C. 603(a), the Regulatory Flexibility Act also applies when an agency ''publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States.'' However, this rule does not involve the internal revenue laws of the United States.

and local governments, the agency is required to publish a general notice of proposed rulemaking (NPRM), the RFA must be considered [citing 5 U.S.C. 604(a)] . . . . If an NPRM is not required, the RFA does not apply.

As stated above, DOT has determined that good cause exists to publish this final rule without notice and comment procedures under the APA. Therefore, the RFA does not apply.

C. Executive Order 13132 (Federalism)

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism''). This regulation has no substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. It does not contain any provision that imposes substantial direct compliance costs on State and local governments. It does not contain any new provision that preempts state law, because states are already preempted from regulating in this area under the Airline Deregulation Act, 49 U.S.C. 41713. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

D. Executive Order 13175

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. Because none of the measures in the rule have tribal implications or impose substantial direct compliance costs on Indian tribal governments, the funding and consultation requirements of Executive Order 13175 do not apply.

E. Paperwork Reduction Act

Under the Paperwork Reduction Act, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing notice of and a 60-day comment period on, and otherwise consult with members of the public and affected agencies concerning, each proposed collection of information. This final rule imposes no new information reporting or record keeping necessitating clearance by the Office of Management and Budget.

F. National Environmental Policy Act

The Department has analyzed the environmental impacts of this final rule pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) and has determined that it is categorically excluded pursuant to DOT Order 5610.1C, Procedures for Considering Environmental Impacts (44 FR 56420, Oct. 1, 1979). Categorical exclusions are actions identified in an agency's NEPA implementing procedures that do not normally have a significant impact on the environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS). *See* 40 CFR 1508.4. In analyzing the applicability of a categorical exclusion, the agency must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS. *Id.* Paragraph 4(c)(5) of DOT Order 5610.1C incorporates by reference the categorical exclusions for all DOT Operating Administrations. This action qualifies for a categorical exclusion in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, (80 FR 44208, July 24, 2015), paragraph 5–6.6.f, which covers regulations not expected to cause any potentially significant environmental impacts. The Department does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this final rule.

G. Unfunded Mandates Reform Act

The Department analyzed the final rule under the factors in the Unfunded Mandates Reform Act of 1995. The Department considered whether the rule includes a federal mandate 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 (adjusted annually for inflation) in any one year. The Department has determined that this final rule will not result in such expenditures. Accordingly, this final rule is not subject to the Unfunded Mandates Reform Act.

H. Executive Order 13771

Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' does not apply to this action because it is nonsignificant; therefore, it is not subject to the ''2 for 1'' and budgeting requirements.

List of Subjects

14 CFR Part 13

Administrative practice and procedure, Air transportation, Hazardous materials transportation, Investigations, Law enforcement, Penalties.

14 CFR Part 383

Administrative practice and procedure, Penalties.

14 CFR Part 406

Administrative procedure and review, Commercial space transportation, Enforcement, Investigations, Penalties, Rules of adjudication.

33 CFR Part 401

Hazardous materials transportation, Navigation (water), Penalties, Radio, Reporting and recordkeeping requirements, Vessels, Waterways.

46 CFR Part 221

Administrative practice and procedure, Maritime carriers, Mortgages, Penalties, Reporting and recordkeeping requirements, Trusts and trustees.

46 CFR Part 307

Marine safety, Maritime carriers, Penalties, Reporting and recordkeeping requirements.

46 CFR Part 340

Harbors, Maritime carriers, National defense, Packaging and containers.

46 CFR Part 356

Citizenship and naturalization, Fishing vessels, Mortgages, Penalties, Reporting and recordkeeping requirements, Vessels.

49 CFR Part 107

Administrative practices and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements.

49 CFR Part 171

Definitions, General information, Regulations.

49 CFR Part 190

Administrative practice and procedure, Penalties, Pipeline safety.

49 CFR Part 209

Administrative practice and procedure, Hazardous materials transportation, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 213

Bridges, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 214

Bridges, Occupational safety and health, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 215

Freight, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 216

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 217

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 218

Occupational safety and health, Penalties, Railroad employees, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 219

Alcohol abuse, Drug abuse, Drug testing, Penalties, Railroad safety, Reporting and recordkeeping requirements, Safety, Transportation.

49 CFR Part 220

Penalties, Radio, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 221

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 222

Administrative practice and procedure, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 223

Glazing standards, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 224

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 225

Investigations, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 227

Noise control, Occupational safety and health, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 228

Penalties, Railroad employees, Reporting and recordkeeping requirements.

49 CFR Part 229

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 230

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 231

Penalties, Railroad safety.

49 CFR Part 232

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 233

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 234

Highway safety, Penalties, Railroad safety, Reporting and recordkeeping requirements, State and local governments.

49 CFR Part 235

Administrative practice and procedure, Penalties, Railroad safety, Railroad signals, Reporting and recordkeeping requirements.

49 CFR Part 236

Penalties, Positive Train Control, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 237

Bridges, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 238

Fire prevention, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 239

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 240

Administrative practice and procedure, Penalties, Railroad employees, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 241

Communications, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 242

Administrative practice and procedure, Penalties, Railroad employees, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 243

Administrative practice and procedure, Penalties, Railroad employees, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 244

Administrative practice and procedure, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 270

Penalties; Railroad safety; Reporting and recordkeeping requirements; and System safety.

49 CFR Part 272

Penalties, Railroad employees, Railroad safety, Railroads, Safety, Transportation.

49 CFR Part 386

Administrative procedures, Commercial motor vehicle safety, Highways and roads, Motor carriers, Penalties.

49 CFR Part 578

Imports, Motor vehicle safety, Motor vehicles, Rubber and Rubber Products, Tires, Penalties.

Title 14—Aeronautics and Space

PART 13—INVESTIGATIVE AND ENFORCEMENT PROCEDURES

■ 1. The authority citation for part 13 continues to read as follows:

Authority: 18 U.S.C. 6002, 28 U.S.C. 2461 (note); 49 U.S.C. 106(g), 5121–5124, 40113–40114, 44103–44106, 44701–44703, 44709–44710, 44713, 44725, 46101–46111, 46301, 46302 (for a violation of 49 U.S.C. 46504), 46304–46316, 46318, 46501–46502, 46504–46507, 47106, 47107, 47111, 47122, 47306, 47531– 47532; 49 CFR 1.83.

■ 2. Revise § 13.301 to read as follows:

§ 13.301 Inflation adjustments of civil monetary penalties.

(a) This subpart provides the maximum civil monetary penalties or range of minimum and maximum civil monetary penalties for each statutory civil penalty subject to FAA jurisdiction, as adjusted for inflation.

(b) Each adjustment to a maximum civil monetary penalty or to minimum and maximum civil monetary penalties that establish a civil monetary penalty range applies to actions initiated under this part for violations occurring on or after November 27, 2018, notwithstanding references to specific civil penalty amounts elsewhere in this part.

(c) Minimum and maximum civil monetary penalties are as follows:

TABLE 1 TO § 13.301—MINIMUM AND MAXIMUM CIVIL MONETARY PENALTY AMOUNTS FOR CERTAIN VIOLATIONS

United States Code citation	Civil monetary penalty description	2017 minimum penalty amount	New minimum penalty amount for violations occurring on or after 11/27/2018, adjusted for inflation	2017 maximum penalty amount	New maximum penalty amount for violations occurring on or after 11/27/2018, adjusted for inflation
49 U.S.C. 5123(a)(1).	Violation of hazardous materials transportation law.	N/A	N/A	$78,376	$79,976.
49 U.S.C. 5123(a)(2).	Violation of hazardous materials transportation law resulting in death, serious illness, severe injury, or substantial property destruction.	N/A	N/A	$182,877	$186,610.
49 U.S.C. 5123(a)(3).	Violation of hazardous materials transportation law relating to training.	$471	$481	$78,376	$79,976.
49 U.S.C. 46301(a)(1).	Violation by a person other than an individual or small business concern under 49 U.S.C. 46301(a)(1)(A) or (B).	N/A	N/A	$32,666	$33,333.
49 U.S.C. 46301(a)(1).	Violation by an airman serving as an airman under 49 U.S.C. 46301(a)(1)(A) or (B) (but not covered by 46301(a)(5)(A) or (B)).	N/A	N/A	$1,437	$1,466.
49 U.S.C. 46301(a)(1).	Violation by an individual or small business concern under 49 U.S.C. 46301(a)(1)(A) or (B) (but not covered in 49 U.S.C. 46301(a)(5)).	N/A	N/A	$1,437	$1,466.
49 U.S.C. 46301(a)(3).	Violation of 49 U.S.C. 47107(b) (or any assurance made under such section) or 49 U.S.C. 47133.	N/A	N/A	Increase above otherwise applicable maximum amount not to exceed 3 times the amount of revenues that are used in violation of such section.	No change.
49 U.S.C. 46301(a)(5)(A).	Violation by an individual or small business concern (except an airman serving as an airman) under 49 U.S.C. 46301(a)(5)(A)(i) or (ii).	N/A	N/A	$13,066	$13,333.
49 U.S.C. 46301(a)(5)(B)(i).	Violation by an individual or small business concern related to the transportation of hazardous materials.	N/A	N/A	$13,066	$13,333.
49 U.S.C. 46301(a)(5)(B)(ii).	Violation by an individual or small business concern related to the registration or recordation under 49 U.S.C. chapter 441, of an aircraft not used to provide air transportation.	N/A	N/A	$13,066	$13,333.
49 U.S.C. 46301(a)(5)(B)(iii).	Violation by an individual or small business concern of 49 U.S.C. 44718(d), relating to limitation on construction or establishment of landfills.	N/A	N/A	$13,066	$13,333.
49 U.S.C. 46301(a)(5)(B)(iv).	Violation by an individual or small business concern of 49 U.S.C. 44725, relating to the safe disposal of life-limited aircraft parts.	N/A	N/A	$13,066	$13,333.
49 U.S.C. 46301(b)	Tampering with a smoke alarm device	N/A	N/A	$4,194	$4,280.
49 U.S.C. 46302	Knowingly providing false information about alleged violation involving the special aircraft jurisdiction of the United States.	N/A	N/A	$22,957	$23,426.
49 U.S.C. 46318	Interference with cabin or flight crew	N/A	N/A	$34,731	$35,440.
49 U.S.C. 46319	Permanent closure of an airport without providing sufficient notice.	N/A	N/A	$13,066	$13,333.
49 U.S.C. 46320	Operating an unmanned aircraft and in so doing knowingly or recklessly interfering with a wildfire suppression, law enforcement, or emergency response effort.	N/A	N/A	$20,000	$20,408.
49 U.S.C. 47531	Violation of 49 U.S.C. 47528–47530, relating to the prohibition of operating certain aircraft not complying with stage 3 noise levels.	N/A	N/A	See 49 U.S.C. 46301(a)(1) and (a)(5), above.	See 49 U.S.C. 46301(a)(1) and (a)(5), above.

■ 3. Part 383 is revised to read as follows:

PART 383—CIVIL PENALTIES

Sec.
383.1 Purpose and periodic adjustment.
383.2 Amount of penalty.

Authority: Sec. 701, Pub. L. 114–74, 129 Stat. 584; Sec. 503, Pub. L. 108–176, 117 Stat. 2490; Pub. L. 101–410, 104 Stat. 890; Sec. 31001, Pub. L. 104–134.

§ 383.1 Purpose and periodic adjustment.

(a) *Purpose.* This part adjusts the civil penalty liability amounts prescribed in 49 U.S.C. 46301(a) for inflation in accordance with the Act cited in paragraph (b) of this section.

(b) *Periodic Adjustment.* DOT will periodically adjust the maximum civil penalties set forth in 49 U.S.C. 46301 and this part as required by the Federal Civil Penalties Inflation Adjustment Act of 1990 as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

§ 383.2 Amount of penalty.

Civil penalties payable to the U.S. Government for violations of Title 49, Chapters 401 through 421, pursuant to 49 U.S.C. 46301(a), are as follows:

(a) A general civil penalty of not more than $33,333 (or $1,466 for individuals or small businesses) applies to violations of statutory provisions and rules or orders issued under those provisions, other than those listed in paragraph (b) of this section, (*see* 49 U.S.C. 46301(a)(1));

(b) With respect to small businesses and individuals, notwithstanding the general $1,466 civil penalty, the following civil penalty limits apply:

(1) A maximum civil penalty of $13,333 applies for violations of most provisions of Chapter 401, including the anti-discrimination provisions of sections 40127 (general provision), and 41705 (discrimination against the disabled) and rules and orders issued pursuant to those provisions (*see* 49 U.S.C. 46301(a)(5)(A));

(2) A maximum civil penalty of $6,666 applies for violations of section 41719 and rules and orders issued pursuant to that provision (*see* 49 U.S.C. 46301(a)(5)(C)); and

(3) A maximum civil penalty of $3,334 applies for violations of section 41712 or consumer protection rules or orders (*see* 49 U.S.C. 46301(a)(5)(D)).

PART 406—INVESTIGATIONS, ENFORCEMENT, AND ADMINISTRATIVE REVIEW

■ 4. The authority citation for part 406 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 5. Amend § 406.9 by revising paragraph (a) to read as follows:

§ 406.9 Civil penalties.

(a) *Civil penalty liability.* Under 51 U.S.C. 50917(c), a person found by the FAA to have violated a requirement of the Act, a regulation issued under the Act, or any term or condition of a license or permit issued or transferred under the Act, is liable to the United States for a civil penalty of not more than $234,247 for each violation. A separate violation occurs for each day the violation continues.

* * * * *

Title 33—Navigation and Navigable Waters

PART 401—SEAWAY REGULATIONS AND RULES

Subpart A—Regulations

■ 6. The authority citation for subpart A of part 401 is revised to read as follows:

Authority: 33 U.S.C. 981–990, 1231 and 1232, 49 CFR 1.52, unless otherwise noted.

■ 7. Amend § 401.102 by revising paragraph (a) to read as follows:

(a) A person, as described in § 401.101(b) who violates a regulation is liable to a civil penalty of not more than $91,901.

* * * * *

Title 46—Shipping

PART 221—REGULATED TRANSACTIONS INVOLVING DOCUMENTED VESSELS AND OTHER MARITIME INTERESTS

■ 8. The authority citation for part 221 continues to read as follows:

Authority: 46 U.S.C. chs. 301, 313, and 561; Pub. L. 114–74; 49 CFR 1.93.

■ 9. Section 221.61 is revised to read as follows:

§ 221.61 Compliance.

(a) This subpart describes procedures for the administration of civil penalties that the Maritime Administration may assess under 46 U.S.C. 31309, 31330, and 56101, pursuant to 49 U.S.C. 336.

(b) Pursuant to 46 U.S.C. 31309, a general penalty of not more than $20,521 may be assessed for each violation of chapter 313 or 46 U.S.C. subtitle III administered by the Maritime Administration, and the regulations in this part that are promulgated thereunder, except that a person violating 46 U.S.C. 31329 and the regulations promulgated thereunder is liable for a civil penalty of not more than $51, 302 for each violation. A person that charters, sells, transfers or mortgages a vessel, or an interest therein, in violation of 46 U.S.C. 56101(e) is liable for a civil penalty of not more than $19,639 for each violation.

PART 307—ESTABLISHMENT OF MANDATORY POSITION REPORTING SYSTEM FOR VESSELS

■ 10. The authority citation for part 307 continues to read as follows:

Authority: Pub. L. 109–304; 46 U.S.C. 50113; Pub. L. 114–74; 49 CFR 1.93.

■ 11. Section 307.19 is revised to read as follows:

§ 307.19 Penalties.

The owner or operator of a vessel in the waterborne foreign commerce of the United States is subject to a penalty of $130.00 for each day of failure to file an AMVER report required by this part. Such penalty shall constitute a lien upon the vessel, and such vessel may be libeled in the district court of the United States in which the vessel may be found.

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

■ 12. The authority citation for part 340 continues to read as follows:

Authority: 50 U.S.C. 4501 *et seq.* (''The Defense Production Act''); Executive Order 13603 (77 FR 16651); Executive Order 12656 (53 FR 47491); Pub. L. 114–74; 49 CFR 1.45; 49 CFR 1.93(l).

■ 13. Section 340.9 is revised to read as follows:

§ 340.9 Compliance.

Pursuant 50 U.S.C. 4513 any person who willfully performs any act prohibited, or willfully fails to perform any act required, by the provisions of this regulation shall, upon conviction, be fined not more than $25,928 or imprisoned for not more than one year, or both.

PART 356—REQUIREMENTS FOR VESSELS OF 100 FEET OR GREATER IN REGISTERED LENGTH TO OBTAIN A FISHERY ENDORSEMENT TO THE VESSEL'S DOCUMENTATION

■ 14. The authority citation for part 356 continues to read as follows:

Authority: 46 U.S.C. 12102; 46 U.S.C. 12151; 46 U.S.C. 31322; Pub. L. 105–277, division C, title II, subtitle I, section 203 (46 U.S.C. 12102 note), section 210(e), and

section 213(g), 112 Stat. 2681; Pub. L. 107–20, section 2202, 115 Stat. 168–170; Pub. L. 114–74; 49 CFR 1.93.

■ 15. Amend § 356.49 by revising paragraph (b) to read as follows:

§ 356.49 Penalties.

* * * * *

(b) A fine of up to $150,404 may be assessed against the vessel owner for each day in which such vessel has engaged in fishing (as such term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802) within the exclusive economic zone of the United States; and

* * * * *

Title 49—Transportation

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

■ 16. The authority citation for part 107 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4; Pub. L. 104–121, sections 212–213; Pub. L. 104–134, section 31001; Pub. L. 114–74 section 4 (28 U.S.C. 2461 note); 49 CFR 1.81 and 1.97.

■ 17. Section 107.329 is revised to read as follows:

§ 107.329 Maximum penalties.

(a) A person who knowingly violates a requirement of the Federal hazardous material transportation law, an order issued thereunder, this subchapter, subchapter C of the chapter, or a special permit or approval issued under this subchapter applicable to the transportation of hazardous materials or the causing of them to be transported or shipped is liable for a civil penalty of not more than $79,976 for each violation, except the maximum civil penalty is $186,610 if the violation results in death, serious illness, or severe injury to any person or substantial destruction of property. There is no minimum civil penalty, except for a minimum civil penalty of $481 for violations relating to training. When the violation is a continuing one, each day of the violation constitutes a separate offense.

(b) A person who knowingly violates a requirement of the Federal hazardous material transportation law, an order issued thereunder, this subchapter, subchapter C of the chapter, or a special permit or approval issued under this subchapter applicable to the design, manufacture, fabrication, inspection, marking, maintenance, reconditioning, repair or testing of a package, container, or packaging component which is represented, marked, certified, or sold by that person as qualified for use in the transportation of hazardous materials in commerce is liable for a civil penalty of not more than $79,976 for each violation, except the maximum civil penalty is $186,610 if the violation results in death, serious illness, or severe injury to any person or substantial destruction of property. There is no minimum civil penalty, except for a minimum civil penalty of $481 for violations relating to training.

■ 18. In appendix A to subpart D of part 107, section II.. under ''B. Penalty Increases for Multiple Counts'' following the table, the first sentence of the second paragraph is revised to read as follows:

Appendix A to Subpart D of Part 107—Guidelines for Civil Penalties

* * * * *

II. * * *

B. * * *

Under the Federal hazmat law, 49 U.S.C. 5123(a), each violation of the HMR and each day of a continuing violation (except for violations relating to packaging manufacture or qualification) is subject to a civil penalty of up to $79,976 or $186,610 for a violation occurring on or after November 27, 2018.

* * *

* * * * *

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

■ 19. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4; Pub. L. 104–134, section 31001; Pub. L. 114–74 section 4 (28 U.S.C. 2461 note); 49 CFR 1.81 and 1.97.

■ 20. Amend § 171.1 by revising paragraph (g) to read as follows:

§ 171.1 Applicability of Hazardous Materials Regulations (HMR) to persons and functions.

* * * * *

(g) *Penalties for noncompliance.* Each person who knowingly violates a requirement of the Federal hazardous material transportation law, an order issued under Federal hazardous material transportation law, subchapter A of this chapter, or a special permit or approval issued under subchapter A or C of this chapter is liable for a civil penalty of not more than $79,976 for each violation, except the maximum civil penalty is $186,610 if the violation results in death, serious illness, or severe injury to any person or substantial destruction of property. There is no minimum civil penalty, except for a minimum civil penalty of $481 for a violation relating to training.

* * * * *

PART 190—PIPELINE SAFETY ENFORCEMENT AND REGULATORY PROCEDURES

■ 21. Amend § 190.223 by revising paragraphs (a) through (d) to read as follows:

§ 190.223 Maximum penalties.

(a) Any person found to have violated a provision of 49 U.S.C. 60101, *et seq.,* or any regulation or order issued thereunder, is subject to an administrative civil penalty not to exceed $213,268 for each violation for each day the violation continues, with a maximum administrative civil penalty not to exceed $2,132,679 for any related series of violations.

(b) Any person found to have violated a provision of 33 U.S.C. 1321(j), or any regulation or order issued thereunder, is subject to an administrative civil penalty under 33 U.S.C. 1321(b)(6), as adjusted by 40 CFR 19.4.

(c) Any person found to have violated any standard or order under 49 U.S.C. 60103 is subject to an administrative civil penalty not to exceed $77,910, which may be in addition to other penalties to which such person may be subject under paragraph (a) of this section.

(d) Any person who is determined to have violated any standard or order under 49 U.S.C. 60129 is subject to an administrative civil penalty not to exceed $1,239, which may be in addition to other penalties to which such person may be subject under paragraph (a) of this section.

* * * * *

PART 209—RAILROAD SAFETY ENFORCEMENT PROCEDURES

■ 22. The authority citation for part 209 continues to read as follows:

Authority: 49 U.S.C. 5123, 5124, 20103, 20107, 20111, 20112, 20114; 28 U.S.C. 2461, note; and 49 CFR 1.89.

■ 23. Amend § 209.103 by revising paragraphs (a) and (c) to read as follows:

§ 209.103 Minimum and maximum penalties.

(a) A person who knowingly violates a requirement of the Federal hazardous materials transportation laws, an order issued thereunder, subchapter A or C of chapter I, subtitle B, of this title, or a special permit or approval issued under subchapter A or C of chapter I, subtitle B, of this title is liable for a civil penalty of not more than $79,976 for each violation, except that—

(1) The maximum civil penalty for a violation is $186,610 if the violation results in death, serious illness, or

severe injury to any person, or substantial destruction of property and

(2) A minimum $481 civil penalty applies to a violation related to training.

* * * * *

(c) The maximum and minimum civil penalties described in paragraph (a) of this section apply to violations occurring on or after November 27, 2018.

■ 24. Amend § 209.105 by revising the last sentence of paragraph (c) to read as follows:

§ 209.105 Notice of probable violation.

(c) * * * In an amended notice, FRA may change the civil penalty amount proposed to be assessed up to and including the maximum penalty amount of $79,976 for each violation, except that if the violation results in death, serious illness or severe injury to any person, or substantial destruction of property, FRA may change the penalty amount proposed to be assessed up to and including the maximum penalty amount of $186,610.

§ 209.409 [Amended]

■ 25. Amend § 209.409 as follows:

■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';

■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and

■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

■ 26. In appendix A to part 209, amend the section ''Penalty Schedules; Assessment of Maximum Penalties'' by:

■ a. Adding a sentence to the end of the sixth paragraph;

■ b. Revising the third sentence of the seventh paragraph; and

■ c. Revising the first sentence of the tenth paragraph.

The addition and revisions read as follows:

Appendix A to Part 209—Statement of Agency Policy Concerning Enforcement of the Federal Railroad Safety Laws

* * * * *

Penalty Schedules; Assessment of Maximum Penalties

* * * * *

* * * Effective November 27, 2018, the minimum civil monetary penalty was raised from $853 to $870, the ordinary maximum civil monetary penalty was raised from $27,904 to $28,474, and the aggravated maximum civil monetary penalty was raised from $111,616 to $113,894.

* * * For each regulation or order, the schedule shows two amounts within the $870 to $28,474 range in separate columns, the first for ordinary violations, the second for willful violations (whether committed by railroads or individuals). * * *

* * * * *

Accordingly, under each of the schedules (ordinarily in a footnote), and regardless of the fact that a lesser amount might be shown in both columns of the schedule, FRA reserves the right to assess the statutory maximum penalty of up to $113,894 per violation where a pattern of repeated violations or a grossly negligent violation has created an imminent hazard of death or injury or has caused death or injury. * * *

* * * * *

■ 27. Amend appendix B to part 209 as follows:

■ a. In the introductory text, revise the second sentence of the first paragraph, the last sentence of the second paragraph, and the fifth sentence of the third paragraph; and

■ b. In the table ''CIVIL PENALTY ASSESSMENT GUIDELINES'':

■ i. Revise footnote 1 of the first table;

■ ii. Under the heading ''PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGES:

■ 1. Remove the entries for ''173.24(b)(1) and 173.24(b)(2)'' and ''173.24(f)(1) and 173.24(f)(1)(ii)'' and add an entry for ''173.24(b)(1) and 173.24(b)(2) and 173.24(f)(1) and 173.24(f)(1)(ii)'' in their place; and

■ 2. Revise the introductory text to the entry for ''173.24(c)''; and

■ iii. Remove footnote 1 of the second table and redesignate footnote 2 as footnote 1 (at text and in table heading) and revise it.

The revisions read as follows:

Appendix B to Part 209—Federal Railroad Administration Guidelines for Initial Hazardous Materials Assessments

* * * The guideline penalty amounts reflect the best judgment of the FRA Office of Railroad Safety (RRS) and of the Safety Law Division of the Office of Chief Counsel (RCC) on the relative severity of the various violations routinely encountered by FRA inspectors on a scale of amounts up to the maximum $79,976 penalty, except the maximum civil penalty is $186,610 if the violation results in death, serious illness or severe injury to any person, or substantial destruction of property, and a minimum $481 penalty applies to a violation related to training. * * *

* * * When a violation of the Federal hazardous material transportation law, an order issued thereunder, the Hazardous Materials Regulations or a special permit, approval, or order issued under those regulations results in death, serious illness or severe injury to any person, or substantial destruction of property, a maximum penalty of at least $79,976 and up to and including $186,610 shall always be assessed initially.

* * * In fact, FRA reserves the express authority to amend the NOPV to seek a penalty of up to $79,976 for each violation, and up to $186,610 for any violation resulting in death, serious illness or severe injury to any person, or substantial destruction of property, at any time prior to issuance of an order. * * *

Civil Penalty Assessment Guidelines

* * * * *

[1] Any person who violates an emergency order issued under the authority of 49 U.S.C. Ch. 201 is subject to a civil penalty of at least $870 and not more than $28,474 per violation, except that where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused a death or injury, a penalty not to exceed $113,894 per violation may be assessed. Each day that the violation continues is a separate offense. 49 U.S.C. 21301; 28 U.S.C. 2461, note.

49 CFR Section	Description	Guideline amount [1]
*	* * * * * *	
Part 173—Shippers—General Requirements for Shipments and Packages		

49 CFR Section	Description	Guideline amount [1]
* *	* * * * *	*
173.24(b)(1) and 173.24(b)(2) and 173.24(f)(1) and 173.24(f)(1)(ii).	Securing closures: These subsections are the general "no leak" standard for all packagings. Sec. 173.24(b) deals primarily with *packaging* as a whole, while § 173.24(f) focuses on *closures.* Use § 173.31(d) for tank cars, when possible. Cite the sections accordingly, using both the leak/non-leak criteria and the package size considerations to reach the appropriate penalty. *Any actual leak will aggravate the guideline by, typically, 50%; a leak with contact with a human being will aggravate by at least 100%, up to the maximum of $79,976, and up to $186,610 if the violation results in death, serious illness or injury or substantial destruction of property. For intermodal (IM) portable tanks and other tanks of that size range, use the tank car penalty amounts, as stated in § 173.31.*	
	—Small bottle or box.	1,000
	—55-gallon drum.	2,500
	—Larger container, e.g., IBC; *not* portable tank or tank car	5,000
	—IM portable tank, cite § 173.24(f) and use the penalty amounts for tank cars: Residue, generally, § 173.29(a) and, loaded, § 173.31(d).	
	—Residue adhering to outside of package (i.e., portable tanks, tank cars, etc.)	5,000
173.24(c)	Use of package not meeting specifications, including required stencils and markings. The most specific section for the package involved should be cited (see below). The penalty guideline should be adjusted for the size of the container. *Any actual leak will aggravate the guideline by, typically, 50%; a leak with contact with a human being will aggravate by at least 100%, up to the maximum of $79,976, and up to $186,610 if the violation results in death, serious illness or injury or substantial destruction of property.*	
* *	* * * * *	*

[1] A person who knowingly violates the hazardous material transportation law or a regulation, order, special permit, or approval issued thereunder, is subject to a civil penalty of up to $79,976 for each violation, except that the maximum civil penalty for a violation is $186,610 if the violation results in death, serious illness, or severe injury to any person or substantial destruction of property; and a minimum $481 civil penalty applies to a violation related to training. Each day that the violation continues is a separate offense. 49 U.S.C. 5123; 28 U.S.C. 2461, note.

PART 213—TRACK SAFETY STANDARDS

■ 28. The authority citation for part 213 continues to read as follows:

Authority: 49 U.S.C. 20102–20114 and 20142; Sec. 403, Div. A, Public Law 110–432, 122 Stat. 4885; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 213.15 [Amended]

■ 29. In § 213.15, amend paragraph (a) as follows:

■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';

■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and

■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix B to Part 213—[Amended]

■ 30. In appendix B to part 213, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 214—RAILROAD WORKPLACE SAFETY

■ 31. The authority citation for part 214 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 21301, 31304, 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 214.5 [Amended]

■ 32. Amend § 214.5 as follows:

■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';

■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and

■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix A to Part 214—[Amended]

■ 33. In appendix A to part 214, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 215—RAILROAD FREIGHT CAR SAFETY STANDARDS

■ 34. The authority citation for part 215 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107; 28 U.S.C. 241, note; and 49 CFR 1.89.

§ 215.7 [Amended]

■ 35. Amend § 215.7 as follows:

■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';

■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and

■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix B to Part 215—[Amended]

■ 36. Amend appendix B to part 215 in the first paragraph of footnote 1 by removing the dollar amount ''$27,904'' and adding in its place ''$28,474'' and by removing the dollar amount ''$109,819'' and adding in its place ''the statutory maximum amount''.

PART 216—SPECIAL NOTICE AND EMERGENCY ORDER PROCEDURES: RAILROAD TRACK, LOCOMOTIVE AND EQUIPMENT

■ 37. The authority citation for part 216 continues to read as follows:

Authority: 49 U.S.C. 20102–20104, 20107, 20111, 20133, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 216.7 [Amended]

■ 38. Amend § 216.7 as follows:

■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';

■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and

■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

PART 217—RAILROAD OPERATING RULES

■ 39. The authority citation for part 217 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 217.5 [Amended]

■ 40. Amend § 217.5 as follows:
■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';
■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and
■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix A to Part 217—[Amended]

■ 41. In appendix A to part 217, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 218—RAILROAD OPERATING PRACTICES

■ 42. The authority citation for part 218 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 218.9 [Amended]

■ 43. Amend § 218.9 as follows:
■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';
■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and
■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix A to Part 218—[Amended]

■ 44. In appendix A to part 218, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 219—CONTROL OF ALCOHOL AND DRUG USE

■ 45. The authority citation for part 219 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20140, 21301, 21304, 21311; 28 U.S.C. 2461, note; Sec. 412, Div. A, Pub. L. 110–432, 122 Stat. 4889 (49 U.S.C. 20140, note); and 49 CFR 1.89.

§ 219.10 [Amended]

■ 46. In § 219.10, amend as follows:
■ a. Remove the dollar amount ''$650'' and add in its place ''$870'';
■ b. Remove the dollar amount ''$25,000'' and add in its place ''$28,474''; and
■ c. Remove the dollar amount ''$105,000'' and add in its place ''$113,894''.

Appendix A to Part 219—[Amended]

■ 47. In appendix A to part 219, footnote 1, remove the dollar amount ''$105,000'' and add in its place ''the statutory maximum amount''.

PART 220—RAILROAD COMMUNICATIONS

■ 48. The authority citation for part 220 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20103, note, 20107, 21301–21302, 20701–20703, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 220.7 [Amended]

■ 49. Amend § 220.7 as follows:
■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';
■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and
■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix C to Part 220—[Amended]

■ 50. In appendix C to part 220, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 221—REAR END MARKING DEVICE—PASSENGER, COMMUTER AND FREIGHT TRAINS

■ 51. The authority citation for part 221 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 221.7 [Amended]

■ 52. Amend § 221.7 as follows:
■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';
■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and
■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix C to Part 221—[Amended]

■ 53. In appendix C to part 221, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 222—USE OF LOCOMOTIVE HORNS AT PUBLIC HIGHWAY–RAIL GRADE CROSSINGS

■ 54. The authority citation for part 222 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20153, 21301, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 222.11 [Amended]

■ 55. Amend § 222.11 as follows:
■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';
■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and
■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix H to Part 222—[Amended]

■ 56. In appendix H to part 222, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 223—SAFETY GLAZING STANDARDS—LOCOMOTIVES, PASSENGER CARS AND CABOOSES

■ 57. The authority citation for part 223 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20133, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 223.7 [Amended]

■ 58. Amend § 223.7 as follows:
■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';
■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and
■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix B to Part 223—[Amended]

■ 59. In appendix B to part 223, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 224—REFLECTORIZATION OF RAIL FREIGHT ROLLING STOCK

■ 60. The authority citation for part 224 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20148 and 21301; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 224.11 [Amended]

■ 61. In § 224.11, amend paragraph (a) as follows:
■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';
■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and
■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix A to Part 224—[Amended]

■ 62. In appendix A to part 224, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 225—RAILROAD ACCIDENTS/INCIDENTS: REPORTS CLASSIFICATION, AND INVESTIGATIONS

■ 63. The authority citation for part 225 continues to read as follows:

Authority: 49 U.S.C. 103, 322(a), 20103, 20107, 20901–20902, 21301, 21302, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 225.29 [Amended]

■ 64. Amend § 225.29 as follows:
■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';
■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and
■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix A to Part 225—[Amended]

■ 65. In appendix A to part 225, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 227—OCCUPATIONAL NOISE EXPOSURE

■ 66. The authority citation for part 227 continues to read as follows:

Authority: 49 U.S.C. 20103, 20103, note, 20701–20702; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 227.9 [Amended]

■ 67. In § 227.9, amend paragraph (a) as follows:
■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';
■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and
■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix G to Part 227—[Amended]

■ 68. In appendix G to part 227, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 228— PASSENGER TRAIN EMPLOYEE HOURS OF SERVICE; RECORDKEEPING AND REPORTING; SLEEPING QUARTERS

■ 69. The authority citation for part 228 continues to read as follows:

Authority: 49 U.S.C. 103, 20103, 20107, 21101–21109; Sec. 108, Div. A, Public Law 110–432, 122 Stat. 4860–4866, 4893–4894; 49 U.S.C. 21301, 21303, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 228.6 [Amended]

■ 70. In § 228.6, amend paragraph (a) as follows:
a. Remove the dollar amount ''$853'' and add in its place ''$870'';
■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and
■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

71. In appendix A to part 228, below the heading ''GENERAL PROVISIONS,'' amend the ''Penalty'' paragraph by adding a sentence at the end of the paragraph to read as follows:

Appendix A to Part 228—Requirements of the Hours of Service Act: Statement of Agency Policy and Interpretation

* * * * *

General Provisions

* * * * *

Penalty. * * * Effective November 27, 2018, the minimum civil monetary penalty was raised from $853 to $870, the ordinary maximum civil monetary penalty was raised from $27,904 to $28,474, and the aggravated maximum civil monetary penalty was raised from $111,616 to $113,894.

* * * * *

Appendix B to Part 228—[Amended]

■ 72. In appendix B to part 228, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 229—RAILROAD LOCOMOTIVE SAFETY STANDARDS

■ 73. The authority citation for part 229 continues to read as follows:

Authority: 49 U.S.C. 103, 322(a), 20103, 20107, 20901–02, 21301, 21301, 21302, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 229.7 [Amended]

■ 74. In § 229.7, amend paragraph (b) as follows:
■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';
■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and
■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix B to Part 229—[Amended]

■ 75. In appendix B to part 229, in the first paragraph of footnote 1, remove the dollar amount ''$27,904'' and add in its place ''$28,474'' and remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 230—STEAM LOCOMOTIVE INSPECTION AND MAINTENANCE STANDARDS

■ 76. The authority citation for part 230 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20702; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 230.4 [Amended]

■ 77. In § 230.4, amend paragraph (a) as follows:
■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';
■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and
■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

PART 231—RAILROAD SAFETY APPLIANCE STANDARDS

■ 78. The authority citation for part 231 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 20131, 20301–20303, 21301–21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 231.0 [Amended]

■ 79. In § 231.0, amend paragraph (f) as follows:
■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';
■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and
■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix A to Part 231—[Amended]

■ 80. In appendix A to part 231, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 232— BRAKE SYSTEM SAFETY STANDARDS FOR FREIGHT AND OTHER NON–PASSENGER TRAINS AND EQUIPMENT; END–OF–TRAIN DEVICES

■ 81. The authority citation for part 232 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 20133, 20141, 20301–20303, 20306, 21301–21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 232.11 [Amended]

■ 82. In § 232.11, amend paragraph (a) as follows:
■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';
■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and
■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix A to Part 232—[Amended]

■ 83. In appendix A to part 232, in the first paragraph of footnote 1, remove the dollar amount ''$27,904'' and add in its place ''$28,474'' and remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 233—SIGNAL SYSTEMS REPORTING REQUIREMENTS

■ 84. The authority citation for part 233 continues to read as follows:

Authority: 49 U.S.C. 504, 522, 20103, 20107, 20501–20505, 21301, 21302, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 233.11 [Amended]

■ 85. Amend § 233.11 as follows:
■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';
■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and
■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix A to Part 233—[Amended]

86. In appendix A to part 233, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 234—GRADE CROSSING SAFETY

■ 87. The authority citation for part 234 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20152, 20160, 21301, 21304, 21311, 22501 note; Pub. L. 110–432, Div. A., Sec. 202, 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 234.6 [Amended]

■ 88. In § 234.6, amend paragraph (a) as follows:
■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';
■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and
■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix A to Part 234—[Amended]

■ 89. In appendix A to part 234, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 235—INSTRUCTIONS GOVERNING APPLICATIONS FOR APPROVAL OF A DISCONTINUANCE OR MATERIAL MODIFICATION OF A SIGNAL SYSTEM OR RELIEF FROM THE REQUIREMENTS OF PART 236

■ 90. The authority citation for part 235 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 235.9 [Amended]

■ 91. Amend § 235.9 as follows:
■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';
■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and
■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix A to Part 235—[Amended]

■ 92. In appendix A to part 235, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 236—RULES, STANDARDS, AND INSTRUCTIONS GOVERNING THE INSTALLATION, INSPECTION, MAINTENANCE, AND REPAIR OF SIGNAL AND TRAIN CONTROL SYSTEMS, DEVICES, AND APPLIANCES

■ 93. The authority citation for part 236 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 20133, 20141, 20157, 20301–20303, 20306, 20501–20505, 20701–20703, 21301–21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 236.0 [Amended]

■ 94. In § 236.0, amend paragraph (f) as follows:

■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';

■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and

■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix A to Part 236—[Amended]

■ 95. In appendix A to part 236, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 237—BRIDGE SAFETY STANDARDS

■ 96. The authority citation for part 237 continues to read as follows:

Authority: 49 U.S.C. 20102–20114; Public Law 110–432, Div. A, Sec. 417; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 237.7 [Amended]

■ 97. In § 237.7, amend paragraph (a) as follows:

■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';

■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and

■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix B to Part 237—[Amended]

■ 98. In appendix B to part 237, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 238—PASSENGER EQUIPMENT SAFETY STANDARDS

■ 99. The authority citation for part 238 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20133, 20141, 20302–20303, 20306, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 238.11 [Amended]

■ 100. In § 238.11, amend paragraph (a) as follows:
■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';
■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and
■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix A to Part 238—[Amended]

■ 101. In appendix A to part 238, in the first paragraph of footnote 1, remove the dollar amount ''$27,904'' and add in its place ''$28,474'' and remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 239—PASSENGER TRAIN EMERGENCY PREPAREDNESS

■ 102. The authority citation for part 239 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20105–20114, 20133, 21301, 21304, and 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 239.11 [Amended]

■ 103. Amend § 239.11 as follows:
■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';
■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and
■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix A to Part 239—[Amended]

■ 104. In appendix A to part 239, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 240—QUALIFICATION AND CERTIFICATION OF LOCOMOTIVE ENGINEERS

■ 105. The authority citation for part 240 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20135, 21301, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 240.11 [Amended]

■ 106. In § 240.11, amend paragraph (a) as follows:
■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';

■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and

■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix A to Part 240—[Amended]

■ 107. In appendix A to part 240, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 241—UNITED STATES LOCATIONAL REQUIREMENT FOR DISPATCHING OF UNITED STATES RAIL OPERATIONS

■ 108. The authority citation for part 241 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 21301, 21304, 21311; 28 U.S.C. 2461, note; 49 CFR 1.89.

§ 241.15 [Amended]

■ 109. In § 241.15, amend paragraph (a) as follows:

■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';

■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and

■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix B to Part 241—[Amended]

■ 110. In appendix B to part 241, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 242—QUALIFICATION AND CERTIFICATION OF CONDUCTORS

■ 111. The authority citation for part 242 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20135, 20138, 20162, 20163, 21301, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 242.11 [Amended]

■ 112. In § 242.11, amend paragraph (a) as follows:

■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';

■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and

■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix A to Part 242—[Amended]

■ 113. In appendix A to part 242, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 243—TRAINING, QUALIFICATION, AND OVERSIGHT FOR SAFETY-RELATED RAILROAD EMPLOYEES

■ 114. The authority citation for part 243 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20131–20155, 20162, 20301–20306, 20701–20702, 21301–21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 243.7 [Amended]

■ 115. In § 243.7, amend paragraph (a) as follows:

■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';

■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and

■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix to Part 243—[Amended]

■ 116. In the appendix to part 243, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 244—REGULATIONS ON SAFETY INTEGRATION PLANS GOVERNING RAILROAD CONSOLIDATIONS, MERGERS, AND ACQUISITIONS OF CONTROL

■ 117. The authority citation for part 244 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107, 21301; 5 U.S.C. 553 and 559; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 244.5 [Amended]

■ 118. In § 244.5, amend paragraph (a) as follows:

■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';

■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and

■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

PART 270—SYSTEM SAFETY PROGRAM

■ 119. The authority citation for part 270 continues to read as follows:

Authority: 49 U.S.C. 20103, 20106–20107, 20118–20119, 20156, 21301, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 270.7 [Amended]

■ 120. In § 270.7, amend paragraph (a) as follows:

■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';

■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and

■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

PART 272—CRITICAL INCIDENT STRESS PLANS

■ 121. The authority citation for part 272 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20109, note; 28 U.S.C. 2461, note; 49 CFR 1.89; and sec. 410, Div. A, Pub. L. 110–432, 122 Stat. 4888.

§ 272.11 [Amended]

■ 122. In § 272.11, amend paragraph (a) as follows:

■ a. Remove the dollar amount ''$853'' and add in its place ''$870'';

■ b. Remove the dollar amount ''$27,904'' and add in its place ''$28,474''; and

■ c. Remove the dollar amount ''$111,616'' and add in its place ''$113,894''.

Appendix A to Part 272—[Amended]

■ 123. In appendix A to part 272, footnote 1, remove the dollar amount ''$109,819'' and add in its place ''the statutory maximum amount''.

PART 386—RULES OF PRACTICE FOR FMCSA PROCEEDINGS

■ 124. The authority citation for part 386 is revised to read as follows:

Authority: 49 U.S.C. 113; chapters 5, 51, 131–141, 145–149, 311, 313, and 315; Sec. 204, Pub. L. 104–88, 109 Stat. 803, 941 (49 U.S.C. 701 note); Sec. 217, Pub. L. 105–159, 113 Stat. 1748, 1767; Sec. 206, Pub. L. 106–159, 113 Stat. 1763; subtitle B, title IV of Pub. L. 109–59; Sec. 701 of Pub. L. 114–74, 129 Stat. 599 (28 U.S.C. 2461 note); 49 CFR 1.81 and 1.87.

■ 125. Amend Appendix A to part 386 by revising the introductory text and sections II, IV. a. through e., and IV. g. through j. to read as follows:

Appendix A to Part 386—Penalty Schedule: Violations of Notices and Orders

The Civil Penalties Inflation Adjustment Act Improvements Act of 2015 [Pub. L. 114–74, sec. 701, 129 Stat. 599] amended the Federal Civil Penalties Inflation Adjustment Act of 1990 to require agencies to adjust civil penalties for inflation. Pursuant to that authority, the inflation adjusted civil penalties identified in this appendix supersede the corresponding civil penalty amounts identified in title 49, United States Code.

* * * * *

II. Subpoena

Violation—Failure to respond to Agency subpoena to appear and testify or produce records.

Penalty—minimum of $1,066 but not more than $10,663 per violation.

* * * * *

IV. Out-of-Service Order

a. Violation—Operation of a commercial vehicle by a driver during the period the driver was placed out of service.

Penalty—Up to $1,848 per violation.

(For purposes of this violation, the term ''driver'' means an operator of a commercial motor vehicle, including an independent contractor who, while in the course of operating a commercial motor vehicle, is employed or used by another person.)

b. Violation—Requiring or permitting a driver to operate a commercial vehicle during the period the driver was placed out of service.

Penalty—Up to $18,477 per violation.

(This violation applies to motor carriers including an independent contractor who is not a ''driver,'' as defined under paragraph IV(a) above.)

c. Violation—Operation of a commercial motor vehicle or intermodal equipment by a driver after the vehicle or intermodal equipment was placed out-of-service and before the required repairs are made.

Penalty—$1,848 each time the vehicle or intermodal equipment is so operated.

(This violation applies to drivers as defined in IV(a) above.)

d. Violation—Requiring or permitting the operation of a commercial motor vehicle or intermodal equipment placed out-of-service before the required repairs are made.

Penalty—Up to $18,477 each time the vehicle or intermodal equipment is so operated after notice of the defect is received.

(This violation applies to intermodal equipment providers and motor carriers, including an independent owner operator who is not a ''driver,'' as defined in IV(a) above.)

e. Violation—Failure to return written certification of correction as required by the out-of-service order.

Penalty—Up to $924 per violation.

* * * * *

g. Violation—Operating in violation of an order issued under § 386.72(b) to cease all or part of the employer's commercial motor vehicle operations or to cease part of an intermodal equipment provider's operations, *i.e.,* failure to cease operations as ordered.

Penalty—Up to $26,659 per day the operation continues after the effective date and time of the order to cease.

h. Violation—Operating in violation of an order issued under § 386.73.

Penalty—Up to $23,426 per day the operation continues after the effective date and time of the out-of-service order.

i. Violation—Conducting operations during a period of suspension under § 386.83 or § 386.84 for failure to pay penalties.

Penalty—Up to $15,040 for each day that operations are conducted during the suspension or revocation period.

j. Violation—Conducting operations during a period of suspension or revocation under §§ 385.911, 385.913, 385.1009 or 385.1011.

Penalty—Up to $23,426 for each day that operations are conducted during the suspension or revocation period.

■ 126. Amend Appendix B to part 386 by revising the introductory text and paragraphs (a)(1) through (5), (b) through (f), (g) introductory text, (g)(1) through (8), (g)(10) through (14), (g)(16) through (18), (g)(21)(i), (g)(22) and (23), (h), and (i) to read as follows:

Appendix B to Part 386—Penalty Schedule: Violations and Monetary Penalties

The Civil Penalties Inflation Adjustment Act Improvements Act of 2015 [Pub. L. 114–74, sec. 701, 129 Stat. 599] amended the Federal Civil Penalties Inflation Adjustment Act of 1990 to require agencies to adjust civil penalties for inflation. Pursuant to that authority, the inflation adjusted civil penalties identified in this appendix supersede the corresponding civil penalty amounts identified in title 49, United States Code.

What are the types of violations and maximum monetary penalties?

(a) *Violations of the Federal Motor Carrier Safety Regulations (FMCSRs):*

(1) *Recordkeeping.* A person or entity that fails to prepare or maintain a record required by parts 40, 382, 385, and 390–99 of this subchapter, or prepares or maintains a required record that is incomplete, inaccurate, or false, is subject to a maximum civil penalty of $1,239 for each day the violation continues, up to $12,383.

(2) *Knowing falsification of records.* A person or entity that knowingly falsifies, destroys, mutilates, or changes a report or record required by parts 382, 385, and 390–99 of this subchapter, knowingly makes or causes to be made a false or incomplete record about an operation or business fact or transaction, or knowingly makes, prepares, or preserves a record in violation of a regulation order of the Secretary is subject to a maximum civil penalty of $12,383 if such action misrepresents a fact that constitutes a violation other than a reporting or recordkeeping violation.

(3) *Non-recordkeeping violations.* A person or entity that violates parts 382, 385, or 390–99 of this subchapter, except a recordkeeping requirement, is subject to a civil penalty not to exceed $15,040 for each violation.

(4) *Non-recordkeeping violations by drivers.* A driver who violates parts 382, 385, and 390–99 of this subchapter, except a recordkeeping violation, is subject to a civil penalty not to exceed $3,760.

(5) *Violation of 49 CFR 392.5.* A driver placed out of service for 24 hours for violating the alcohol prohibitions of 49 CFR 392.5(a) or (b) who drives during that period is subject to a civil penalty not to exceed $3,096 for a first conviction and not less than $6,192 for a second or subsequent conviction.

* * * * *

(b) *Commercial driver's license (CDL) violations.* Any person who violates 49 CFR part 383, subparts B, C, E, F, G, or H, is subject to a civil penalty not to exceed $5,591; except:

(1) A CDL-holder who is convicted of violating an out-of-service order shall be subject to a civil penalty of not less than $3,096 for a first conviction and not less than $6,192 for a second or subsequent conviction;

(2) An employer of a CDL-holder who knowingly allows, requires, permits, or authorizes an employee to operate a CMV during any period in which the CDL-holder is subject to an out-of-service order, is subject to a civil penalty of not less than $5,591 or more than $30,956; and

(3) An employer of a CDL–holder who knowingly allows, requires, permits, or authorizes that CDL-holder to operate a CMV in violation of a Federal, State, or local law or regulation pertaining to railroad-highway grade crossings is subject to a civil penalty of not more than $16,048.

* * * * *

(d) *Financial responsibility violations.* A motor carrier that fails to maintain the levels of financial responsibility prescribed by Part 387 of this subchapter or any person (except an employee who acts without knowledge) who knowingly violates the rules of Part 387 subparts A and B is subject to a maximum penalty of $16,499. Each day of a continuing violation constitutes a separate offense.

(e) *Violations of the Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations found in Subpart E of Part 385.* This paragraph applies to violations by motor carriers, drivers, shippers and other persons who transport hazardous materials on the highway in commercial motor vehicles or cause hazardous materials to be so transported.

(1) All knowing violations of 49 U.S.C. chapter 51 or orders or regulations issued under the authority of that chapter applicable to the transportation or shipment of hazardous materials by commercial motor vehicle on the highways are subject to a civil penalty of not more than $79,976 for each violation. Each day of a continuing violation constitutes a separate offense.

(2) All knowing violations of 49 U.S.C. chapter 51 or orders or regulations issued under the authority of that chapter applicable to training related to the transportation or shipment of hazardous materials by commercial motor vehicle on the highways are subject to a civil penalty of not less than $481 and not more than $79,976 for each violation.

(3) All knowing violations of 49 U.S.C. chapter 51 or orders, regulations or exemptions under the authority of that chapter applicable to the manufacture, fabrication, marking, maintenance, reconditioning, repair, or testing of a packaging or container that is represented, marked, certified, or sold as being qualified for use in the transportation or shipment of hazardous materials by commercial motor vehicle on the highways are subject to a civil penalty of not more than $79,976 for each violation.

(4) Whenever regulations issued under the authority of 49 U.S.C. chapter 51 require compliance with the FMCSRs while transporting hazardous materials, any violations of the FMCSRs will be considered a violation of the HMRs and subject to a civil penalty of not more than $79,976.

(5) If any violation subject to the civil penalties set out in paragraphs (e)(1) through (4) of this appendix results in death, serious

illness, or severe injury to any person or in substantial destruction of property, the civil penalty may be increased to not more than $186,610 for each offense.

(f) *Operating after being declared unfit by assignment of a final ''unsatisfactory'' safety rating.* (1) A motor carrier operating a commercial motor vehicle in interstate commerce (except owners or operators of commercial motor vehicles designed or used to transport hazardous materials for which placarding of a motor vehicle is required under regulations prescribed under 49 U.S.C. chapter 51) is subject, after being placed out of service because of receiving a final ''unsatisfactory'' safety rating, to a civil penalty of not more than $26,659 (49 CFR 385.13). Each day the transportation continues in violation of a final ''unsatisfactory'' safety rating constitutes a separate offense.

(2) A motor carrier operating a commercial motor vehicle designed or used to transport hazardous materials for which placarding of a motor vehicle is required under regulations prescribed under 49 U.S.C. chapter 51 is subject, after being placed out of service because of receiving a final ''unsatisfactory'' safety rating, to a civil penalty of not more than $79,976 for each offense. If the violation results in death, serious illness, or severe injury to any person or in substantial destruction of property, the civil penalty may be increased to not more than $186,610 for each offense. Each day the transportation continues in violation of a final ''unsatisfactory'' safety rating constitutes a separate offense.

(g) *Violations of the commercial regulations (CRs).* Penalties for violations of the CRs are specified in 49 U.S.C. chapter 149. These penalties relate to transportation subject to the Secretary's jurisdiction under 49 U.S.C. chapter 135. Unless otherwise noted, a separate violation occurs for each day the violation continues.

(1) A person who operates as a motor carrier for the transportation of property in violation of the registration requirements of 49 U.S.C. 13901 is liable for a minimum penalty of $10,663 per violation.

(2) A person who knowingly operates as a broker in violation of registration requirements of 49 U.S.C. 13904 or financial security requirements of 49 U.S.C. 13906 is liable for a penalty not to exceed $10,663 for each violation.

(3) A person who operates as a motor carrier of passengers in violation of the registration requirements of 49 U.S.C. 13901 is liable for a minimum penalty of $26,659 per violation.

(4) A person who operates as a foreign motor carrier or foreign motor private carrier of property in violation of the provisions of 49 U.S.C. 13902(c) is liable for a minimum penalty of $10,663 per violation.

(5) A person who operates as a foreign motor carrier or foreign motor private carrier without authority, before the implementation of the land transportation provisions of the North American Free Trade Agreement, outside the boundaries of a commercial zone along the United States-Mexico border, is liable for a maximum penalty of $14,664 for an intentional violation and a maximum penalty of $36,662 for a pattern of intentional violations.

(6) A person who operates as a motor carrier or broker for the transportation of hazardous wastes in violation of the registration provisions of 49 U.S.C. 13901 is liable for a minimum penalty of $21,327 and a maximum penalty of $42,654 per violation.

(7) A motor carrier or freight forwarder of household goods, or their receiver or trustee, that does not comply with any regulation relating to the protection of individual shippers, is liable for a minimum penalty of $1,604 per violation.

(8) A person—

(i) Who falsifies, or authorizes an agent or other person to falsify, documents used in the transportation of household goods by motor carrier or freight forwarder to evidence the weight of a shipment or

(ii) Who charges for services which are not performed or are not reasonably necessary in the safe and adequate movement of the shipment is liable for a minimum penalty of $3,210 for the first violation and $8,025 for each subsequent violation.

* * * * *

(10) A person who offers, gives, solicits, or receives transportation of property by a carrier at a different rate than the rate in effect under 49 U.S.C. 13702 is liable for a maximum penalty of $160,484 per violation. When acting in the scope of his/her employment, the acts or omissions of a person acting for or employed by a carrier or shipper are considered to be the acts or omissions of that carrier or shipper, as well as that person.

(11) Any person who offers, gives, solicits, or receives a rebate or concession related to motor carrier transportation subject to jurisdiction under subchapter I of 49 U.S.C. chapter 135, or who assists or permits another person to get that transportation at less than the rate in effect under 49 U.S.C. 13702, commits a violation for which the penalty is $320 for the first violation and $401 for each subsequent violation.

(12) A freight forwarder, its officer, agent, or employee, that assists or willingly permits a person to get service under 49 U.S.C. 13531 at less than the rate in effect under 49 U.S.C. 13702 commits a violation for which the penalty is up to $803 for the first violation and up to $3,210 for each subsequent violation.

(13) A person who gets or attempts to get service from a freight forwarder under 49 U.S.C. 13531 at less than the rate in effect under 49 U.S.C. 13702 commits a violation for which the penalty is up to $803 for the first violation and up to $3,210 for each subsequent violation.

(14) A person who knowingly authorizes, consents to, or permits a violation of 49 U.S.C. 14103 relating to loading and unloading motor vehicles or who knowingly violates subsection (a) of 49 U.S.C. 14103 is liable for a penalty of not more than $16,048 per violation.

* * * * *

(16) A person required to make a report to the Secretary, answer a question, or make, prepare, or preserve a record under part B of subtitle IV, title 49, U.S.C., or an officer, agent, or employee of that person, is liable for a minimum penalty of $1,066 and for a maximum penalty of $8,025 per violation if it does not make the report, does not completely and truthfully answer the question within 30 days from the date the Secretary requires the answer, does not make or preserve the record in the form and manner prescribed, falsifies, destroys, or changes the report or record, files a false report or record, makes a false or incomplete entry in the record about a business-related fact, or prepares or preserves a record in violation of a regulation or order of the Secretary.

(17) A motor carrier, water carrier, freight forwarder, or broker, or their officer, receiver, trustee, lessee, employee, or other person authorized to receive information from them, who discloses information identified in 49 U.S.C. 14908 without the permission of the shipper or consignee is liable for a maximum penalty of $3,210.

(18) A person who violates a provision of part B, subtitle IV, title 49, U.S.C., or a regulation or order under part B, or who violates a condition of registration related to transportation that is subject to jurisdiction under subchapter I or III of chapter 135, or who violates a condition of registration of a foreign motor carrier or foreign motor private carrier under section 13902, is liable for a penalty of $803 for each violation if another penalty is not provided in 49 U.S.C. chapter 149.

* * * * *

(21) A person—

(i) Who knowingly and willfully fails, in violation of a contract, to deliver to, or unload at, the destination of a shipment of household goods in interstate commerce for which charges have been estimated by the motor carrier transporting such goods, and for which the shipper has tendered a payment in accordance with part 375, subpart G of this chapter, is liable for a civil penalty of not less than $16,048 for each violation. Each day of a continuing violation constitutes a separate offense.

* * * * *

(22) A broker for transportation of household goods who makes an estimate of the cost of transporting any such goods before entering into an agreement with a motor carrier to provide transportation of household goods subject to FMCSA jurisdiction is liable to the United States for a civil penalty of not less than $12,383 for each violation.

(23) A person who provides transportation of household goods subject to jurisdiction under 49 U.S.C. chapter 135, subchapter I, or provides broker services for such transportation, without being registered under 49 U.S.C. chapter 139 to provide such transportation or services as a motor carrier or broker, as the case may be, is liable to the United States for a civil penalty of not less than $30,956 for each violation.

(h) *Copying of records and access to equipment, lands, and buildings.* A person subject to 49 U.S.C. chapter 51 or a motor carrier, broker, freight forwarder, or owner or operator of a commercial motor vehicle subject to part B of subtitle VI of title 49 U.S.C. who fails to allow promptly, upon demand in person or in writing, the Federal

Motor Carrier Safety Administration, an employee designated by the Federal Motor Carrier Safety Administration, or an employee of a MCSAP grant recipient to inspect and copy any record or inspect and examine equipment, lands, buildings, and other property, in accordance with 49 U.S.C. 504(c), 5121(c), and 14122(b), is subject to a civil penalty of not more than $1,239 for each offense. Each day of a continuing violation constitutes a separate offense, except that the total of all civil penalties against any violator for all offenses related to a single violation shall not exceed $12,383.

(i) *Evasion.* A person, or an officer, employee, or agent of that person:

(1) Who by any means tries to evade regulation of motor carriers under title 49, United States Code, chapter 5, chapter 51, subchapter III of chapter 311 (except sections 31138 and 31139) or sections 31302, 31303, 31304, 31305(b), 31310(g)(1)(A), or 31502, or a regulation issued under any of those provisions, shall be fined at least $2,133 but not more than $5,332 for the first violation and at least $2,665 but not more than $7,997 for a subsequent violation.

(2) Who tries to evade regulation under part B of subtitle IV, title 49, U.S.C., for carriers or brokers is liable for a penalty of at least $2,133 for the first violation or at least $5,332 for a subsequent violation.

PART 578—CIVIL AND CRIMINAL PENALTIES

■ 127. The authority citation for 49 CFR part 578 is revised to read as follows:

Authority: Pub. L. 92–513, Pub. L. 94–163, Pub. L. 98–547, Pub. L. 101–410, Pub. L. 102–388, Pub. L. 102–519, Pub. L. 104–134, Pub. L. 109–59, Pub. L. 110–140, Pub. L. 112–141, Pub. L. 114–74, Pub. L. 114–94, 49 U.S.C. 30165, 30170, 30505, 32308, 32309, 32507, 32709, 32710, 32902, 32912, 33114 and 33115; delegation of authority at 49 CFR 1.81, 1.95.

■ 128. Section 578.5 is revised to read as follows:

§ 578.5 Inflationary adjustment of civil penalties.

The civil penalties set forth in this part continue in effect until adjusted by the Administrator. The Administrator shall review the amount of these civil penalties annually and will, if appropriate, adjust them by rule.

■ 129. Amend § 578.6 by revising paragraphs (a) through (g), and (i) to read as follows:

§ 578.6 Civil penalties for violations of specified provisions of Title 49 of the United States Code.

(a) *Motor vehicle safety*—(1) *In general.* A person who violates any of sections 30112, 30115, 30117 through 30122, 30123(a), 30125(c), 30127, or 30141 through 30147 of Title 49 of the United States Code or a regulation prescribed under any of those sections is liable to the United States Government for a civil penalty of not more than $21,780 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by any of those sections. The maximum civil penalty under this paragraph for a related series of violations is $108,895,910.

(2) *School buses.* (i) Notwithstanding paragraph (a)(1) of this section, a person who:

(A) Violates section 30112(a)(1) of Title 49 United States Code by the manufacture, sale, offer for sale, introduction or delivery for introduction into interstate commerce, or importation of a school bus or school bus equipment (as those terms are defined in 49 U.S.C. 30125(a)); or

(B) Violates section 30112(a)(2) of Title 49 United States Code, shall be subject to a civil penalty of not more than $12,383 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by this section. The maximum penalty under this paragraph for a related series of violations is $18,574,064.

(3) *Section 30166.* A person who violates Section 30166 of Title 49 of the United States Code or a regulation prescribed under that section is liable to the United States Government for a civil penalty for failing or refusing to allow or perform an act required under that section or regulation. The maximum penalty under this paragraph is $21,780 per violation per day. The maximum penalty under this paragraph for a related series of daily violations is $108,895,910.

(4) *False and misleading reports.* A person who knowingly and willfully submits materially false or misleading information to the Secretary, after certifying the same information as accurate under the certification process established pursuant to Section 30166(o), shall be subject to a civil penalty of not more than $5,332 per day. The maximum penalty under this paragraph for a related series of daily violations is $1,066,340.

(b) *National Automobile Title Information System.* An individual or entity violating 49 U.S.C. Chapter 305 is liable to the United States Government for a civil penalty of not more than $1,739 for each violation.

(c) *Bumper standards.* (1) A person that violates 49 U.S.C. 32506(a) is liable to the United States Government for a civil penalty of not more than $2,852 for each violation. A separate violation occurs for each passenger motor vehicle or item of passenger motor vehicle equipment involved in a violation of 49 U.S.C. 32506(a)(1) or (4)—

(i) That does not comply with a standard prescribed under 49 U.S.C. 32502, or

(ii) For which a certificate is not provided, or for which a false or misleading certificate is provided, under 49 U.S.C. 32504.

(2) The maximum civil penalty under this paragraph (c) for a related series of violations is $3,176,131.

(d) *Consumer information*—(1) *Crashworthiness and damage susceptibility.* A person who violates 49 U.S.C. 32308(a), regarding crashworthiness and damage susceptibility, is liable to the United States Government for a civil penalty of not more than $2,852 for each violation. Each failure to provide information or comply with a regulation in violation of 49 U.S.C. 32308(a) is a separate violation. The maximum penalty under this paragraph for a related series of violations is $1,555,656.

(2) *Consumer tire information.* Any person who fails to comply with the national tire fuel efficiency program under 49 U.S.C. 32304A is liable to the United States Government for a civil penalty of not more than $59,029 for each violation.

(e) *Country of origin content labeling.* A manufacturer of a passenger motor vehicle distributed in commerce for sale in the United States that willfully fails to attach the label required under 49 U.S.C. 32304 to a new passenger motor vehicle that the manufacturer manufactures or imports, or a dealer that fails to maintain that label as required under 49 U.S.C. 32304, is liable to the United States Government for a civil penalty of not more than $1,739 for each violation. Each failure to attach or maintain that label for each vehicle is a separate violation.

(f) *Odometer tampering and disclosure.* (1) A person that violates 49 U.S.C. Chapter 327 or a regulation prescribed or order issued thereunder is liable to the United States Government for a civil penalty of not more than $10,663 for each violation. A separate violation occurs for each motor vehicle or device involved in the violation. The maximum civil penalty under this paragraph for a related series of violations is $1,066,340.

(2) A person that violates 49 U.S.C. Chapter 327 or a regulation prescribed or order issued thereunder, with intent to defraud, is liable for three times the actual damages or $10,663, whichever is greater.

(g) *Vehicle theft protection.* (1) A person that violates 49 U.S.C. 33114(a)(1)–(4) is liable to the United

States Government for a civil penalty of not more than $2,343 for each violation. The failure of more than one part of a single motor vehicle to conform to an applicable standard under 49 U.S.C. 33102 or 33103 is only a single violation. The maximum penalty under this paragraph for a related series of violations is $585,619.

(2) A person that violates 49 U.S.C. 33114(a)(5) is liable to the United States Government for a civil penalty of not more than $173,951 a day for each violation.

* * * * *

(i) *Medium- and heavy-duty vehicle fuel efficiency.* The maximum civil penalty for a violation of the fuel consumption standards of 49 CFR part 535 is not more than $40,852 per vehicle or engine. The maximum civil penalty for a related series of violations shall be determined by multiplying $40, 852 times the vehicle or engine production volume for the model year in question within the regulatory averaging set.

Issued in Washington, DC, under authority delegated at 49 CFR 1.27(n).

Steven G. Bradbury,

General Counsel.

[FR Doc. 2018–24930 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0759; Product Identifier 2018–NM–055–AD; Amendment 39–19501; AD 2018–23–14]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus SAS Model A330–200 series airplanes; Model A330–200 Freighter series airplanes; and Model A330–300 series airplanes. This AD was prompted by revisions to certain airworthiness limitation item (ALI) documents, which specify more restrictive instructions and/or airworthiness limitations. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive instructions and/or airworthiness limitation requirements. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 2, 2019.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of January 2, 2019.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0759.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0759; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus SAS Model A330–200 series airplanes; Model A330–200 Freighter series airplanes; and Model A330–300 series airplanes. The NPRM published in the **Federal Register** on August 24, 2018 (83 FR 42812). The NPRM was prompted by revisions to certain ALI documents, which specify more restrictive instructions and/or airworthiness limitations. The NPRM proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive instructions and/or airworthiness limitation requirements.

We are issuing this AD to address fatigue cracking, accidental damage, or corrosion in principal structural elements, and possible failure of certain life limited parts, which could result in reduced structural integrity of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0034, dated February 5, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for Airbus SAS Model A330–200 series airplanes; Model A330–200 Freighter series airplanes; and Model A330–300 series airplanes. The MCAI states:

> The airworthiness limitations for Airbus A330 and A340 aeroplanes, which are approved by EASA, are currently defined and published in the A330 and A340 ALS document(s). The Safe Life Airworthiness Limitation Items are specified in ALS Part 1. These instructions have been identified as mandatory for continued airworthiness. Failure to accomplish these instructions could result in an unsafe condition.
>
> EASA previously issued [EASA] AD 2014–0009 [which corresponds to FAA AD 2017–10–24, Amendment 39–18898 (82 FR 24035, May 25, 2017) (''AD 2017–10–24'')] to require the implementation of the instructions and airworthiness limitations as specified in Airbus A330 and A340 ALS Part 1 documents at Revision 07.
>
> Since that [EASA] AD was issued, improvement of safe life component selection and life extension campaigns resulted in life limitations changes, among others new or more restrictive life limitations, approved by EASA. Consequently, Airbus successively issued Revision 08 and Revision 09 of the A330 and A340 ALS Part 1, compiling all ALS Part 1 changes approved since previous Revision 07.
>
> In addition, Airbus published Variation 9.2 to remove from ALS Part 1 some life limits connected to a deficiency in the fatigue performance of 300M high strength steel used in forgings. These life limits, applicable only for a specific batch of parts, are required by EASA AD 2017–0185.
>
> For the reason described above, this [EASA] AD retains the requirements of EASA AD 2014–0009, which is superseded, and requires accomplishment of the actions specified in the applicable ALS.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0759.

Comments

We gave the public the opportunity to participate in developing this final rule. We have considered the comments received. The commenter Michael Josefik indicated support for the NPRM.

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

Airbus has issued A330 Airworthiness Limitations Section (ALS) Part 1, Safe Life Airworthiness Limitation Items (SL–ALI), Revision 09, dated September 18, 2017. This service information describes SL–ALI for the landing gear.

Airbus has also issued A330 ALS Part 1, SL–ALI, Variation 9.2, dated November 28, 2017; and A330 ALS Part 1, SL–ALI, Variation 9.3, dated November 29, 2017. This service information describes revised life limits for certain parts. These documents are distinct because they apply to different life limited parts.

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

Costs of Compliance

We estimate that this AD affects 105 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

We have determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although we recognize that this number may vary from operator to operator. In the past, we have estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), we have determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, we estimate the total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–23–14 Airbus SAS: Amendment 39–19501; Docket No. FAA–2018–0759; Product Identifier 2018–NM–055–AD.

(a) Effective Date

This AD is effective January 2, 2019.

(b) Affected ADs

This AD affects AD 2017–10–24, Amendment 39–18898 (82 FR 24035, May 25, 2017) (''AD 2017–10–24'').

(c) Applicability

This AD applies to the Airbus SAS airplanes identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, certificated in any category, with an original certificate of airworthiness or original export certificate of airworthiness issued on or before November 29, 2017.

(1) Airbus SAS Model A330–201, –202, –203, –223, and –243 airplanes.

(2) Airbus SAS Model A330–223F and –243F airplanes.

(3) Airbus SAS Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by revisions to certain airworthiness limitation item (ALI) documents, which specify more restrictive instructions and/or airworthiness limitations. We are issuing this AD to address fatigue cracking, accidental damage, or corrosion in principal structural elements, and possible failure of certain life limited parts, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 90 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the service information identified in paragraphs

(g)(1), (g)(2), and (g)(3) of this AD. The initial compliance times for accomplishing the tasks are at the applicable times specified in the service information identified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD, or within 90 days after the effective date of this AD, whichever occurs later.

(1) Airbus A330 Airworthiness Limitations Section (ALS) Part 1, Safe Life Airworthiness Limitation Items (SL–ALI), Revision 09, dated September 18, 2017.

(2) Airbus A330 ALS Part 1, SL–ALI, Variation 9.2, dated November 28, 2017.

(3) Airbus A330 ALS Part 1, SL–ALI, Variation 9.3, dated November 29, 2017.

(h) Terminating Actions for AD 2017–10–24

Accomplishing the actions required by paragraph (g) of this AD terminates all of the requirements of AD 2017–10–24.

(i) No Alternative Actions or Intervals

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

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(ii) AMOCs approved previously for AD 2017–10–24 are not approved as AMOCs for this AD.

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

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0034, February 5, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0759.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229.

(l) Material Incorporated by Reference

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

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

(i) Airbus A330 Airworthiness Limitations Section (ALS) Part 1, Safe Life Airworthiness Limitation Items (SL–ALI), Revision 09, dated September 18, 2017.

(ii) Airbus A330 ALS Part 1, SL–ALI, Variation 9.2, dated November 28, 2017.

(iii) Airbus A330 ALS Part 1, SL–ALI, Variation 9.3, dated November 29, 2017.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330–A340@airbus.com;* internet *http://www.airbus.com.*

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

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

Issued in Des Moines, Washington, on November 8, 2018.

Chris Spangenberg,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–25392 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0639; Product Identifier 2018–NM–058–AD; Amendment 39–19508; AD 2018–24–04]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus SAS Model A330–200 Freighter, A330–200, and A330–300 series airplanes. This AD was prompted by a revision of a certain airworthiness limitations item (ALI) document, which specifies new or more restrictive maintenance instructions and airworthiness limitations, and a determination that those maintenance instructions and airworthiness limitations are necessary. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive maintenance instructions and airworthiness limitations. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 2, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 2, 2019.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330–A340@airbus.com*; internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0639.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0639; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus SAS Model A330–200 Freighter, A330–200, and A330–300 series airplanes. The NPRM published in the **Federal Register** on August 10, 2018 (83 FR 39633). The NPRM was prompted by a revision of a certain ALI document, which specifies new or more restrictive maintenance instructions and airworthiness limitations, and a determination that those maintenance instructions and airworthiness limitations are necessary. The NPRM proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive maintenance instructions and airworthiness limitations.

We are issuing this AD to address fatigue cracking, damage, and corrosion in principal structural elements; such fatigue cracking, damage, and corrosion could result in reduced structural integrity of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0068, dated March 26, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus SAS Model A330–200 Freighter, A330–200, and A330–300 series airplanes. The MCAI states:

> The airworthiness limitations for Airbus A330 and A340 aeroplanes, which are approved by EASA, are currently defined and published in the A330 and A340 [Airworthiness Limitations Section] ALS document(s). The Damage Tolerant Airworthiness Limitation Items (DT ALI) are specified in the ALS Part 2. These instructions have been identified as mandatory actions for continued airworthiness.
>
> Failure to comply with these instructions could result in an unsafe condition [*i.e.,* fatigue cracking, damage, and corrosion in principal structural elements] which could result in reduced structural integrity of the airplane.
>
> Previously, EASA issued AD 2016–0152 [which corresponds to FAA AD 2017–19–13, Amendment 39–19043 (82 FR 43837, September 20, 2017) (''AD 2017–19–13'')] for A330 and A340 aeroplanes to require accomplishment of all maintenance tasks as described in ALS Part 2 Revision 01 (A330 aeroplanes) and Revision 02 (A340 aeroplanes).
>
> Since that [EASA] AD was issued, Airbus published Revision 02 of the ALS Part 2 for A330 aeroplanes, including new and/or more restrictive items.
>
> For the reason described above, this [EASA] AD takes over the requirements from EASA AD 2016–0152 for A330 aeroplanes, and requires accomplishment of all maintenance tasks as described in the ALS. EASA AD 2016–0152 has been revised accordingly, removing A330 aeroplanes from the Applicability.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0639.

Comments

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

Request To Clarify or Remove Previously Approved Alternative Method of Compliance (AMOC)

American Airlines requested that we clarify the applicability of the AMOC approved in letter AIR–676–18–111 R1, dated January 29, 2018, or remove the previously approved AMOC from the proposed AD. The commenter stated that, as currently written, paragraph (j)(1)(ii) of the proposed AD is confusing because it states that the AMOC approved in letter AIR–676–18–111 R1, dated January 29, 2018, previously approved for AD 2017–19–13, would still be approved for the corresponding provisions of the final rule. The commenter explained that this AMOC is limited to a specific organization and is not applicable to all operators.

We agree with the commenter's request for the reasons provided by the commenter. AMOC letter AIR–676–18–111 R1, dated January 29, 2018, was issued specifically to Singapore Technologies Aerospace Limited and is not a global AMOC. We have revised paragraph (j)(1)(ii) of this AD to clarify that the AMOC granted in letter AIR–676–18–111 R1, dated January 29, 2018, is approved as an AMOC for Model A330–300 series airplanes modified from a passenger to freighter configuration under the provisions of FAA Supplemental Type Certificate ST04038NY.

Conclusion

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

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

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this final rule.

Related Service Information Under 1 CFR Part 51

Airbus SAS has issued Airbus A330 Airworthiness Limitations Section (ALS) Part 2—Damage Tolerant Airworthiness Limitation Items (DT–ALI), Revision 02, Issue 2, dated November 22, 2017. This service information describes maintenance instructions and airworthiness limitations applicable to the DT–ALI. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 105 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

We have determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although we recognize that this number may vary from operator to operator. In the past, we have estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), we have determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, we estimate the total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

products identified in this rulemaking action.

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–24–04 Airbus SAS: Amendment 39–19508; Docket No. FAA–2018–0639; Product Identifier 2018–NM–058–AD.

(a) Effective Date

This AD is effective January 2, 2019.

(b) Affected ADs

This AD affects AD 2017–19–13, Amendment 39–19043 (82 FR 43837, September 20, 2017) (''AD 2017–19–13'').

(c) Applicability

This AD applies to the Airbus SAS airplanes specified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, certificated in any category, with an original certificate of airworthiness or original export certificate of airworthiness issued on or before November 22, 2017.

(1) Model A330–223F and –243F airplanes.

(2) Model A330–201, –202, –203, –223, and –243 airplanes.

(3) Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by a revision of a certain airworthiness limitations item (ALI) document, which specifies new or more restrictive maintenance instructions and airworthiness limitations, and a determination that those maintenance instructions and airworthiness limitations are necessary. We are issuing this AD to address fatigue cracking, damage, and corrosion in principal structural elements; such fatigue cracking, damage, and corrosion could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 90 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Airbus A330 Airworthiness Limitations Section (ALS) Part 2—Damage Tolerant Airworthiness Limitation Items (DT–ALI), Revision 02, Issue 2, dated November 22, 2017. The initial compliance time for accomplishing the tasks is at the applicable times specified in Airbus A330 Airworthiness Limitations Section (ALS) Part 2—Damage Tolerant Airworthiness Limitation Items (DT–ALI), Revision 02, Issue 2, dated November 22, 2017, or within 90 days after the effective date of this AD, whichever occurs later.

(h) No Alternative Actions or Intervals

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

(i) Terminating Action for the Requirements of AD 2017–19–13

Accomplishing the action required by paragraph (g) of this AD terminates all requirements of AD 2017–19–13.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(ii) The AMOC specified in letter AIR–676–18–111 R1, dated January 29, 2018, approved previously for AD 2017–19–13, is approved as an AMOC for the corresponding provisions of this AD for Model A330–300 series airplanes that have been modified from a passenger to freighter configuration under the provisions of FAA Supplemental Type Certificate ST04038NY.

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

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0068, dated March 26, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0639.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229.

(l) Material Incorporated by Reference

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

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

(i) Airbus A330 Airworthiness Limitations Section (ALS) Part 2—Damage Tolerant Airworthiness Limitation Items (DT–ALI),

Revision 02, Issue 2, dated November 22, 2017.

(ii) [Reserved]

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* internet *http://www.airbus.com.*

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

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

Issued in Des Moines, Washington, on November 15, 2018.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–25663 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0489; Product Identifier 2018–NM–001–AD; Amendment 39–19500; AD 2018–23–13]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model 747–8 and 747–8F series airplanes. This AD was prompted by a report that flightcrew oxygen masks did not function as designed during flight testing. This AD requires an inspection to determine if certain oxygen masks/regulators are installed, and replacement if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 2, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 2, 2019.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0489.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0489; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Susan L. Monroe, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3570; email: *susan.l.monroe@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 747–8 and 747–8F series airplanes. The NPRM published in the **Federal Register** on May 30, 2018 (83 FR 24688). The NPRM was prompted by a report that flightcrew oxygen masks did not function as designed during flight testing. The NPRM proposed to require an inspection to determine whether certain oxygen masks/regulators and stowage boxes are installed and replacement if necessary.

We are issuing this AD to address flightcrew oxygen masks/regulators that do not deploy correctly, which could result in a delay for the flightcrew to put on the masks, which may lead to hypoxia and loss of useful consciousness, potentially resulting in loss of control of the airplane.

Comments

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

Request To Include Training for Proper Mask-Packing

Zodiac Aerospace recommended that we revise paragraphs (g) and (h) to include training for proper mask-packing as an alternative to replacement. The commenter stated that if operators have followed proper packing procedures, no equipment change should be required.

Although we acknowledge Zodiac's recommendation, we note that the supplier had previously provided mask-packing training to Boeing, and that trained, certified mask packers had packed the masks that failed. We have determined that mandating a design change is necessary to effectively mitigate the unsafe condition. We have not changed this AD in this regard.

Request To Revise Proposed Parts Installation Limitation

Boeing requested that we revise paragraph (i) of the proposed AD to provide that subsequent changes or modifications may be handled by normal operator procedures without requiring approval of an alternative method of compliance (AMOC) as long as oxygen mask/regulator part number (P/N) MLD20–626–l is not reintroduced as part of the subsequent change. Boeing considered paragraph (i)(3) of the proposed AD to be too restrictive because operators would be burdened with requests for AMOCs for each subsequent change or modification.

We partially agree with the commenter. We agree that options are warranted for operators because the proposed AD was highly restrictive, given the limited nature of the unsafe condition. Therefore, we have revised paragraph (g) of this AD to provide alternative actions to correct the unsafe condition, thereby reducing the need for AMOC requests. We also removed the requirement to inspect for the oxygen mask stowage box because that inspection is no longer needed based on these alternative actions.

However, we disagree with revising or deleting paragraph (i)(3) of this AD because the requirement refers to the dependent relationship between the new mask/regulator part number and the new oxygen mask stowage box part number required by the service information. The installation of oxygen mask/regulator P/N MLD20–726–1 with

any oxygen mask stowage box part number other than P/N MXP806–7 will require FAA approval in accordance with the procedures specified in paragraph (j) of this AD.

Request To Revise the Proposed Applicability To Include a Similar Part

The commenter, DLH/LHT (Deutsche Lufthansa/Lufthansa-Technik), requested that we revise the proposed applicability to include P/N MLC20–626–1 as another affected oxygen mask/regulator in the proposed AD. The commenter stated that P/N MLC20–626–1 is identical to P/N MLD20–626–1, except for the goggles, and that this is why the oxygen mask/regulator shows both of these part numbers on the identification label. The commenter reasoned that an operator tracking the mask under the affected part number only would not be subject to the proposed AD.

We do not agree with the request. We are evaluating the associated risks of P/N MLC20–626–1 in relation to the unsafe condition identified in this AD; however, it is not in the interest of public safety to delay this action further. We might consider additional rulemaking to address our findings. We have not changed this AD in this regard.

Conclusion

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

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

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this final rule.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Special Attention Service Bulletin 747–35–2133, Revision 1, dated November 1, 2017. This service information describes procedures for replacing certain oxygen masks/regulators and stowage boxes. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 18 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	1 work-hour × $85 per hour = $85	$0	$85	$1,530.
Replacement	Up to 6 work-hours × $85 per hour = $510	68,256	Up to $68,766	Up to $1,237,788.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–23–13 The Boeing Company: Amendment 39–19500; Docket No. FAA–2018–0489; Product Identifier 2018–NM–001–AD.

(a) Effective Date

This AD is effective January 2, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 747–8 and 747–8F series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

(e) Unsafe Condition

This AD was prompted by a report that flightcrew oxygen masks did not function as designed during flight testing. We are issuing this AD to address flightcrew oxygen masks/regulators that do not deploy correctly, which could result in a delay for the flightcrew to put on the masks, which may lead to hypoxia and loss of useful consciousness, potentially resulting in loss of control of the airplane.

(f) Compliance

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

(g) Required Actions

For airplanes with an original certificate of airworthiness, or an original export certificate of airworthiness, issued on or before the effective date of this AD: Within 72 months after the effective date of this AD, inspect for oxygen mask/regulator part number (P/N) MLD20–626–1. A review of airplane maintenance records is acceptable in lieu of the part number inspection if the part number of the oxygen mask/regulator can be conclusively determined from that review. If any oxygen mask/regulator P/N MLD20–626–1 is found, within 72 months after the effective date of this AD, do the actions identified in paragraph (g)(1), (g)(2), or (g)(3) of this AD.

(1) Do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–35–2133, Revision 1, dated November 1, 2017, except as provided by paragraph (h) of this AD.

(2) Except as specified in paragraph (i)(3) of this AD: Remove oxygen mask/regulator P/N MLD20–626–1 and install any new or serviceable oxygen mask/regulator that is not P/N MLD20–626–1 and that is FAA approved for installation on the airplane.

Note 1 to paragraphs (g)(2) and (g)(3) of this AD: Guidance for the installation procedures can be found in Boeing Model 747 Aircraft Maintenance Manual (AMM) 35–11–18.

(3) Except as specified in paragraph (i)(3) of this AD: Remove the oxygen mask/regulator P/N MLD20–626–1 and the installed oxygen mask stowage box combination, and install any new or serviceable oxygen mask/regulator and stowage box combination that does not include oxygen mask/regulator P/N MLD20–626–1, and that is FAA approved for installation on the airplane.

(h) Exceptions to Service Information Specifications

Where Boeing Special Attention Service Bulletin 747–35–2133, Revision 1, dated November 1, 2017, refers to or specifies installing a new (or changed) part, for this AD, a new or serviceable (or changed) part is acceptable.

(i) Parts Installation Limitations

(1) For airplanes with an original certificate of airworthiness, or an original export certificate of airworthiness, issued on or before the effective date of this AD: As of the effective date of this AD, no person may install an oxygen mask/regulator P/N MLD20–626–1 on any airplane, except that prior to 72 months after the effective date of this AD, installation of P/N MLD20–626–1 is acceptable for unscheduled maintenance as a replacement only for another P/N MLD20–626–1, and only into a stowage box having P/N MXP806–1. If an oxygen mask/regulator having a part number other than P/N MLD20–626–1 is installed, it may not be replaced with P/N MLD20–626–1. For the purposes of this AD, unscheduled maintenance is defined as maintenance that was not planned for or scheduled in advance, such as changing a defective or unserviceable oxygen mask at dispatch.

(2) For airplanes with an original certificate of airworthiness or an original export certificate of airworthiness issued after the effective date of this AD: As of the effective date of this AD, no person may install oxygen mask/regulator P/N MLD20–626–1 on any airplane.

(3) For all airplanes: As of the effective date of this AD, no person may install oxygen mask/regulator P/N MLD20–726–1 in combination with any stowage box part number that is not P/N MXP806–7 on any airplane.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) Except as required by paragraph (h) of this AD: For service information that contains steps that are labeled as RC, the provisions of paragraphs (j)(4)(i) and (j)(4)(ii) of this AD apply.

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

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

(k) Related Information

(1) For more information about this AD, contact Susan L. Monroe, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3570; email: *susan.l.monroe@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (k)(3) and (k)(4) of this AD.

(l) Material Incorporated by Reference

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

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

(i) Boeing Special Attention Service Bulletin 747–35–2133, Revision 1, dated November 1, 2017.

(ii) [Reserved]

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.*

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

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

Issued in Des Moines, Washington, on November 8, 2018.

Chris Spangenberg,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–25394 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0707; Product Identifier 2018–NM–067–AD; Amendment 39–19509; AD 2018–24–05]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Fokker Services B.V. Model F28 airplanes. This AD was prompted by reports that filters, which are integral to certain T-unions in the landing gear hydraulic control system, disconnected from their housing and, in some cases, migrated. This AD requires replacing certain T-unions with an integral filter with T-unions without an integral filter. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 2, 2019.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of January 2, 2019.

ADDRESSES: For service information identified in this final rule, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com;* internet *http://www.myfokkerfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0707.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0707; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Fokker Services B.V. Model F28 airplanes. The NPRM published in the **Federal Register** on August 13, 2018 (83 FR 39918). The NPRM was prompted by reports that filters, which are integral to certain T-unions in the landing gear hydraulic control system, disconnected from their housing and, in some cases, migrated. The NPRM proposed to require replacing certain T-unions with an integral filter with T-unions without an integral filter.

We are issuing this AD to address flow reduction along the hydraulic circuit and the possible inability to completely extend one or both of the main landing gear legs, which could result in damage to the airplane during landing, and consequent injury to occupants.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0076, dated April 6, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Fokker Services B.V. Model F28 airplanes. The MCAI states:

> With [Fokker Service Bulletins] SBF100–32–095 and SBF28–32–154, Fokker Services introduced the option of installing a T-union with an integral filter into the landing gear hydraulic control system. On some F28 Mark 0070 and Mark 0100 aeroplanes, the affected part was installed on the production line. Since introduction, occurrences were reported where the T-union filter disconnected from its housing, and in some cases migrated. In one occurrence, the migrated filter caused a flow reduction and inability to retract one of the main landing gear (MLG) legs.
>
> This condition, if not corrected, could lead to flow reduction along the hydraulic circuit and inability to completely extend one of the MLG legs, possibly resulting in damage to the aeroplane during landing, and consequent injury to occupants.
>
> To address this potential unsafe condition, Fokker Services issued the applicable SB [Fokker Service Bulletin SBF28–32–166; and Fokker Service Bulletin SBF100–32–170] to provide instructions to replace the affected parts with improved parts. Fokker Services also cancelled the SBs that introduced the affected parts.
>
> For the reason described above, this [EASA] AD requires replacement of the affected parts with T-unions without an integral filter. This [EASA] AD also prohibits the installation of affected parts.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0707.

Comments

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

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

Fokker Services B.V. has issued Service Bulletin SBF28–32–166, dated February 21, 2018; and Service Bulletin SBF100–32–170, dated February 21, 2018. This service information describes procedures for removal of certain T-unions with an integral filter and installation of T-unions without an integral filter. These documents are distinct since they apply to different airplane models in different configurations. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 4 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
10 work-hour × $85 per hour = $850	$1,038	$1,888	$7,552

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–24–05 Fokker Services B.V.: Amendment 39–19509; Docket No. FAA–2018–0707; Product Identifier 2018–NM–067–AD.

(a) Effective Date

This AD is effective January 2, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Fokker Services B.V. Model F28 Mark 0070, 0100, 1000, 2000, 3000, and 4000 airplanes, certificated in any category, all manufacturer serial numbers.

(d) Subject

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

(e) Reason

This AD was prompted by reports that filters, which are integral to certain T-unions in the landing gear hydraulic control system, disconnected from their housing and, in some cases, migrated. We are issuing this AD to address flow reduction along the hydraulic circuit and the possible inability to completely extend one or both of the main landing gear legs, which could result in damage to the airplane during landing, and consequent injury to occupants.

(f) Compliance

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

(g) Definitions

For the purposes of this AD, the definitions in paragraphs (g)(1) through (g)(3) inclusive apply.

(1) An affected part is any hydraulic T-union with an integral filter, having part number (P/N) QA07596 or P/N QA07597, installed on the production line or introduced in-service by Fokker Service Bulletin SBF100–32–095 or Fokker Service Bulletin SBF28–32–154, as applicable.

(2) Group 1 airplanes are those that have an affected part installed.

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

(h) Required Actions

For Group 1 airplanes, within 24 months after the effective date of this AD, modify the airplane in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF28–32–166, dated February 21, 2018; or Fokker Service Bulletin SBF100–32–170, dated February 21, 2018; as applicable. The corresponding part numbers of affected (old) parts and replacement (new) parts are specified in figure 1 to paragraph (h) of this AD.

Figure 1 to paragraph (h) of this AD – *Affected and replacement part numbers*

Airplane Model	Affected T-union P/N	Replacement T-union P/N
F28 Mark 1000, Mark 2000, Mark 3000, and Mark 4000 (all variants)	P/N QA07597	P/N A71051-027
F28 Mark 0070 and Mark 0100	P/N QA07597	P/N A71051-027
	P/N QA07596	P/N AS1005D060608

(i) Parts Installation Prohibition

No person may install an affected part on any airplane, as of the time specified in paragraph (i)(1) or (i)(2) of this AD, as applicable.

(1) For Group 1 airplanes: After modification of the airplane as required by paragraph (h) of this AD.

(2) For Group 2 airplanes: From the effective date of this AD.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0076, dated April 6, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0707.

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

(l) Material Incorporated by Reference

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

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

(i) Fokker Service Bulletin SBF28–32–166, dated February 21, 2018.

(ii) Fokker Service Bulletin SBF100–32–170, dated February 21, 2018.

(3) For service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com*; internet *http://www.myfokkerfleet.com.*

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

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

Issued in Des Moines, Washington, on November 15, 2018.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–25662 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0975; Product Identifier 2018–NE–06–AD; Amendment 39–19492; AD 2018–20–03 R1]

RIN 2120–AA64

Airworthiness Directives; Hoffmann GmbH & Co. KG Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are revising airworthiness directive (AD) 2018–20–03 for certain Hoffmann GmbH & Co. KG (Hoffmann) model HO–V 62 propellers. AD 2018–20–03 required removal of the affected propeller blades and installation of modified propeller blades marked with a change letter ''A'' or ''B'' suffix. This AD requires the removal and replacement of the affected propeller blades and installation of modified propeller blades marked with a change letter ''A'' or ''B'' suffix. This AD was prompted by a determination that the applicability and installation prohibition paragraphs of AD 2018–20–03 were incorrect. We inadvertently included all Hoffmann model HO–V 62 propeller blades that did not have a change letter ''A'' or ''B'' suffix added to the serial number (S/N) and marked on the blade in the applicability and installation prohibition paragraphs of AD 2018–20–03. Only Hoffmann model HO–V 62 propellers with certain S/Ns without a change letter ''A'' or ''B'' suffix are affected. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective December 12, 2018.

We must receive any comments on this AD by January 11, 2019.

ADDRESSES: You may send comments, using the procedures found in 14 CFR

11.43 and 11.45, by any of the following methods:

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

For service information identified in this AD, contact Hoffmann Propeller GmbH & Co. KG, Sales and Service, Küpferlingstrasse 9, 83022 Rosenheim, Germany; phone: +49 (0) 8031 1878 0; fax: +49 (0) 8031 1878 78; email: *info@hoffmann-prop.com.* You may view this service information at the FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA, 01803. For information on the availability of this material at the FAA, call 781–238–7759. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0975.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0975; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information, regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Maureen Maisttison, Aerospace Engineer, Boston ACO Branch, FAA, 1200 District Ave, Burlington, MA, 01803; phone: 781–238–7076; fax: 781–238–7898; email: *maureen.maisttison@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued AD 2018–20–03, Amendment 39–19437 (83 FR 50821, October 10, 2018), (''AD 2018–20–03''), for Hoffmann model HO–V 62 propellers. AD 2018–20–03 required removal of the affected propeller blades and installation of modified propeller blades marked with a change letter ''A'' or ''B'' suffix. AD 2018–20–03 resulted from the failure of the propeller blade lag screws. We issued AD 2018–20–03 to prevent failure of the propeller.

Actions Since AD 2018–20–03 Was Issued

Since we issued AD 2018–20–03, we determined that we inadvertently included all Hoffmann S/N model HO–V 62 propeller blades without a change letter ''A'' or ''B'' suffix in the applicability and installation prohibition paragraphs of this AD. This AD corrects the applicability and installation prohibition paragraphs to affect only Hoffmann model HO–V 62 propeller blades with S/N 1 to 6049, inclusive. We are issuing this AD to address the unsafe condition on these products.

Related Service Information

We reviewed Hoffmann Propeller GmbH & Co. KG Service Bulletin (SB) E34 Rev. B, dated September 18, 2017. The SB describes the instructions for the removal and installation of the propeller blades. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

This product has been approved by the European Aviation Safety Agency (EASA), and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all the relevant information provided by EASA and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

AD Requirements

This AD requires removal of the affected propeller blades and installation of modified propeller blades marked with a change letter ''A'' or ''B'' suffix.

FAA's Justification and Determination of the Effective Date

We are revising AD 2018–20–03 to correct the applicability and installation prohibition paragraphs, which were overly inclusive. We also reduced the compliance time in this AD to align more closely with the effective compliance time in AD 2018–20–03. We previously provided notice and an opportunity to comment on the substance of this rulemaking and received no comments. Therefore, we find that notice and opportunity for prior public comment are unnecessary and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, we invite you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2018–0975 and product identifier 2018–NE–06–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this final rule. We will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Costs of Compliance

We estimate that this AD affects 50 propellers installed on airplanes of U.S. registry.

We estimate that 25 propellers will need to be replaced between overhaul and 25 propellers will need to be replaced at overhaul to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace blades between overhaul	3 work-hours × $85 per hour = $255	$3,150	$3,405	$85,125
Replace blades at overhaul	0 work-hours × $85 per hour = $0	3,150	3,150	78,750

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends part 39 of the Federal Aviation Regulations (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) 2018–20–03, Amendment 39–19437 (83 FR 50821, October 10, 2018), and adding the following new AD:

2018–20–03 R1 Hoffmann GmbH & Co. KG: Amendment 39–19492; Docket No. FAA–2018–0975; Product Identifier 2018–NE–06–AD.

(a) Effective Date

This AD is effective December 12, 2018.

(b) Affected ADs

This AD replaces AD 2018–20–03, Amendment 39–19437 (83 FR 50821, October 10, 2018).

(c) Applicability

This AD applies to Hoffmann GmbH & Co. KG (Hoffmann) model HO–V 62 propellers with a propeller blade serial number (S/N) 1 to 6049, inclusive. Hoffmann model HO–V 62 propeller blades marked with the change letter ''A'' or ''B'' suffix to the S/N are not affected by this AD.

(d) Subject

Joint Aircraft System Component (JASC) Code 6110, Propeller Assembly.

(e) Unsafe Condition

This AD was prompted by the failure of the propeller blade lag screws. We are issuing the AD to prevent failure of the propeller. The unsafe condition, if not addressed, could result in the release of the propeller blade, damage to the aircraft, and injury and/or loss of life.

(f) Compliance

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

(g) Required Actions

Within 15 days after the effective date of this AD, remove the affected propeller blades and install modified Hoffmann propeller blades marked with a change letter ''A'' or ''B'' suffix to the S/N marked on the blade.

(h) Installation Prohibition

After the effective date of this AD, do not install a Hoffmann model HO–V 62 propeller with a propeller blade S/N 1 to 6049 if it is not marked with a change letter ''A'' or ''B'' suffix to the S/N marked on the blade.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Boston ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD.

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

(j) Related Information

(1) For more information about this AD, contact Maureen Maisttison, Aerospace Engineer, Boston ACO Branch, FAA, 1200 District Ave., Burlington, MA 01803; phone: 781–238–7076; fax: 781–238–7898; email: *maureen.maisttison@faa.gov.*

(2) Refer to European Aviation Safety Agency (EASA) AD 2017–0220, dated November 10, 2017, for more information. You may examine the EASA AD in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2018–0975.

(k) Material Incorporated by Reference

None.

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

Robert J. Ganley,

Manager, Engine & Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2018–25780 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0760; Product Identifier 2018–NM–095–AD; Amendment 39–19506; AD 2018–24–02]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Dassault Aviation Model MYSTERE-FALCON 50, MYSTERE-FALCON 900, and FALCON 900EX airplanes. This AD was prompted by reports of cracked reinforcing straps (doublers) on the ailerons of airplanes equipped with blended winglets. This AD requires repetitive detailed inspections for cracking of the upper and lower reinforcing straps on the ailerons, and replacement if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 2, 2019.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of January 2, 2019.

ADDRESSES: For service information identified in this final rule, contact Aviation Partners, Inc., 7299 Perimeter Road South, Seattle, WA 98108–3812; phone: 206–762–1171; email: *mwilliams@winglets.com;* internet: *http://www.aviationpartners.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0760.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0760; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Michael Bumbaugh, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3522; email: *Michael.Bumbaugh@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Dassault Aviation Model MYSTERE-FALCON 50, MYSTERE-FALCON 900, and FALCON 900EX airplanes. The NPRM published in the **Federal Register** on August 24, 2018 (83 FR 42810). The NPRM was prompted by reports of cracked reinforcing straps (doublers) on the ailerons of airplanes equipped with blended winglets. The NPRM proposed to require repetitive detailed inspections for cracking of the upper and lower reinforcing straps on the ailerons, and replacement if necessary.

We are issuing this AD to address cracking of aileron reinforcing straps, which could lead to fatigue cracking of the ailerons and subsequent loss of control of the airplane.

Comments

We gave the public the opportunity to participate in developing this final rule. We have considered the comment received. The commenter, Sean Sullivan, indicated support for the NPRM.

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Aviation Partners, Inc., Falcon Service Bulletin SBF9–17–001, Revision B, dated December 20, 2017. This service information describes procedures for detailed inspections for any signs of cracking of the external upper and lower reinforcing straps on the left-hand (LH) and right-hand (RH) ailerons.

We also reviewed Aviation Partners, Inc., Falcon Service Bulletin SBF9–17–002, Revision A, dated December 20, 2017. This service information describes procedures for replacing the external upper and lower reinforcing straps on the LH and RH ailerons.

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

Costs of Compliance

We estimate that this AD affects 70 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Repetitive inspections ...	1 work-hour × $85 per hour = $85 per inspection cycle.	$0	$85 per inspection cycle.	$5,950 per inspection cycle.

ESTIMATED COSTS FOR OPTIONAL ACTIONS

Action	Labor cost	Parts cost	Cost per product
Replacement (4 doublers)	32 work-hours × $85 per hour = $2,720	$4,540	$7,260

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement (per doubler) ..	8 work-hours × $85 per hour = $680 (per doubler)	$1,135 (per doubler)	$1,815 (per doubler).

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–24–02 Dassault Aviation: Amendment 39–19506; Docket No. FAA–2018–0760; Product Identifier 2018–NM–095–AD.

(a) Effective Date

This AD is effective January 2, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Dassault Aviation Model MYSTERE–FALCON 50, MYSTERE–FALCON 900, and FALCON 900EX airplanes equipped with blended winglets installed in accordance with the supplemental type certificate (STC) specified in paragraph (c)(1) or (c)(2) of this AD, as applicable.

(1) For Model MYSTERE–FALCON 50 airplanes: STC ST02241SE.

(2) For Model MYSTERE–FALCON 900 and FALCON 900EX airplanes: STC ST02188SE.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of cracked reinforcing straps (doublers) on the left-hand (LH) and right-hand (RH) ailerons of airplanes equipped with blended winglets. We are issuing this AD to address cracking of aileron reinforcing straps, which could lead to fatigue cracking of the ailerons and subsequent loss of control of the airplane.

(f) Compliance

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

(g) Repetitive Inspections and Corrective Action

Within 8 months or 400 flight hours (FH), whichever occurs first, after the effective date of this AD, and thereafter at intervals not to exceed 8 months or 400 FH, whichever occurs first: Do a detailed inspection for cracking of the upper and lower reinforcing straps of the LH and RH ailerons, in accordance with the Accomplishment Instructions of Aviation Partners, Inc., Falcon Service Bulletin SBF9–17–001, Revision B, dated December 20, 2017. If any cracked aileron reinforcing strap is found, before further flight: Replace the reinforcing strap with a new part, in accordance with the Accomplishment Instructions of Aviation Partners, Inc., Falcon Service Bulletin SBF9–17–002, Revision A, dated December 20, 2017.

(h) Terminating Action for Repetitive Inspections

Replacement of any aileron reinforcing strap with a new part, in accordance with the Accomplishment Instructions of Aviation Partners, Inc., Falcon Service Bulletin SBF9–17–002, Revision A, dated December 20, 2017, constitutes terminating action for the repetitive inspections required by paragraph (g) of this AD for that part only.

(i) Credit for Previous Actions

(1) This paragraph provides credit for the inspections specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Aviation Partners, Inc., Falcon Service Bulletin SBF9–17–001, dated March 3, 2017; or Aviation Partners, Inc., Falcon Service Bulletin SBF9–17–001, Revision A, dated April 4, 2017.

(2) This paragraph provides credit for the replacement specified in paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using Aviation Partners, Inc., Falcon Service Bulletin SBF9–17–002, dated March 7, 2017.

(j) No Reporting Requirement and No Parts Return

(1) Although Aviation Partners, Inc., Falcon Service Bulletin SBF9–17–001, Revision B, dated December 20, 2017; and Aviation Partners, Inc., Falcon Service Bulletin SBF9–17–002, Revision A, dated December 20, 2017; specify to submit certain

information to the manufacturer, this AD does not include that requirement.

(2) Although Aviation Partners, Inc., Falcon Service Bulletin SBF9–17–002, Revision A, dated December 20, 2017, specifies salvaging and returning a damaged strap to Aviation Partners, Inc., this AD does not include that requirement.

(k) Alternative Methods of Compliance (AMOCs)

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

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

(l) Related Information

(1) For more information about this AD, contact Michael Bumbaugh, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3522; email: *Michael.Bumbaugh@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (m)(3) and (m)(4) of this AD.

(m) Material Incorporated by Reference

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

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

(i) Aviation Partners, Inc., Falcon Service Bulletin SBF9–17–001, Revision B, dated December 20, 2017.

(ii) Aviation Partners, Inc., Falcon Service Bulletin SBF9–17–002, Revision A, dated December 20, 2017.

(3) For service information identified in this AD, contact Aviation Partners, Inc., 7299 Perimeter Road South, Seattle, WA 98108–3812; phone: 206–762–1171; email: *mwilliams@winglets.com;* internet: *http://www.aviationpartners.com.*

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

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

Issued in Des Moines, Washington, on November 15, 2018.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–25661 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2017–0597; FRL–9986–49–Region 10]

Air Plan Approval; AK: Fine Particulate Matter Infrastructure Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Whenever the Environmental Protection Agency (EPA) promulgates a new or revised National Ambient Air Quality Standard (NAAQS), the Clean Air Act (CAA) requires each state to make a State Implementation Plan (SIP) submission establishing that the SIP provides for the implementation, maintenance, and enforcement of the new or revised NAAQS, commonly referred to as infrastructure requirements. The EPA is approving the Alaska SIP as meeting specific infrastructure requirements for the 1997, 2006, and 2012 fine particulate matter ($PM_{2.5}$) NAAQS.

DATES: This final rule is effective December 27, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2017–0597. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at *https://www.regulations.gov,* or please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Kristin Hall at (206) 553–6357 or *hall.kristin@epa.gov.*

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

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I. Background Information

On March 10, 2016, Alaska submitted a SIP submission to address the infrastructure SIP requirements for the 2012 $PM_{2.5}$ NAAQS, in addition to outstanding 1997 and 2006 $PM_{2.5}$ NAAQS infrastructure elements not included in prior submissions. On January 23, 2018, the EPA proposed to approve the Alaska infrastructure SIP submission as meeting the following CAA section 110(a)(2) infrastructure elements for the 2012 $PM_{2.5}$ NAAQS: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (H), (J), (K), (L), and (M). We also proposed to approve Alaska's March 2016 infrastructure SIP submission as meeting the requirements of CAA section 110(a)(2)(G) for the 1997, 2006, and 2012 $PM_{2.5}$ NAAQS (83 FR 3101). The public comment period for our proposed action ended on February 22, 2018.

II. Response to Comments

A. Summary of Comments

We received 13 adverse comments, all of which appear to be from citizens living in North Pole, Alaska, part of the Fairbanks North Star Borough (FNSB) nonattainment area.[1] Commenters expressed concerns about the local burn curtailment program and how FNSB implemented the program in the nonattainment area this past winter. The program was developed by FNSB, submitted to the EPA by the Alaska Department of Environmental Conservation (ADEC), and approved by the EPA into the Alaska SIP on September 8, 2017, as part of the FNSB Moderate 2006 24-hour $PM_{2.5}$ NAAQS nonattainment plan (82 FR 42457).

Most of these commenters did not provide details about how their concerns warrant approval or disapproval of specific infrastructure SIP elements. The EPA does not consider comments on the advisability of FNSB control measures in the existing SIP to be within the scope of issues subject to public comment in this infrastructure SIP action. The provisions in question were previously approved into the SIP as part of the FNSB

[1] *See* 40 CFR 81.302. A portion of the FNSB is designated nonattainment for the 2006 24-hour $PM_{2.5}$ NAAQS. The entire state of Alaska is designated unclassifiable/attainment for the 2012 annual $PM_{2.5}$ NAAQS.

Moderate 2006 24-hour $PM_{2.5}$ NAAQS nonattainment plan, and we are not in this action (which approves the Alaska SIP as meeting specific infrastructure requirements for the 1997, 2006, and 2012 $PM_{2.5}$ NAAQS) revisiting our prior decision. Likewise, comments on potential future control measures that have not been submitted to the EPA for SIP approval are outside the scope of this action.

One commenter did include detailed information supporting their assertion that the EPA should not approve certain infrastructure SIP elements in this action, and we have responded to the commenter's assertions below.

B. EPA Responses

1. CAA Section 110(a)(2)(A)—Emission Limits

One commenter stated that CAA section 110(a)(2)(A) requires SIPs to include enforceable emission limits, but the ''FNSB has set a standard for home wood burning devices that is much more strict than the EPA requires.'' The commenter included a link to the ADEC web page comparing the EPA's 2015 New Source Performance Standards (NSPS) for Residential Wood Heaters to Alaska regulations addressing solid fuel-fired heating device emission standards, specifically, regulations set forth in Alaska Administrative Code (AAC) at 18 AAC 50.077 and 18 AAC 50.079.[2] The commenter alleged that the Alaska standards are more stringent than the EPA's NSPS and concluded that the Alaska standards are, therefore, an unenforceable emission limit under CAA section 110(a)(2)(A).

The EPA disagrees with this comment for a number of reasons. First, CAA section 110(a)(2)(A) requires SIPs to include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of the CAA. In the context of an infrastructure SIP submission for a new or revised NAAQS, however, the EPA is not evaluating the substantive merit of existing control measures in the SIP, unlike the evaluation of such measures in a nonattainment plan SIP submission. For an infrastructure SIP submission, the EPA interprets section 110(a)(2)(A) to require states to make a submission that identifies the existing measures in their SIPs that are relevant to the NAAQS at issue, as the first step in their planning for implementation of a new or revised NAAQS.[3] These infrastructure SIP submissions should identify enforceable control measures as part of the demonstration that the State has the available tools and authority to develop and implement plans to attain and maintain the NAAQS.

The EPA's longstanding position is that infrastructure SIPs are statewide planning SIPs to implement, maintain, and enforce a NAAQS in general, and are not detailed attainment and maintenance plans for an individual area of a state.[4] Infrastructure SIPs are due within three years of adoption or revision of a particular NAAQS, according to CAA sections 110(a)(1) and (2). The separate nonattainment plan SIP submissions to address the emission limits and other control measures needed to attain a particular NAAQS in an area designated nonattainment are due on a separate schedule, pursuant to CAA section 172 and the various pollutant-specific subparts 2 through 5 of part D.[5]

Second, the EPA disagrees because the comment is not germane to this action on the State's infrastructure SIP submission. The commenter's assertions focus on control measures already established by the State in 18 AAC 50.077 and 18 AAC 50.079 to attain the 2006 24-hour $PM_{2.5}$ NAAQS in the FNSB nonattainment area. On September 8, 2017, the EPA approved 18 AAC 50.077 as an appropriate control measure for the area and we are not revisiting our prior decision.[6] The EPA already addressed the substance and validity of the control measures, and the need for such measures to help reach attainment of the NAAQS in the FNSB area in that prior action. We note that the standards in 18 AAC 50.079 have not been submitted by Alaska to the EPA and are therefore outside the scope of this action.

Third, the EPA does not agree that it is appropriate to compare the stringency of an NSPS with the stringency of other forms of control measures that may be necessary for a given source category. The NSPS for woodstoves focuses on emission reductions achievable through redesign of new woodstoves to reduce emissions. By contrast, potential SIP control measures can, and may be required to, achieve emission reductions by other means such as requirements to burn dry wood, opacity standards, curtailment programs, or other mechanism to reduce emissions from both new and existing sources, perhaps over and above what may result from the NSPS alone. The commenter incorrectly presumes that an NSPS is necessarily the proper point of comparison for the validity of SIP provisions to address emissions from woodstoves.

Fourth, the EPA disagrees with the premise that states cannot regulate a source category more stringently than may be required in a Federal regulation. In enacting section 110 of the CAA, Congress gave states the lead in developing plans to implement, maintain, and enforce the NAAQS. The EPA's role is to review and approve state choices if they meet the *minimum* criteria of the CAA. *See* 42 U.S.C. 7410(k) and 40 CFR 52.02(a). There is nothing in the CAA that prevents SIP provisions from being more stringent than Federal NSPS standards. To the contrary, CAA section 116 explicitly authorizes states to regulate sources more stringently than the EPA does through Federal regulations. More importantly, states have the obligation to regulate sources as necessary to meet nonattainment area plan stringency requirements, such as reasonably- and best available control measures, and the obligation to regulate sources as necessary to attain the NAAQS in a given nonattainment area. Thus, the fact that 18 AAC 50.077 may be more stringent than the NSPS for home heating devices does not make it unenforceable.

Finally, we note that Alaska's infrastructure SIP submission established that the State has a program for implementation, maintenance, and enforcement of the 2012 $PM_{2.5}$ NAAQS that covers a range of relevant sources of emissions. As discussed in the proposed action, Alaska regulates emissions of $PM_{2.5}$ and its precursors through the SIP-approved major and minor new source review (NSR) permitting programs, most recently updated on August 28, 2017 (82 FR 40712). In addition to permitting requirements, Alaska's SIP contains other rules that limit particulate matter emissions. These rules include incinerator emission standards,

[2] *http://burnwise.alaska.gov/standards.htm.*

[3] *See* August 14, 2015, final rule approving Indiana and Ohio infrastructure SIPs (80 FR 48733 at pages 48737–48738).

[4] *See* detailed discussion of the scope of infrastructure SIP actions in the July 20, 2016, proposed rule on the Alaska SIP with respect to infrastructure requirements (81 FR 47103, at page 47104).

[5] *See* 2013 infrastructure guidance: Stephen D. Page, Director, Office of Air Quality Planning and Standards. ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2).'' Memorandum to EPA Air Division Directors, Regions 1–10, September 13, 2013.

[6] *See* September 8, 2017, final rule (82 FR 42457) and February 2, 2017, proposed rule (82 FR 9035 at pages 9045–9046).

emission limits for specific industrial processes and fuel burning equipment, open burning restrictions, visible emission limits on marine vessel emissions, and requirements for installing and operating solid fuel-fired devices.

We continue to find that the Alaska infrastructure SIP submission meets the requirements of CAA section 110(a)(2)(A) for purposes of the 2012 $PM_{2.5}$ NAAQS and we are finalizing our proposed approval. To the extent that additional control measures are necessary to meet other requirements, such as control measures necessary to reach attainment of the NAAQS in the FNSB nonattainment area in a nonattainment plan SIP submission, Alaska and the EPA will address that in subsequent actions.

2. CAA Sections 110(a)(2)(B) and (K)—Monitoring and Modeling

The commenter asserted that the regulatory monitor at Hurst Road in North Pole, Alaska ''routinely records the highest levels of $PM_{2.5}$ seen in the nation, while devices nearby record normal levels of $PM_{2.5}$.'' The commenter concluded that ''the FNSB is using faulty air quality parameters'' that are being used to dictate the strategy for the nonattainment area and that the State has failed to meet CAA sections 110(a)(2)(B) and (K).

The EPA disagrees that the relative levels of ambient $PM_{2.5}$ at monitors in the FNSB affects the approvability of the infrastructure SIP submission. In the context of an infrastructure SIP submission, the EPA interprets CAA section 110(a)(2)(B) to require states to have SIP provisions to provide for the establishment and operation of ambient air quality monitors, collecting and analyzing ambient air quality data, and making these data available to the EPA upon request. In our proposed action, we stated that Alaska has a comprehensive air quality monitoring plan, originally approved by the EPA into the Alaska SIP on April 15, 1981 (46 FR 21994). We also determined that the plan includes statutory and regulatory authority to establish and operate an air quality monitoring network, including $PM_{2.5}$ monitoring (January 23, 2018; 83 FR 3101, at page 3103). In practice, Alaska operates a comprehensive $PM_{2.5}$ monitoring network, compiles and analyzes collected data, and submits the data to the EPA's Air Quality System on a quarterly basis.

With respect to monitor siting, Alaska regularly assesses the adequacy of the State monitoring network and submits that assessment to the EPA for review. The most recent Alaska network assessment is available at *http://dec.alaska.gov/air/air-monitoring/network-assessments.* The fact that a single monitor records ambient $PM_{2.5}$ values higher than monitors in surrounding areas does not establish that the monitoring data is inaccurate. The EPA's network design criteria are found in Appendix D to 40 CFR part 58. The fine particulate matter design criteria for state and local air monitors, at paragraph 4.7 of the Appendix, directs states to appropriately monitor the area of maximum concentration. We continue to find that Alaska has met the infrastructure SIP monitoring requirement of CAA section 110(a)(2)(B) for the 2012 $PM_{2.5}$ NAAQS and we are finalizing our proposed approval with respect to this requirement.

In the context of an infrastructure SIP submission, the EPA interprets CAA section 110(a)(2)(K) to require that SIPs provide for the performance of air quality modeling as may be prescribed by the EPA, and the submission of that modeling data by states to the EPA as required or upon request. In our proposed action, we stated that Alaska's SIP meets the infrastructure SIP requirements for modeling because, as stated in the submission, Alaska incorporates the EPA's Guideline on Air Quality Models into the SIP at 18 AAC 50.040 and requires its use based on 18 AAC 50.215 *Ambient Air Quality Analysis Methods.*

Beyond alleging that ''the FNSB is using faulty air quality parameters,'' the commenter did not specify why they felt the Alaska SIP failed to meet CAA section 110(a)(2)(K) for the 2012 $PM_{2.5}$ NAAQS. We continue to find that the Alaska SIP provides the necessary authority to perform required air quality modeling and to submit that data to the EPA.[7] Therefore, we are finalizing our proposed approval of the infrastructure SIP submission with respect to CAA section 110(a)(2)(K) for the 2012 $PM_{2.5}$ NAAQS.

3. CAA section 110(a)(2)(C)—Enforcement

The commenter alleged that the FNSB cannot enforce wood burning curtailment as a practical matter and pointed to public statements that the FNSB has found ''very low compliance'' but has issued ''only one citation.'' The commenter concluded that the program is unenforceable and that the State has failed to meet CAA section 110(a)(2)(C) with respect to enforcement.

In the context of an infrastructure SIP submission, the EPA interprets CAA section 110(a)(2)(C) to require, among other things, a program providing for enforcement of all SIP measures. As stated in the infrastructure SIP submission, Alaska statute provides ADEC authority to enforce air quality regulations, permits, and orders promulgated pursuant to AS 46.03 and AS 46.14. ADEC staffs and maintains an enforcement program to ensure compliance with SIP requirements. ADEC has emergency order authority when there is an imminent or present danger to health or welfare or potential for irreversible or irreparable damage to natural resources or the environment. Enforcement cases may be referred to the State Department of Law. Therefore, we proposed to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(C) related to enforcement for the 2012 $PM_{2.5}$ NAAQS.

The commenter asserted that the FNSB burn curtailment program is unenforceable and that the EPA should therefore disapprove the infrastructure SIP submission with respect to CAA section 110(a)(2)(C). The EPA disagrees that the amount or type of enforcement of a SIP provision necessarily affects the approvability of an infrastructure SIP submission. In the context of evaluating an infrastructure SIP submission, the EPA is focused upon the facial sufficiency of the State's SIP and does not evaluate issues related to the State's implementation of the SIP. The EPA has other authority to take action, in the event the State is actually failing to implement its SIP, such as the issuance of a finding of failure to implement or a SIP call. In this instance, the comment also relates to the State's exercise of enforcement discretion, rather than to the facial sufficiency of the State's SIP with respect to enforcement authority.

As stated in our proposal, the SIP contains the required statutory authority to enforce air quality regulations, permits, and orders.[8] We continue to find that the Alaska SIP meets the infrastructure requirements of CAA section 110(a)(2)(C) for the 2012 $PM_{2.5}$ NAAQS and we are finalizing our proposed approval.

4. CAA section 110(a)(2)(G)—Emergency Episodes

The commenter stated that ''the emergency episode plan for FNSB is not sustainable'' and specifically referred to a voter initiative to remove wood

[7] *See* 2013 infrastructure guidance at page 55: Stephen D. Page, Director, Office of Air Quality Planning and Standards. ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2).'' Memorandum to EPA Air Division Directors, Regions 1–10, September 13, 2013.

[8] January 23, 2018; 83 FR 3101, pages 3103–3104.

burning from FNSB regulatory oversight. The commenter also alleged that the FNSB is using the SIP emergency episode plan ''as a surrogate for its own desires to limit wood burning.'' The commenter therefore argued that the State has failed to meet 110(a)(2)(G) infrastructure requirements.

In the context of an infrastructure SIP submission, the EPA interprets CAA section 110(a)(2)(G) to require two things: (1) States must have general emergency authority to address activities causing imminent and substantial endangerment to public health, and (2) if the area has high ambient $PM_{2.5}$ concentrations in the past, a contingency plan in their SIPs to achieve emission reductions in the event of an emergency episode.

In the March 10, 2016, infrastructure submission, with respect to general emergency authority, Alaska cited to Alaska Statute (AS) 46.03.820 *Emergency powers,* which provides ADEC with emergency order authority where there is an imminent or present danger to the health or welfare of the people of the state or would result in or be likely to result in irreversible or irreparable damage to the natural resources or environment. In addition, with respect to a contingency plan to achieve emission reductions in the event of an emergency episode, Alaska referenced State-wide emergency episode rules at 18 AAC 50.246 *Air Quality Episodes and Advisories for* $PM_{2.5}$. These rules authorize ADEC to declare an air alert, air warning, or air advisory to notify the public and prescribe and publicize curtailment action, including imposition of restrictions on open burning under 18 AAC 50.065 and limits on visible emissions from solid fuel-fired heating devices under 18 AAC 50.075. The submission also noted that the FNSB developed a local emergency episode plan for $PM_{2.5}$ applicable in the FNSB area, and the State adopted the plan into the Alaska SIP at 18 AAC 50.030.

On January 23, 2018, the EPA proposed to find that AS 46.03.820 *Emergency powers* provides emergency order authority comparable to CAA section 303.[9] We also proposed to find that Alaska's State-wide emergency episode rules are consistent with the requirements of 40 CFR part 51 subpart H for $PM_{2.5}$ (prevention of air pollution emergency episodes, sections 51.150 through 51.153).[10] These State-wide, SIP-approved regulations and statute continue to meet the CAA section 110(a)(2)(G) emergency episode infrastructure requirements. Therefore, we are finalizing our proposed approval of the Alaska SIP as meeting CAA section 110(a)(2)(G) for the 1997, 2006, and 2012 $PM_{2.5}$ NAAQS.

III. Final Action

We are approving the Alaska SIP as meeting the following CAA section 110(a)(2) infrastructure elements for the 2012 $PM_{2.5}$ NAAQS: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (H), (J), (K), (L), and (M). We are also approving the Alaska SIP as meeting CAA section 110(a)(2)(G) for the 1997, 2006, and 2012 $PM_{2.5}$ NAAQS. This action is being taken under section 110 of the CAA.

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 CAA 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 approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 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 the 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).

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 28, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

[9] January 23, 2018; 83 FR 3101, page 3106.

[10] 18 AAC 50.246 *Air Quality Episodes and Advisories for* $PM_{2.5}$, in conjunction with 18 AAC 50.065 *Open Burning* and 18 AAC 50.075 *Solid Fuel-Fired Device Visible Emission Standards,* most recently approved by the EPA on September 8, 2017 (82 FR 40712).

List of Subjects in 40 CFR Part 52

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

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

Dated: November 2, 2018.

Chris Hladick,

Regional Administrator, Region 10.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart C—Alaska

■ 2. In § 52.70, the table in paragraph (e) is amended by:

■ a. Revising entry III.II.D.; and

■ b. Adding entries ''Infrastructure Requirements—2012 $PM_{2.5}$ NAAQS'' and ''Infrastructure Requirements—1997, 2006, and 2012 $PM_{2.5}$ NAAQS'' after entry ''Interstate Transport Requirements—2010 SO_2 NAAQS''.

The revision and additions read as follows:

§ 52.70 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED ALASKA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

Name of SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Explanations
* *	*	*	*	* *
State of Alaska Air Quality Control Plan: Volume III. Appendices				
Section II State Air Quality Control Program				
* *	*	*	*	* *
III.II.D. CAA Section 110 Infrastructure Certification Documentation and Supporting Documents.	Statewide	3/10/2016	11/27/2018, [Insert **Federal Register** citation].	
* *	*	*	*	* *
Infrastructure and Interstate Transport				
* *	*	*	*	* *
Infrastructure Requirements—2012 $PM_{2.5}$ NAAQS.	Statewide	3/10/2016	11/27/2018, [Insert **Federal Register** citation].	Approves SIP for purposes of CAA sections 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (H), (J), (K), (L), and (M) for the 2012 $PM_{2.5}$ NAAQS.
Infrastructure Requirements—1997, 2006, and 2012 $PM_{2.5}$ NAAQS.	Statewide	3/10/2016	11/27/2018, [Insert **Federal Register** citation].	Approves SIP for purposes of CAA sections 110(a)(2)(G) for the 1997, 2006, and 2012 $PM_{2.5}$ NAAQS.
* *	*	*	*	* *

[FR Doc. 2018–25681 Filed 11–26–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[MB Docket Nos. 17–105, 02–144; MM Docket Nos. 92–266, 93–215; CS Docket Nos. 94–28, 96–157; FCC 18–148]

Modernization of Media Regulation Initiative: Revisions to Cable Television Rate Regulations

AGENCY: Federal Communications Commission

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) eliminate or revise expired and outdated cable rate regulation rules and close a related dormant docket.

DATES: *Effective date:* December 27, 2018.

FOR FURTHER INFORMATION CONTACT: For additional information on this proceeding, contact Katie Costello,

katie.costello@fcc.gov, of the Media Bureau, (202) 418–2233.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, FCC 18–148, adopted and released on October 23, 2018. The full text of these documents is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW, CY–A257, Washington, DC 20554. These documents will also be available via ECFS (*http://www.fcc.gov/cgb/ecfs/*). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) The complete text may be purchased from the Commission's copy contractor, 445 12th Street SW, Room CY–B402, Washington, DC 20554. To request these documents in accessible formats (computer diskettes, large print, audio recording, and Braille), send an email to *fcc504@fcc.gov* or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

In the Report and Order, we eliminate and revise rules that have become obsolete due to the sunset of rate regulation for cable programming service tiers, are unnecessary given changes in industry practices, or have become obsolete due to changes in Commission policy. For the reasons stated below, we find good cause to modify § 76.923(i) without notice and comment because the modification in question merely codifies an existing uncodified rule. We also eliminate the hard copies of Forms 328 and 329 located at the end of § 76.985 of our rules. We are not changing the text of § 76.985 by deleting these hard copies, and they are unnecessary because Form 329 is no longer in use and Form 328 is available electronically. Finally, we eliminate §§ 76.986, 76.987, 76.922(g)(7) and 76.922(n) of the rules and close proceedings related to uniform regional rate structures, which are moot due to the sunset of cable programming service tier (CPST) regulation.

A la Carte Packages and New Product Tiers. We eliminate §§ 76.986 and 76.987 because they are vestiges of CPST regulation. These rule sections address ''a la carte'' packages and ''new product tiers,'' both of which are types of CPSTs. Therefore, because of the sunset of CPST regulation we remove these two sections from our rules.

Equipment Leasing. We modify § 76.923(i) to codify our previously adopted uncodified rule that, where an operator offers its equipment for sale as well as for lease, the sales price is unregulated. The lease price offers the safety of a cost-based regulated rate to subscribers and the operator's sales price for the same equipment is regulated by the market.

Single Tier Small System Headend Upgrades. We remove § 76.922(g)(7) to reflect the sunset of the opportunity for single tier small systems to make headend upgrade adjustments. The time period for taking this rate increase, January 1, 1995 to December 31, 1997, has expired, and we see no continued need for this rule section.

Uniform Regional Rate Structures. The *Notice of Proposed Rulemaking* in the *Cable Pricing Flexibility Order,* 61 FR 45387, and our interpretation in the *Uniform Rate Order,* 62 FR 15121, of § 76.922(n) of our rules are both moot due to the deregulation of the CPST. In the *Cable Pricing Flexibility Order,* we proposed exceptions to the CPST rate rules to allow operators to reduce BST prices and offset those reductions with increased CPST rates. Section 76.922(n) permits similar offsets for CPST rates in order to permit cable operators to establish uniform rates across multiple franchise areas. Now that CPST rates are no longer regulated, an operator may increase CPST rates without Commission approval so the exceptions to the CPST rate rules are no longer needed. Accordingly, we terminate CS Docket No. 96–157 and remove § 76.922(n) from our rules.

Forms 328 and 329. Two hard copy FCC forms are located at the end of § 76.985 of our rules in the Code of Federal Regulations. Form 329 is an obsolete CPST complaint form. Form 328 is now available electronically. We delete these hard copy forms, including instructions, from § 76.985 and modify § 76.910 to direct interested parties to the electronic Form 328 and instructions.

Paperwork Reduction Act.—The *Report and Order* eliminates, and thus does not contain new or revised, information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501–3520). In addition, therefore, it does not contain any new or modified ''information burden for small business concerns with fewer than 25 employees'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, 44 U.S.C. 3506(c)(4).

Final Regulatory Flexibility Analysis. As required by the Regulatory Flexibility Act of 1980, as amended (''RFA''), an Initial Regulatory Flexibility Analysis (''IRFA'') was incorporated in the *Notice of Proposed Rulemaking and Order, Revisions to Cable Television Rate Regulations (''NPRM'').* The Commission sought written public comment on the proposals in the *NPRM,* including comment on the IRFA. No comments on the IRFA were received. This present Final Regulatory Flexibility Analysis (''FRFA'') conforms to the RFA.

Need for, and Objectives of, the Revised Rules. In the past, the Commission developed rules and forms for the regulation of cable television rates when both the basic service tier (''BST'') and the cable programming service tiers (''CPST'') were subject to rate regulation. In this *Report and Order,* the Commission updates some of these regulations. Updating is needed so that the rules and rate forms will reflect the March 1999 sunset of cable programming services tier (''CPST'') rate regulation pursuant to the Telecommunications Act of 1996. Finally, updating is required to address issues which have arisen over time. This *Report and Order* makes changes to remove rule sections that are obsolete due to the sunset of upper tier regulation. For cable systems in general, including small cable systems, in this Report and Order the Commission deletes or modifies rules relating solely to CPST regulation and modifies a rule to codify existing policy. All of these changes have the effect of eliminating or reducing regulatory burdens.

Legal Basis. The authority for this action is contained in sections 1, 2(a), 3, 4(i), 4(j), 303(r), 601(3), 602, and 623 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152(a), 153, 154(i), 154(j), 303(r), 521, 522, and 543.

Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the modified rules. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

The SBA has developed a small business size standard for Cable and Other Program Distribution, which consists of all such firms having $12.5 million or less in annual receipts. This category includes, among others, cable

operators, closed circuit television services, direct broadcast satellite services, multipoint distribution services, open video systems, satellite master antenna television systems, and subscription television services. According to Census Bureau data for 1997, in this category, there was a total of 1,311 firms that operated for the entire year, of which 1180 have less than $10 million in revenue and an additional 52 firms had revenue of $10 million or more but less than $25 million. Thus, under this size standard, the majority of firms can be considered small. In this category, only cable system operators are affected by this *Report and Order* and we address them below to provide a more precise estimate of the affected small entities.

Cable Systems. The Commission has developed its own small business size standard for a small cable operator for the purposes of rate regulation. Under the Commission's rules, a ''small cable company'' is one serving fewer than 400,000 subscribers nationwide. Based on our most recent information, we estimate that there were 1,439 cable operators that qualified as small cable companies at the end of 1995. Since then, some of those companies may have grown to serve over 400,000 subscribers, and others may have been involved in transactions that caused them to be combined with other cable operators. Consequently, we estimate that there are fewer than 1,439 small cable companies that may be affected by the proposed rules. A ''small system'' under the Commission's rules, is one serving ''15,000 or fewer subscribers. The service area of a small system shall be determined by the number of subscribers that are served by the system's principal headend, including any other headends or microwave receive sites that are technically integrated to the principal headend.'' The Communications Act of 1934, as amended, also contains a size standard for a ''small cable operator,'' which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than one percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' The Commission has determined that there are 67,700,000 cable subscribers in the United States. Therefore, an operator serving fewer than 677,000 subscribers shall be deemed a small operator, if its annual revenues, when combined with the total annual revenues of all of its affiliates, do not exceed $250 million in the aggregate. Based on this available data, we estimate that the number of cable operators serving 677,000 subscribers or less totals approximately 1,450. We do not request or collect information on whether cable operators are affiliated with entities whose gross annual revenues exceed $250,000,000, and therefore are unable to estimate accurately the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

Description of Projected Reporting, Recordkeeping and Other Compliance Requirements for Small Entities. No increase in the regulatory burden on small systems or small governmental entities is expected to result from this proceeding.

Steps Taken to Minimize Significant Impact on Small Entities and Significant Alternatives Considered. The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its approach, which may include the following four alternatives (among others): ''(1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.'' In general, this item does not impose any new regulatory burdens on large or small entities. Rather, it serves to streamline and update rules, thereby relieving burdens in general. Although the Commission requested comment on any changes in the rate rules that might address continuing difficulties faced by operators of small systems, such as the problems associated with the simultaneous growth in competition and the need for additional investment to upgrade facilities, no comments were received. The changes do not increase the regulatory burden small systems face as a result of rate regulation and may lessen it by reducing the amount of information required to be reported.

Federal Rules Which Duplicate, Overlap, or Conflict with the Commission's Rules. None.

For the reasons stated above, IT IS ORDERED that, pursuant to the authority found in sections 1, 2(a), 3, 4(i), 4(j), 303(r), 601(3), 602, and 623 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152(a), 153, 154(i), 154(j), 303(r), 521, 522, 543, this Report and Order IS ADOPTED. IT IS FURTHER ORDERED that, pursuant to the authority found in sections 1, 2(a), 3, 4(i), 4(j), 303(r), 601(3), 602, and 623 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152(a), 153, 154(i), 154(j), 303(r), 521, 522, 543, the Commission's rules ARE AMENDED as set forth below. IT IS FURTHER ORDERED that CS Docket No. 96–157 IS TERMINATED. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Report and Order, including the Final Regulatory Flexibility Analyses, to the Chief Counsel for Advocacy of the Small Business Administration. IT IS FURTHER ORDERED that the Commission SHALL SEND a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 76

Cable television, Reporting and recordkeeping requirements.

Federal Communications Commission.

Cecilia Sigmund,

Federal Register Liaison Officer, Office of the Secretary.

Final Rules

For the reasons set forth in the preamble, the Federal Communications Commission amends 47 CFR part 76 as follows:

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

■ 1. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

■ 2. Amend § 76.901 by removing paragraph (d), redesignating paragraphs (e) and (f) as paragraphs (d) and (e), and revising the newly designated paragraph (e) to read as follows:

§ 76.901 Definitions.

* * * * *

(e) *Small cable operator.* A small cable operator is an operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000. For purposes of this definition, an operator shall be deemed affiliated with another entity if that entity holds a 20 percent

or greater equity interest (not including truly passive investment) in the operator or exercises de jure or de facto control over the operator.

(1) Using the most reliable sources publicly available, the Commission periodically will determine and give public notice of the subscriber count that will serve as the 1 percent threshold until a new number is calculated.

(2) For a discussion of passive interests with respect to small cable operators, see Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996, Report and Order in CS Docket No. 96–85, FCC 99–57 (released March 29, 1999).

(3) If two or more entities unaffiliated with each other each hold an equity interest in the small cable operator, the equity interests of the unaffiliated entities will not be aggregated with each other for the purpose of determining whether an entity meets or passes the 20 percent affiliation threshold.

■ 3. Amend § 76.910 by revising the first sentence and adding a second sentence to paragraph (c) to read as follows:

§ 76.910 Franchising authority certification.

* * * * *

(c) The written certification described in paragraph (b) of this section shall be made by completing and filing FCC Form 328. FCC Form 328 can be obtained from the internet at *http://www.fcc.gov/Forms/Form328/328.pdf* or by calling the FCC Forms Distribution Center at 1–800–418–3676. * * *

* * * * *

§ 76.922 [Amended]

■ 4. Amend § 76.922 by removing and reserving paragraph (g)(7) and removing paragraph (n).

■ 5. Amend § 76.923 by adding a final sentence to paragraph (i) to read as follows:

§ 76.923 Rates for equipment and installation used to receive the basic service tier.

* * * * *

(i) * * * Equipment sales by an operator will be unregulated where the operator offers subscribers the same equipment under regulated leased rates.

* * * * *

§ 76.985 [Amended]

■ 6. Amend § 76.985(c) by removing forms entitled ''FCC329'', ''INSTRUCTIONS FOR FCC 328'' and ''FCC328''.

§§ 76.986 and 76.987 [Removed]

■ 7. Remove §§ 76.986 and 76.987.

[FR Doc. 2018–25326 Filed 11–26–18; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 150413357–5999–02]

RIN 0648–XG647

Atlantic Highly Migratory Species; Commercial Blacktip Sharks in the Eastern Gulf of Mexico Sub-Region; Closure

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is closing the commercial fishery for blacktip sharks in the eastern Gulf of Mexico sub-region. This action is necessary because, as of reports received by November 16, 2018, the commercial landings of blacktip sharks in the eastern Gulf of Mexico sub-region for the 2018 fishing season have reached 97 percent of the available commercial quota. Therefore, NMFS is closing the blacktip shark fishery in the eastern Gulf of Mexico sub-region. This closure will affect anyone commercially fishing for blacktip sharks in the eastern Gulf of Mexico sub-region.

DATES: The commercial fishery for blacktip sharks in the eastern Gulf of Mexico sub-region is closed effective 11:30 p.m. local time November 25, 2018, until the end of the 2018 fishing season on December 31, 2018, or until and if NMFS announces via a notice in the **Federal Register** that additional quota is available and the season is reopened.

FOR FURTHER INFORMATION CONTACT: Lauren Latchford or Karyl Brewster-Geisz 301–427–8503; fax 301–713–1917.

SUPPLEMENTARY INFORMATION: The Atlantic shark fisheries are managed under the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP), its amendments, and implementing regulations (50 CFR part 635) issued under authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

Under § 635.5(b)(1), dealers must electronically submit reports on sharks that are first received from a vessel on a weekly basis through a NMFS-approved electronic reporting system. Reports must be received by no later than midnight, local time, of the first Tuesday following the end of the reporting week unless the dealer is otherwise notified by NMFS.

Under § 635.28(b)(2), when NMFS calculates that the landings for any species and/or management group that has a non-linked quota has reached or is projected to reach a threshold of 80 percent of the available quota, NMFS will file for publication, with the Office of the Federal Register, a notice of closure for that species and/or management group that will be effective no fewer than four days from date of filing.

From the effective date and time of the closure until and if NMFS announces, via a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fisheries for all linked species and/or management groups and specified non-linked species and/or management groups are closed, even across fishing years.

On November 22, 2017 (82 FR 55512), NMFS announced that for 2018, the commercial eastern Gulf of Mexico blacktip shark sub-regional quota was 37.7 metric tons (mt) dressed weight (dw) (83,158 lb dw). Dealer reports received through November 16, 2018, indicate that 97 percent (36.7 mt dw) of the available eastern Gulf of Mexico blacktip shark sub-regional quota has been landed. Based on these dealer reports, landings have exceeded 80 percent of the eastern Gulf of Mexico blacktip shark sub-regional quota. Therefore, the blacktip shark fishery meets the closure threshold. Accordingly, NMFS is closing the blacktip shark fishery in the eastern Gulf of Mexico sub-region as of 11:30 p.m. local time November 25, 2018.

All other shark species or management groups in the eastern Gulf of Mexico sub-region that are currently open will remain open, including the commercial eastern Gulf of Mexico aggregated LCS, eastern Gulf of Mexico hammerhead sharks, Gulf of Mexico non-blacknose small coastal sharks, blue sharks, smoothhound sharks, and pelagic sharks other than porbeagle or blue sharks.

The boundary between the Gulf of Mexico region and the Atlantic region is defined at § 635.27(b)(1) as a line beginning on the East Coast of Florida at the mainland at 25°20.4′ N lat, proceeding due east. Any water and

land to the south and west of that boundary is considered for the purposes of monitoring and setting quotas, to be within the Gulf of Mexico region. The boundary between the eastern and western Gulf of Mexico sub-regions is drawn along 88°00′ W long (§ 635.27(b)(1)(ii)).

During the closure, retention of blacktip sharks in the eastern Gulf of Mexico sub-region is prohibited for persons fishing aboard vessels issued a commercial shark limited access permit under § 635.4. However, persons aboard a commercially permitted vessel that is also properly permitted to operate as a charter vessel or headboat for HMS, has a shark endorsement, and is engaged in a for-hire trip could fish under the recreational retention limits for sharks and ''no sale'' provisions (§ 635.22 (c)). Similarly, persons aboard a commercially permitted vessel that possesses a valid shark research permit under § 635.32 and has a NMFS-approved observer onboard may continue to harvest and sell blacktip sharks in the eastern Gulf of Mexico sub-region pursuant to the terms and conditions of the shark research permit.

During this closure, a shark dealer issued a permit pursuant to § 635.4 may not purchase or receive blacktip sharks in the eastern Gulf of Mexico sub-region from a vessel issued an Atlantic shark limited access permit (LAP), except that a permitted shark dealer or processor may possess blacktip sharks in the eastern Gulf of Mexico sub-region that were harvested, off-loaded, and sold, traded, or bartered prior to the effective date of the closure and were held in storage consistent with § 635.28(b)(6). Additionally, a permitted shark dealer or processor may possess blacktip sharks in the eastern Gulf of Mexico sub-region that were harvested by a vessel issued a valid shark research fishery permit per § 635.32 with a NMFS-approved observer onboard during the trip the sharks were taken on as long as the blacktip research fishery quota remains open. Similarly, a shark dealer issued a permit pursuant to § 635.4 may, in accordance with relevant state regulations, purchase or receive blacktip sharks in the eastern Gulf of Mexico sub-region if the sharks were harvested, off-loaded, and sold, traded, or bartered from a vessel that fishes only in state waters and that has not been issued an Atlantic Shark LAP, HMS Angling permit, or HMS Charter/Headboat permit pursuant to § 635.4.

Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA (AA), finds that providing prior notice and public comment for this action is impracticable and contrary to the public interest because the fishery is currently underway and any delay in this action would result in overharvest of the quotas for these species and management groups and thus would be inconsistent with fishery management requirements and objectives. The regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason retention limit adjustments and fishery closures to respond to the unpredictable nature of availability on the fishing grounds, the migratory nature of the species, and the regional variations. NMFS is not able to give notice sooner nor would sooner notice be practicable given the structure of the regulations, which close the fisheries under specified regulatory criteria or thresholds, and closure determinations need to be based on near real-time data to balance fishing opportunities against the management goal of preventing quota overharvests. Similarly, affording prior notice and opportunity for public comment on this action is contrary to the public interest because if a quota is exceeded, the stock may be negatively affected and fishermen ultimately could experience reductions in the available quota and a lack of fishing opportunities in future seasons. For these reasons, the AA also finds good cause to waive the 30-day delay in effective date pursuant to 5 U.S.C. 553(d)(3). This action is required under § 635.28(b)(2) and is exempt from review under Executive Order 12866.

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

Dated: November 21, 2018.

Karen H. Abrams,

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

[FR Doc. 2018–25790 Filed 11–21–18; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 180517486–8999–02]

RIN 0648–XG263

Atlantic Highly Migratory Species; 2019 Atlantic Shark Commercial Fishing Year

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

ACTION: Final rule; fishing season notification.

SUMMARY: This final rule establishes the 2019 opening date for all Atlantic shark fisheries, including the fisheries in the Gulf of Mexico and Caribbean. This final rule also establishes the quotas for the 2019 fishing year based on harvest levels during 2018, and the large coastal shark (LCS) retention limits for directed shark limited access permit holders. NMFS may increase or decrease these retention limits for directed shark limited access permit holders during the year, in accordance with existing regulations, to provide, to the extent practicable, equitable fishing opportunities for commercial shark fishermen in all regions and areas. These actions could affect fishing opportunities for commercial shark fishermen in the northwestern Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea.

DATES: This rule is effective on January 1, 2019. The 2019 Atlantic commercial shark fishing year opening dates and quotas are provided in Table 1 under **SUPPLEMENTARY INFORMATION**.

ADDRESSES: Atlantic Highly Migratory Species (HMS) Management Division, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Lauren Latchford, Chanté Davis, or Karyl Brewster-Geisz at 301–427–8503.

SUPPLEMENTARY INFORMATION:

Background

The Atlantic commercial shark fisheries are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The 2006 Consolidated HMS Fishery Management Plan (FMP) and its amendments are implemented by regulations at 50 CFR part 635. For the Atlantic commercial shark fisheries, the 2006 Consolidated HMS FMP and its amendments established, among other things, commercial shark retention limits, commercial quotas for species and management groups, and accounting measures for under- and overharvests for the shark fisheries. The FMP also established adaptive management measures such as flexible opening dates for the fishing season and inseason adjustments to shark trip limits, which provide management flexibility in furtherance of equitable fishing opportunities, to the extent practicable, for commercial shark fishermen in all regions and areas.

On September 11, 2018 (83 FR 45866), NMFS published a proposed rule that

proposed opening all Atlantic commercial shark management groups on January 1, 2019. NMFS proposed to start the 2019 commercial shark fishing year in the eastern and western Gulf of Mexico sub-regions with a retention limit of 36 LCS other than sandbar sharks per vessel per trip. In the Atlantic region, NMFS proposed to start the fishing year with a retention limit of 25 LCS other than sandbar sharks per vessel per trip and adjust the commercial shark retention limit between zero and 55 LCS other than sandbar sharks per vessel per trip to ensure equitable access to the fishery throughout the year. In addition, NMFS proposed quota adjustments to account for underharvest of the Gulf of Mexico blacktip shark management group, Gulf of Mexico smoothhound shark management group, and Atlantic smoothhound shark management group quotas. The proposed rule contains details about the action that are not repeated here. The comment period on the proposed rule closed on October 11, 2018.

NMFS received eight written and oral comments regarding the proposed opening dates, retention limits, and potential inseason retention limit adjustments as it applied to LCS in the Gulf of Mexico and Atlantic regions. Those comments, along with the Agency's responses, are summarized below. After considering all the comments, NMFS is opening the fishing year for all shark management groups on January 1, 2019, as proposed. NMFS is changing the retention limit for directed shark limited access permit holders in the blacktip, aggregated LCS, and hammerhead management groups for the entire Gulf of Mexico region to 45 LCS other than sandbar sharks per vessel per trip in this final rule. The proposed rule would have set the retention limit at 36 LCS other than sandbar sharks per vessel per trip. The aggregated LCS and hammerhead shark management groups in the Atlantic region will start the fishing year with a retention limit of 25 LCS other than sandbar sharks per vessel per trip for directed shark limited access permit holders, as proposed. The retention limit for incidental shark limited access permit holders for all regions has not changed from the proposed rule and remains at 3 LCS other than sandbar sharks per trip and a combined total of 16 small coastal sharks (SCS) and pelagic sharks, combined per trip consistent with § 635.24(a)(3) and (4). Additionally, the retention limit for blacknose sharks for all permit holders in the Atlantic region south of 34º00′ N.lat. has not changed from the proposed rule and remains at an eight blacknose sharks per trip consistent with § 635.24 (a)(4).

This final rule serves as notification of the 2019 opening date for the Atlantic commercial shark fisheries and 2019 retention limits and quotas, based on shark landings data updated as of October 15, 2018 and criteria set in existing regulations at 50 CFR, Part 635. In setting the opening date, NMFS considered the ''opening commercial fishing season'' criteria at § 635.27(b)(3). This criteria includes the following factors: Available annual quotas for the current fishing season; estimated season length and average weekly catch rates from previous years; length of the season and fishermen participation in past years; impacts to accomplishing objectives of the 2006 Consolidated HMS FMP and its amendments; temporal variation in behavior or biology of target species (*e.g.,* seasonal distribution or abundance); impact of catch rates in one region on another; and effects of delayed season openings.

While this action adjusts certain quotas as allowable, this action does not establish or change the annual baseline commercial quotas established under the 2006 Consolidated HMS FMP and its amendments for any shark management group. The baselines quotas were established under previous actions, and any changes to those baseline quotas would be performed through a separate action. Rather, this action adjusts the annual commercial quotas for 2019 based on over- and/or underharvests that occurred in 2018, consistent with existing regulations, and establishes the opening dates for the fisheries. Based on updated landings information as of October 15, 2018, only the adjusted blacktip quota in the Gulf of Mexico region has changed from the proposed rule. All other quotas remain the same as proposed.

Response to Comments

NMFS received eight written and oral comments on the proposed rule from fishermen, dealers, and other interested parties. All written comments can be found at *http://www.regulations.gov/* by searching for RIN 0648–XG263. All of the comments received are summarized below.

Comment 1: NMFS received several comments regarding the proposed decrease in the commercial retention limit for the aggregated LCS, hammerhead, and blacktip management groups in the eastern and western Gulf of Mexico sub-regions. Of those comments, all were opposed to the proposed retention limit of 36 aggregated LCS other than sandbar sharks per vessel per trip, and noted that NMFS should maintain the retention limit at 45 aggregated LCS other than sandbar sharks per vessel per trip. The State of Louisiana along with commercial fishermen from the western Gulf of Mexico sub-region noted that they preferred keeping the retention limit at the default limit of 45 sharks per vessel per trip. Commenters prefer to maximize shark landings per trip, regardless of the length or timing of the season. NMFS also received comments from commercial fishermen in the eastern Gulf of Mexico sub-region that stated they also preferred a retention limit of 45 aggregated LCS per vessel per trip. Specifically, the fishermen in the eastern Gulf of Mexico sub-region noted that because of the consistent regulations over the past few years, the market for shark meat has expanded in their area. NMFS did not receive any comments in support of the reduction.

Response: After considering these comments, NMFS has determined that the default retention limit of 45 LCS other than sandbar sharks per vessel per trip is appropriate and will ensure equitable fishing opportunities in both Gulf of Mexico sub-regions, to the extent practicable. NMFS originally proposed a lower retention limit in the western Gulf of Mexico sub-region with the goal of preserving quota for the fishery through April 1, which is when the State of Louisiana closes shark fishing in state waters. However, comments from the western Gulf of Mexico sub-region, including comments from the State of Louisiana, did not support the lower proposed retention and preferred a higher retention limit per trip. The State of Louisiana has a default limit of 45 LCS including blacktips and hammerheads per trip per vessel per day and prefers that the federal limit match the state limit. Regarding the eastern Gulf of Mexico sub-region, NMFS proposed the lower retention limit to reduce any confusion caused by having two separate retention limits in the Gulf of Mexico region. Given public comment from both sub-regions, and supporting information from eastern Gulf of Mexico fishermen regarding the expanding market for shark meat, NMFS will also maintain the default retention limit in the eastern Gulf of Mexico sub-region.

Comment 2: Several commenters supported the proposed opening date of January 1, 2019 for the Gulf of Mexico region.

Response: Given the support for this opening date, NMFS will open the Gulf of Mexico blacktip, aggregated LCS, and hammerhead shark management groups

on January 1, 2019, as proposed. NMFS will also open all the other shark management groups, including those in the Atlantic region, on January 1, 2019, as proposed.

Comment 3: One commenter expressed concern about adequate enforcement of the quotas and retention limits, noting that they feel shark populations are being decimated, and requested a closure of all shark fisheries.

Response: NMFS is responsible for managing quotas for the Atlantic shark fisheries consistent with the Magnuson-Stevens Act and other applicable laws. Based on various stock assessments and best available science, NMFS established baseline quotas for various Atlantic shark management groups in the 2006 Consolidated HMS FMP and its amendments. These baseline quotas were established to prevent overfishing and ensure overfished stocks would rebuild within a specified timeframe. NMFS adjusts these baseline quotas, as needed, on an annual basis as a result of over- or underharvests in previous years. When establishing the shark commercial baseline quota, NMFS uses the total allowable catch calculated during the stock assessment then subtracts all other sources of mortality, including recreational landings, commercial discards, post-release mortality, and research set-aside mortality. NMFS also takes into account the effects of fishing on essential fish habitat, protected resources, and the environment to fulfill requirements for the associated FMP amendment along with socioeconomic value of these shark species to various groups. The quota is then monitored using dealer reports on a weekly basis throughout the year. NMFS closes the commercial fishery for any shark management group if the landings have reached, or are projected to reach, 80 percent of the available overall, regional, and/or sub-regional quota if the fishery's landings are not projected to reach 100 percent of the applicable quota before the end of the season, or when the quota-linked management group is closed. Once the quota is reached, these fishery closures prevent overfishing of the relevant stock(s). Since these quotas are based on the best scientific information available, NMFS is confident that allowing commercial shark fishing in 2019 will not cause shark populations to be decimated.

Regarding the comment about adequate enforcement, NMFS takes enforcement of these regulations seriously. If suspected illegal activities are observed in any fishery and/or region, specific information regarding such incidents can be reported to NOAA Office of Law Enforcement through the national enforcement hotline at 1–800–853–1964. All commercial shark landings and quotas are monitored with the HMS electronic dealer reporting system, which has been in use since 2013. This system monitors data on a weekly basis, and provides information on each dealer transaction, including all shark landings to the species level, and ensures that quotas are not exceeded. In addition, NMFS can verify and detect falsified reporting by dealers and fishermen by cross-checking dealer reports to fishermen's logbooks.

Comment 4: NMFS received comments regarding the Gulf of Mexico blacktip shark stock. Specifically, commenters asked for a new Gulf of Mexico blacktip shark stock assessment and an increase in the blacktip shark quota. Commenters also requested that NMFS combine the Gulf of Mexico blacktip shark management group with the aggregated LCS management group.

Response: These comments are outside the scope of this rulemaking. The purpose of this rulemaking is to adjust quotas for the 2019 shark year based on over- and underharvests from the previous years and set opening dates and initial retention limits for the 2019 shark year. Issues regarding new baseline quotas, new management units, and the timing of stock assessments are not addressed by this rulemaking. NMFS did complete an update to the Gulf of Mexico blacktip stock assessment in October 2018 (*http://sedarweb.org/sedar-29u*), and is reviewing the results to determine if any changes, such as modifying the various management units or changes to the quotas, are needed. Additionally, NMFS will be assessing the Atlantic blacktip stock via the SouthEast Data, Assessment, and Review process in 2019, and will consider appropriate management measures for that stock once the assessment is complete.

Comment 5: NMFS received a comment requesting the division between eastern and western Gulf of Mexico sub-regions be moved from 88 to 89 degrees west longitude.

Response: This comment is outside the scope of this rulemaking because the purpose of this rulemaking is to adjust quotas for the 2019 shark year based on over- and underharvests from the previous years and set opening dates and initial retention limits for the 2019 shark year. In Amendment 6 to the 2006 Consolidated HMS FMP, NMFS analyzed, among other things, the impacts and justification for a regional management boundary to apportion the Gulf of Mexico regional commercial quotas for aggregated LCS, and blacktip shark management groups. Based on public comments and additional analyses, and after consulting with the HMS Advisory Panel, NMFS established a division of the Gulf of Mexico at 88° W. longitude. The issue of subdividing the Gulf of Mexico regional quota is not being re-addressed in this rulemaking.

Changes From the Proposed Rule

As described above, and as a result of public comment and additional analyses, NMFS made changes from the proposed rule. Specifically, NMFS changed the retention limit for directed shark limited access permit holders at the start of the commercial shark fishing year for the blacktip, aggregated LCS, and hammerhead shark management groups in the eastern and western Gulf of Mexico sub-regions from 36 LCS other than sandbar sharks per vessel per trip to 45 LCS other than sandbar sharks per vessel per trip. NMFS changed the retention limit after considering public comment and the 2018 landings data. NMFS noted in the proposed rule that retention limits might change in response to public comment. The default retention limit is within the allowable range and consistent with the limits established in recent years. NMFS expects that a retention limit of 45 LCS other than sandbar sharks per vessel per trip will provide equitable fishing opportunities throughout the sub regions, to the extent practicable, and retains its discretion to make inseason adjustments to retention limits, in accordance with existing regulations and in furtherance of the goals and objectives of the 2006 Consolidated HMS FMP and its amendments.

Additionally, based on updated landings information, NMFS changed the final blacktip shark quota in both Gulf of Mexico sub-regions. As NMFS explained in the proposed rule (83 FR 45866; Sept 11, 2018), shark management group quotas in this final rule are based on dealer reports received as of mid-October. Specifically, the final adjustments are based on updated landings through October 15, 2018. Updated landing reports indicate an additional 11.5 metric tons (mt) of blacktip shark was landed in the Gulf of Mexico in 2018. Accordingly, the regional underharvest for the Gulf of Mexico region is now only 26.9 mt dressed weight (dw) (59,355 pounds (lb) dw). Since more blacktip sharks were landed, the final adjustment is lower than the proposed adjustment of 38.4 mt dw (84,702 lb dw).

Therefore, the sub-regional quota adjustments are also lower than the adjustments in the proposed rule. The underharvest is divided between the

two sub-regions, based on the percentages that are allocated to each sub-region, which are set forth at § 635.27(b)(1)(ii)(C). The western Gulf of Mexico sub-regional baseline quota is being increased by 24.3 mt dw (53,538 lb dw), which is a reduction of 10.3 mt dw from the proposed rule. Similarly, the eastern Gulf of Mexico sub-regional baseline quota is being increased by 2.6 mt dw (5,817 lb dw), which is a reduction of 1.1 mt dw from the proposed rule.

2019 Annual Quotas

This final rule adjusts the 2019 commercial quotas due to overharvests and/or underharvests in 2018 and previous fishing years, based on landings data through October 15, 2018. The 2018 annual quotas by species and management group are summarized in Table 1. Any dealer reports that are received by NMFS after October 15, 2018 will be used to adjust the 2020 quotas, if necessary. A description of the quota calculations is provided in the proposed rule and is not repeated here. Any changes are described in the ''Changes from the Proposed Rule'' section.

TABLE 1—2019 FINAL ADJUSTED QUOTAS FOR THE ATLANTIC SHARK FISHERIES

[All quotas and landings are dressed weight (dw), in metric tons (mt), unless specified otherwise. 1 mt dw = 2,204.6 lb dw.]

		(A)	(B)	(C)	(D)	(D + C)
Western Gulf of Mexico.	Blacktip Sharks	347.2 mt dw (765,392 lb dw).	330.4 mt dw (728,314 lb dw).	24.3 mt dw (53,538 lb dw) [3].	231.5 mt dw (510,261 lb dw).	255.8 mt dw (563,799 lb dw).
	Aggregated Large Coastal Sharks.	72.0 mt dw (158,724 lb dw).	92.4 mt dw (203,656 lb dw).		72.0 mt dw (158,724 lb dw).	72.0 mt dw (158,724 lb dw).
	Hammerhead Sharks	11.9 mt dw (26,301 lb dw).	11.0 mt dw (24,292 lb dw).		11.9 mt dw (26,301 lb dw).	11.9 mt dw (26,301 lb dw).
Eastern Gulf of Mexico	Blacktip Sharks	37.7mt dw (83,158 lb dw).	27.6 mt dw (60,881 lb dw).	2.6 mt dw (5,817 lb dw) [3].	25.1 mt dw (55,439 lb dw).	27.7 mt dw (61,256 lb dw).
	Aggregated Large Coastal Sharks.	85.5 mt dw (188,593 lb dw).	49.7 mt dw (109,653 lb dw).		85.5 mt dw (188,593 lb dw).	85.5 mt dw (188,593 lb dw).
	Hammerhead Sharks	13.4 mt dw (29,421 lb dw).	8.4 mt dw (18,555 lb dw).		13.4 mt dw (29,421 lb dw).	13.4 mt dw (29,421 lb dw).
Gulf of Mexico	Non-Blacknose Small Coastal Sharks.	112.6 mt dw (248,215 lb dw).	54.0 mt dw (118,968 lb dw).		112.6 mt dw (248,215 lb dw).	112.6 mt dw (248,215 lb dw).
	Smoothhound Sharks.	504.6 mt dw (1,112,441 lb dw).	0 mt dw (0 lb dw)	168.2 mt dw (370,814 lb dw).	336.4 mt dw (741,627).	504.6 mt dw (1,112,441 lb dw).
Atlantic	Aggregated Large Coastal Sharks.	168.9 mt dw (372,552 lb dw).	65.2 mt dw (143,809 lb dw).		168.9 mt dw (372,552 lb dw).	168.9 mt dw (372,552 lb dw).
	Hammerhead Sharks	27.1 mt dw (59,736 lb dw).	8.3 mt dw (18,328 lb dw).		27.1 mt dw (59,736 lb dw).	27.1 mt dw (59,736 lb dw).
	Non-Blacknose Small Coastal Sharks.	264.1 mt dw (582,333 lb dw).	82.2 mt dw (181,149 lb dw).		264.1 mt dw (582,333 lb dw).	264.1 mt dw (582,333 lb dw).
	Blacknose Sharks (South of 34° N lat. only).	17.2 mt dw (37,921 lb dw).	4.6 mt dw (10,213 lb dw).		17.2 mt dw (37,921 lb dw).	17.2 mt dw (37,921 lb dw).
	Smoothhound Sharks.	1,802.6 mt dw (3,973,902 lb dw).	370.4 mt dw (816,572 lb dw).	600.9 mt dw (1,324,634 lb dw).	1,201.7 mt dw (2,649,268 lb dw).	1,802.6 mt dw (3,973,902 lb dw).
No regional quotas	Non-Sandbar LCS Research.	50.0 mt dw (110,230 lb dw).	12.3 mt dw (27,123 lb dw).		50.0 mt dw (110,230 lb dw).	50.0 mt dw (110,230 lb dw).
	Sandbar Shark Research.	90.7 mt dw (199,943 lb dw).	42.8 mt dw (94,123 lb dw).		90.7 mt dw (199,943 lb dw).	90.7 mt dw (199,943 lb dw).
	Blue Sharks	273.0 mt dw (601,856 lb dw).	< 13.6 mt dw (< 30,000 lb dw).		273.0 mt dw (601,856 lb dw).	273.0 mt dw (601,856 lb dw).
	Porbeagle Sharks	1.7 mt dw (3,748 lb dw).	0 mt dw (0 lb dw)		1.7 mt dw (3,748 lb dw).	1.7 mt dw (3,748 lb dw).
	Pelagic Sharks Other Than Porbeagle or Blue.	488.0 mt dw (1,075,856 lb dw).	44.7 mt dw (98,521 lb dw).		488.0 mt dw (1,075,856 lb dw).	488.0 mt dw (1,075,856 lb dw).

[1] Landings are from January 1, 2018, through October 15, 2018, and are subject to change.

[2] Underharvest adjustments can only be applied to stocks or management groups that are not overfished and have no overfishing occurring. Also, the underharvest adjustments cannot exceed 50 percent of the baseline quota.

[3] This final rule would increase the overall Gulf of Mexico blacktip shark quota due to an overall underharvest of 26.9 mt dw (59,355 lb dw) in 2018. The overall quota would be split based on percentages that are allocated to each sub-region, as explained in the text.

2019 Atlantic Commercial Shark Fishing Year

NMFS considered the seven ''opening commercial fishing season'' criteria listed in § 635.27(b)(3), as discussed above and as described in the proposed rule (83 FR 45866; September 11, 2018). These include, among other things: the available annual quotas based on any over- and/or underharvests experienced during the previous seasons; the estimated season length based on available quotas and catch rates from previous years; the length of the season in the previous years and whether fishermen were able to participate in the fishery in those years; and the effects of catch rates in one part of a region precluding vessels in another part of that region from having a reasonable opportunity to harvest a portion of the different species and/or management quotas.

Regarding the LCS retention limit, as shown in Table 2, directed shark limited access permit holders fishing on the Gulf of Mexico blacktip shark, aggregated LCS, and hammerhead shark management groups will start the commercial fishing year at 45 LCS other than sandbar sharks per vessel per trip. Directed shark limited access permits fishing on the Atlantic aggregated LCS and hammerhead shark management groups will start the commercial fishing year at 25 LCS other than sandbar sharks per vessel per trip. These retention limits could be changed throughout the year based on consideration of the inseason trip limit adjustment criteria at § 635.24(a)(8).

Specifically, in the Atlantic region, NMFS will closely monitor the quota at the beginning of the year. If it appears that the quota is being harvested too

quickly to allow fishermen throughout the entire region the opportunity to fish (*e.g.,* if approximately 20 percent of the quota is caught at the beginning of the year), NMFS will consider reducing the commercial retention limit, potentially to 3 LCS other than sandbar sharks per vessel per trip. Given the geographic distribution of the sharks at this time of year (*i.e.,* they head north before moving south again later in the year), the retention limit would be adjusted to ensure there is quota available later in the year (see the criteria at § 635.24(a)(8)(i), (ii), (v), and (vi)). Then, based on the prior years' fishing activity, and to allow more consistent fishing opportunities later in the year, NMFS will consider raising the commercial retention around July 15, 2019. The specific increase or decrease in retention limit depends on a review of the inseason trip limit adjustment criteria at § 635.24(a)(8).

All of the shark management groups will remain open until December 31, 2019, or until NMFS determines that the landings for any shark management group have reached, or are projected to reach, 80 percent of the available overall, regional, and/or sub-regional quota, if the fishery's landings are not projected to reach 100 percent of the applicable quota before the end of the season, or when the quota-linked management group is closed. For the blacktip shark management group, regulations at § 635.28(b)(5)(i) through (v) authorize NMFS to close the management group before landings reach, or are expected to reach 80 percent of the available overall, regional, and/or sub-regional quota after considering the following criteria and other relevant factors: Season length based on available sub-regional quota and average sub-regional catch rates; variability in regional and/or sub-regional seasonal distribution, abundance, and migratory patterns; effects on accomplishing the objectives of the 2006 Consolidated Atlantic HMS FMP and its amendments; amount of remaining shark quotas in the relevant sub-region; and regional and/or sub-regional catch rates of the relevant shark species or management groups. Additionally, NMFS has previously established non-linked and linked quotas; linked quotas are explicitly designed to concurrently close multiple shark management groups that are caught together to prevent incidental catch mortality from exceeding the total allowable catch. The linked and non-linked quotas are shown in Table 2. If NMFS determines that a shark species or management group must be closed, then NMFS will publish a notice in the **Federal Register** of closure for that shark species, shark management group, region, and/or sub-region that will be effective no fewer than four days from the date of filing (§ 635.28(b)(2) and (3)). From the effective date and time of the closure until NMFS announces, via the publication of a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fisheries for the shark species or management group are closed, even across fishing years.

TABLE 2—QUOTA LINKAGES, OPENING DATES, AND COMMERCIAL RETENTION LIMIT BY REGIONAL OR SUB-REGIONAL SHARK MANAGEMENT GROUP

Region or sub-region	Management group	Quota linkages	Opening dates	Commercial retention limits for directed shark limited access permit holders (inseason adjustments are available)
Eastern Gulf of Mexico	Blacktip Sharks	Not Linked	January 1, 2019	45 LCS other than sandbar sharks per vessel per trip.
	Aggregated Large Coastal Sharks.	Linked		
	Hammerhead Sharks			
Western Gulf of Mexico	Blacktip Sharks	Not Linked	January 1, 2019	45 LCS other than sandbar sharks per vessel per trip.
	Aggregated Large Coastal Sharks.	Linked		
	Hammerhead Sharks			
Gulf of Mexico	Non-Blacknose Small Coastal Sharks.	Not Linked	January 1, 2019	N/A.
Atlantic	Aggregated Large Coastal Sharks.	Linked	January 1, 2019	25 LCS other than sandbar sharks per vessel per trip. If quota is landed quickly, NMFS anticipates considering an inseason reduction, and later considering an inseason increase around July 15, 2019.
	Hammerhead Sharks			
	Non-Blacknose Small Coastal Sharks.	Linked (South of 34° N. lat. only).	January 1, 2019	N/A.
	Blacknose Sharks (South of 34° N. lat. only).			8 Blacknose sharks per vessel per trip (applies to directed and incidental permit holders).
No regional quotas	Non-Sandbar LCS Research	Linked	January 1, 2019	N/A.
	Sandbar Shark Research			
	Blue Sharks	Not Linked	January 1, 2019	N/A.
	Porbeagle Sharks			
	Pelagic Sharks Other Than Porbeagle or Blue.			

Classification

The NMFS Assistant Administrator has determined that the final rule is consistent with the 2006 Consolidated HMS FMP and its amendments, other provisions of the Magnuson-Stevens Act, and other applicable law.

This final rule is exempt from review under Executive Order 12866 because they contain no implementing regulations.

In compliance with section 604 of the Regulatory Flexibility Act (RFA), NMFS prepared a Final Regulatory Flexibility Analysis (FRFA) for this final rule. The FRFA analyzes the anticipated economic impacts of the final actions and any significant economic impacts on small entities. The FRFA is below.

Section 604(a)(1) of the RFA requires an explanation of the purpose of the rulemaking. The purpose of this final rulemaking is, consistent with the Magnuson-Stevens Act and the 2006 Consolidated HMS FMP and its amendments, to establish the 2018 Atlantic commercial shark fishing quotas, retention limits, and fishing seasons. Without this rule, the Atlantic commercial shark fisheries would close on December 31, 2018, and would not reopen until another action was taken. This final rule will be implemented according to the regulations implementing the 2006 Consolidated HMS FMP and its amendments. Thus, NMFS expects few, if any, economic impacts to fishermen other than those already analyzed in the 2006 Consolidated HMS FMP and its amendments. While there may be some direct negative economic impacts associated with the opening dates for fishermen in certain areas, there could also be positive effects for other fishermen in the region. The opening dates were chosen to allow for an equitable distribution of the available quotas among all fishermen across regions and states, to the extent practicable.

Section 604(a)(2) of the RFA requires NMFS to summarize significant issues raised by the public in response to the Initial Regulatory Flexibility Analysis (IRFA), provide a summary of NMFS' assessment of such issues, and provide a statement of any changes made as a result of the comments. The IRFA was done as part of the proposed rule for the 2019 Atlantic Commercial Shark Season Specifications. NMFS did not receive any comments specific to the IRFA or on economics more generally.

Section 604(a)(3) of the RFA requires NMFS to the respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule and provide a detailed statement of any change made to the proposed rule as a result of the comments. NMFS did not receive any comments from the Chief Counsel for Advocacy of the Small Business Administration on the proposed rule.

Section 604(a)(4) of the RFA requires NMFS to provide an estimate of the number of small entities to which the rule would apply. The Small Business Administration (SBA) has established size criteria for all major industry sectors in the United States, including fish harvesters. Provision is made under SBA's regulations for an agency to develop its own industry-specific size standards after consultation with Advocacy and an opportunity for public comment (see 13 CFR 121.903(c)). Under this provision, NMFS may establish size standards that differ from those established by the SBA Office of Size Standards, but only for use by NMFS and only for the purpose of conducting an analysis of economic effects in fulfillment of the agency's obligations under the RFA. To utilize this provision, NMFS must publish such size standards in the **Federal Register**, which NMFS did on December 29, 2015 (80 FR 81194, December 29, 2015). In that final rule effective on July 1, 2016, NMFS established a small business size standard of $11 million in annual gross receipts for all businesses in the commercial fishing industry (NAICS 11411) for RFA compliance purposes (80 FR 81194, December 29, 2015). NMFS considers all HMS permit holders to be small entities because they had average annual receipts of less than $11 million for commercial fishing.

As of October 2018, the final rule would apply to the approximately 220 directed commercial shark permit holders, 268 incidental commercial shark permit holders, 163 smoothhound shark permit holders, and 108 commercial shark dealers. Not all permit holders are active in the fishery in any given year. Active directed commercial shark permit holders are defined as those with valid permits that landed one shark based on HMS electronic dealer reports. Of the 488 directed and incidental commercial shark permit holders, only 24 permit holders landed sharks in the Gulf of Mexico region and only 89 landed sharks in the Atlantic region. Of the 163 smoothhound shark permit holders, only 66 permit holders landed smoothhound sharks in the Atlantic region and one permit holder landed smoothhound sharks in the Gulf of Mexico region. NMFS has determined that the final rule would not likely affect any small governmental jurisdictions.

Section 604(a)(5) of the RFA requires NMFS to describe the projected reporting, recordkeeping, and other compliance requirements of the final rule, including an estimate of the classes of small entities which would be subject to the requirements of the report or record. None of the actions in this final rule would result in additional reporting, recordkeeping, or compliance requirements beyond those already analyzed in the 2006 Consolidated HMS FMP and its amendments.

Section 604(a)(6) of the RFA requires NMFS to describe the steps taken to minimize the economic impact on small entities, consistent with the stated objectives of applicable statutes. Additionally, the RFA (5 U.S.C. 603(c)(1)–(4)) lists four general categories of ''significant'' alternatives that would assist an agency in the development of significant alternatives that would accomplish the stated objectives of applicable statutes and minimize any significant economic impact of the rule on small entities. These categories of alternatives are: (1) Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) use of performance rather than design standards; and (4) exemptions from coverage of the rule, or any part thereof, for small entities.

In order to meet the objectives of this rule, consistent with the Magnuson-Stevens Act, NMFS cannot exempt small entities or change the reporting requirements only for small entities because all the entities affected are small entities. Thus, there are no alternatives discussed that fall under the first, second, and fourth categories described above. NMFS does not know of any performance or design standards that would satisfy the aforementioned objectives of this rulemaking while, concurrently, complying with the Magnuson-Stevens Act; therefore, there are no alternatives considered under the third category.

This rulemaking does not establish management measures to be implemented, but rather implements previously adopted and analyzed measures as adjustments, as specified in the 2006 Consolidated HMS FMP and its amendments and the Environmental Assessment (EA) for the 2011 shark quota specifications rule (75 FR 76302; December 8, 2010). Thus, in this

rulemaking, NMFS adjusted the baseline quotas established and analyzed in the 2006 Consolidated HMS FMP and its amendments by subtracting the underharvest or adding the overharvest, as specified and allowable in existing regulations. Under current regulations (§ 635.27(b)(2)), all shark fisheries close on December 31 of each year, or when NMFS determines that the landings for any shark management group has reached, or is projected to reach, 80 percent of the available overall, regional, and/or sub-regional quota if the fishery's landings are not projected to reach 100 percent of the applicable quota before the end of the season, or when the quota-linked management group is closed. The fisheries do not open until NMFS takes action, such as this rulemaking, to re-open the fisheries. Thus, not implementing these management measures would negatively affect shark fishermen and related small entities, such as dealers, and also would not provide management flexibility in furtherance of equitable fishing opportunities, to the extent practicable, for commercial shark fishermen in all regions and areas.

Based on the 2017 ex-vessel meat and fin prices (Table 3), fully harvesting the unadjusted 2019 Atlantic shark commercial baseline quotas could result in total fleet revenues of $7,650,107. For the Gulf of Mexico blacktip shark management group, NMFS will increase the baseline sub-regional quotas due to the underharvests in 2018. The increase for the western Gulf of Mexico blacktip shark management group would result in a $43,249 gain in total revenues for fishermen in that sub-region, while the increase for the eastern Gulf of Mexico blacktip shark management group would result in a $5,339 gain in total revenues for fishermen in that sub-region. For the Gulf of Mexico and Atlantic smoothhound shark management groups, NMFS will increase the baseline quotas due to the underharvest in 2018. This would cause a potential gain in revenue of $281,329 for the fleet in the Gulf of Mexico region and a potential gain in revenue of $1,004,973 for the fleet in the Atlantic region.

All of these changes in gross revenues are similar to the changes in gross revenues analyzed in the 2006 Consolidated HMS FMP and its amendments. The FRFAs for those amendments concluded that the economic impacts on these small entities are expected to be minimal. In the 2006 Consolidated HMS FMP and its amendments and the EA for the 2011 shark quota specifications rule, NMFS stated it would be conducting annual rulemakings and considering the potential economic impacts of adjusting the quotas for under- and overharvests at that time.

TABLE 3—AVERAGE EX-VESSEL PRICES PER LB DW FOR EACH SHARK MANAGEMENT GROUP, 2017

Region	Species	Average ex-vessel meat price	Average ex-vessel fin price
Western Gulf of Mexico	Blacktip Shark	$0.51	$11.03
	Aggregated LCS	0.51	12.51
	Hammerhead Shark	0.67	11.67
Eastern Gulf of Mexico	Blacktip Shark	0.62	8.22
	Aggregated LCS	0.43	13.00
	Hammerhead Shark		12.80
Gulf of Mexico	Non-Blacknose SCS	0.41	8.37
	Smoothhound Shark*		
Atlantic	Aggregated LCS	0.95	11.47
	Hammerhead Shark	0.41	13.91
	Non-Blacknose SCS	0.96	7.33
	Blacknose Shark	1.05	
	Smoothhound Shark	0.70	1.63
No Region	Shark Research Fishery (Aggregated LCS)	0.80	12.40
	Shark Research Fishery (Sandbar only)	0.50	12.40
	Blue shark	1.40	11.44
	Porbeagle shark	1.54	2.82
	Other Pelagic sharks	1.51	2.82

*Used Atlantic smoothhound ex-vessel prices for Gulf of Mexico smoothhound ex-vessel prices since there are currently no landings of Gulf of Mexico smoothhound sharks.

For this final rule, NMFS reviewed the ''opening commercial fishing season'' criteria at § 635.27(b)(3)(i) through (vii) to determine when opening each fishery will provide equitable opportunities for fishermen, to the extent practicable, while also considering the ecological needs of the different species. The 2018 fishing year and previous years' over- and/or underharvests were examined for the different species/complexes to determine the effects of the 2019 final quotas on fishermen across regional fishing areas. NMFS examined season lengths and previous catch rates to ensure equitable fishing opportunities for fishermen. Lastly, NMFS examined the seasonal variation of the different species/complexes and the effects on fishing opportunities. In addition to these criteria, NMFS also considered updated landings data and public comment on the proposed rule before arriving at the final opening dates for the 2019 Atlantic shark management groups. For the 2019 fishing year, NMFS is opening the shark management groups on January 1, 2019. The direct and indirect economic impacts will be neutral on a short- and long-term basis for the Gulf of Mexico blacktip shark, Gulf of Mexico aggregated LCS, Gulf of Mexico hammerhead shark, Gulf of Mexico non-blacknose shark SCS, Atlantic non-blacknose shark SCS, Atlantic blacknose shark, sandbar shark, blue shark, porbeagle shark, and pelagic shark (other than porbeagle or blue sharks) management groups, because NMFS did not change the opening dates of these fisheries from the status quo of January 1.

Opening the aggregated LCS and hammerhead shark management groups in the Atlantic region on January 1 will result in short-term, direct, moderate, beneficial economic impacts, as fishermen and dealers in the southern portion of the Atlantic region will be able to fish for and sell aggregated LCS

and hammerhead sharks starting in January. The opening date and retention limits finalized in this rule for the Atlantic region are the same as those for the current year and similar to those for the 2016, 2017, and 2018 years.

Based on past public comments, some Atlantic fishermen in the southern and northern parts of the region prefer a January 1 opening for the fishery as long as the majority of the quota is available later in the year. Along with the inseason retention limit adjustment criteria in § 635.24(a)(8), NMFS monitors the quota through the HMS electronic reporting system on a real-time basis. This allows NMFS the flexibility to further provide equitable fishing opportunities for fishermen across all regions, to the extent practicable. The direct impacts to shark fishermen in the Atlantic region of reducing the retention limit depend on the needed reduction in the retention limit and the timing of such a reduction. Therefore, such a reduction in the retention limit for directed shark limited access permit holders is only anticipated to have minor adverse direct economic impacts to fishermen in the short-term; long-term impacts are not anticipated as these reductions would not be permanent.

In the northern portion of the Atlantic region, a January 1 opening for the aggregated LCS and hammerhead shark management groups, with inseason trip limit adjustments to ensure quota is available later in the season, will have direct, minor, beneficial economic impacts in the short-term for fishermen as they will potentially have access to the aggregated LCS and hammerhead shark quotas earlier than in past seasons. Fishermen in this area have stated that, depending on the weather, some aggregated LCS species might be available to retain in January. Thus, fishermen will be able to target or retain aggregated LCS while targeting non-blacknose SCS. There will be indirect, minor, beneficial economic impacts in the short- and long-term for shark dealers and other entities that deal with shark products in this region as they will also have access to aggregated LCS products earlier than in past seasons. Thus, opening the aggregated LCS and hammerhead shark management groups in January and using inseason trip limit adjustments to ensure the fishery is open later in the year in 2019 will cause beneficial cumulative economic impacts, because it allows for a more equitable distribution of the quotas among constituents in this region, consistent with the 2006 Consolidated HMS FMP and its amendments.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, NMFS has prepared a listserv summarizing fishery information and regulations for Atlantic shark fisheries for 2019. This listserv also serves as the small entity compliance guide. Copies of the compliance guide are available from NMFS (see **ADDRESSES**).

Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 1801 *et seq.*

Dated: November 20, 2018.

Samuel D. Rauch III,

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

[FR Doc. 2018–25744 Filed 11–26–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 170817779–8161–02]

RIN 0648–XG648

Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is exchanging unused rock sole Community Development Quota (CDQ) for yellowfin sole CDQ acceptable biological catch (ABC) reserves in the Bering Sea and Aleutian Islands management area. This action is necessary to allow the 2018 total allowable catch of yellowfin sole in the Bering Sea and Aleutian Islands management area to be harvested.

DATES: Effective November 27, 2018 through December 31, 2018.

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

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

The 2018 rock sole and yellowfin sole CDQ reserves specified in the BSAI are 4,540 metric tons (mt) and 17,023 mt as established by the final 2018 and 2019 harvest specifications for groundfish in the BSAI (83 FR 8365, February 27, 2018) and revised by flatfish exchange (83 FR 50036, October 4, 2018). The 2018 rock sole and yellowfin sole CDQ ABC reserves are 10,772 mt and 12,670 mt as established by the final 2018 and 2019 harvest specifications for groundfish in the BSAI (83 FR 8365, February 27, 2018) and revised by flatfish exchange (83 FR 50036, October 4, 2018).

The Norton Sound Economic Development Corporation has requested that NMFS exchange 400 mt of rock sole CDQ reserves for 400 mt of yellowfin sole CDQ ABC reserves under § 679.31(d). Therefore, in accordance with § 679.31(d), NMFS exchanges 400 mt of rock sole CDQ reserves for 400 mt of yellowfin sole CDQ ABC reserves in the BSAI. This action also decreases and increases the TACs and CDQ ABC reserves by the corresponding amounts. Tables 11 and 13 of the final 2018 and 2019 harvest specifications for groundfish in the BSAI (83 FR 8365, February 27, 2018) and revised by flatfish exchange (83 FR 50036, October 4, 2018), are further revised as follows:

TABLE 11—FINAL 2018 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian District	Central Aleutian District	Western Aleutian District	BSAI	BSAI	BSAI
TAC	9,000	7,500	9,000	17,105	42,550	155,945
CDQ	963	803	963	1,507	4,140	17,423
ICA	100	120	10	4,000	6,000	4,000
BSAI trawl limited access	794	658	161	0	0	18,351
Amendment 80	7,143	5,920	7,866	11,599	32,410	116,171

Note: Sector apportionments may not total precisely due to rounding.

TABLE 13—FINAL 2018 AND 2019 ABC SURPLUS, ABC RESERVES, COMMUNITY DEVELOPMENT QUOTA (CDQ) ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE

[Amounts are in metric tons]

Sector	2018 Flathead sole	2018 Rock sole	2018 Yellowfin sole	2019 [1] Flathead sole	2019 [1] Rock sole	2019 [1] Yellowfin sole
ABC	66,773	143,100	277,500	65,227	132,000	267,500
TAC	17,105	42,550	155,945	16,500	49,100	156,000
ABC surplus	49,668	100,550	121,555	48,727	82,900	111,500
ABC reserve	49,668	100,550	121,555	48,727	82,900	111,500
CDQ ABC reserve	5,638	11,172	12,270	5,214	8,870	11,931
Amendment 80 ABC reserve	44,030	89,378	109,286	43,513	74,030	99,570

[1] The 2019 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2018.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the flatfish exchange by the Norton Sound Economic Development Corporation in the BSAI. Since these fisheries are currently open, it is important to immediately inform the industry as to the revised allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of November 19, 2018.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

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

Dated: November 20, 2018.

Karen H. Abrams,

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

[FR Doc. 2018–25765 Filed 11–26–18; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 83, No. 228

Tuesday, November 27, 2018

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0985; Airspace Docket No. 18–AWP–19]

RIN 2120–AA66

Proposed Amendment of Air Traffic Service (ATS) Route T–331; Western United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Area Navigation (RNAV) Route T–331 in the western United States. The modification is necessary due to the planned decommissioning of Clovis, CA, VOR portion of the VOR/Tactical Air Navigation (VORTAC) navigation aid (NAVAID), which provides navigation guidance for portions of affected ATS route V–23. The decommissioning has rendered portions of V–23 unusable and amending T–331 helps overcome affected portions of V–23. The Clovis, CA, VOR is being decommissioned as part of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Comments must be received on or before January 11, 2019.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1(800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2018–0985; Airspace Docket No. 18–AWP–19 at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

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

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

FOR FURTHER INFORMATION CONTACT: Kenneth Ready, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2018–0985; Airspace Docket No. 18–AWP–19) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2018–0985; Airspace Docket No. 18–AWP–19.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the office of the Western Service Center, Operations Support Group, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

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

Background

The FAA is planning decommissioning activities for the Clovis, CA, VOR in 2019 as one of the candidate VORs identified for discontinuance by the FAA's VOR MON program and listed in the final policy statement notice, ''Provision of Navigation Services for the Next Generation Air Transportation System (NextGen) Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR Minimum Operational Network),'' published in the **Federal Register** of July 26, 2016 (81 FR 48694), Docket No. FAA–2011–1082. Although the VOR portion of the Clovis, CA, VORTAC NAVAID is planned for decommissioning, the Tactical Air Navigation (TACAN) portion is being retained. The ATS route effected by the Clovis VOR decommissioning is V–23. RNAV route T–331 is proposed to be amended to overcome the gap to V–23.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying RNAV route T–331. The proposed route change is outlined below.

T–331: T–331 currently extends between the NTELL, CA, waypoint (WP) and the FONIA, ND, FIX. The FAA proposes to extend the route to the southeast by 15 miles to connect to the FRAME, CA, FIX, which is the new proposed starting point of the RNAV route. The extension is needed for navigation in the low altitude structure as V–23 is being gapped in a separate rulemaking action due to the decommissioning of the Clovis, CA, VOR. Additionally, five WPs (ESSOH, CA, HIXUP, NV, WAHNZ, ID, SPECT, MT, and TRUED, MT) and one FIX (CUTVA, NV) are being removed from the current legal description as they are unnecessary to the RNAV route description required by policy. The unaffected portion of the existing route will remain as charted.

United States RNAV Routes are published in paragraph 6011 of FAA Order 7400.11C dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The RNAV Route listed in this document will be subsequently published in the Order.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6011 United States Area Navigation Routes.

T–331 FRAME, CA TO FONIA, ND [AMENDED]

FRAME, CA	FIX	(Lat. 36°36′46.74″ N, long. 119°40′25.53″ W)
NTELL, CA	WP	(Lat. 36°53′58.99″ N, long. 119°53′22.21″ W)
KARNN, CA	FIX	(Lat. 37°09′03.79″ N, long. 121°16′45.22″ W)
VINCO, CA	FIX	(Lat. 37°22′35.11″ N, long. 121°42′59.52″ W)
NORCL, CA	WP	(Lat. 37°31′02.66″ N, long. 121°43′10.60″ W)
MOVDD, CA	WP	(Lat. 37°39′40.88″ N, long. 121°26′53.53″ W)
EVETT, CA	WP	(Lat. 38°00′36.11″ N, long. 121°07′48.14″ W)
TIPRE, CA	WP	(Lat. 38°12′21.00″ N, long. 121°02′09.00″ W)
SQUAW VALLEY, CA(SWR)	VORDME	(Lat. 39°10′49.16″ N, long. 120°16′10.60″ W)
TRUCK, CA	FIX	(Lat. 39°26′15.67″ N, long. 120°09′42.48″ W)
MUSTANG, NV (FMG)	VORTAC	(Lat. 39°31′52.60″ N, long. 119°39′21.87″ W)
LOVELOCK, NV (LLC)	VORTAC	(Lat. 40°07′30.95″ N, long. 118°34′39.34″ W)
BATTLE MOUNTAIN, NV (BAM)	VORTAC	(Lat. 40°34′08.69″ N, long. 116°55′20.12″ W)
PARZZ, NV	WP	(Lat. 41°36′14.64″ N, long. 115°02′09.69″ W)
TULIE, ID	WP	(Lat. 42°37′58.49″ N, long. 113°06′44.54″ W)
AMFAL, ID	WP	(Lat. 42°45′56.67″ N, long. 112°50′04.64″ W)
POCATELLO, ID (PIH)	VOR/DME	(Lat. 42°52′13.38″ N, long. 112°39′08.05″ W)
VIPUC, ID	FIX	(Lat. 43°21′09.64″ N, long. 112°14′44.08″ W)
IDAHO FALLS, ID (IDA)	VOR/DME	(Lat. 43°31′08.42″ N, long. 112°03′50.10″ W)
SABAT, ID	FIX	(Lat. 44°00′59.71″ N, long. 111°39′55.04″ W)
BILLINGS, MT (BIL)	VORTAC	(Lat. 45°48′30.81″ N, long. 108°37′28.73″ W)
EXADE, MT	FIX	(Lat. 47°35′56.78″ N, long. 104°32′40.61″ W)

JEKOK, ND	WP	(Lat. 47°59′31.05″ N, long. 103°27′17.51″ W)
FONIA, ND	FIX	(Lat. 48°15′35.07″ N, long. 103°10′37.54″ W)

* * * * *

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

Gemechu Gelgelu,

Acting Manager, Airspace Policy Group.

[FR Doc. 2018–25710 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0986; Airspace Docket No. 18–AWP–20]

RIN 2120–AA66

Proposed Amendment of Air Traffic Service (ATS) Route T–333; Western United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Area Navigation (RNAV) Route T–333 in the western United States. The modification is necessary due to the planned decommissioning of Priest, CA, VOR navigation aid (NAVAID), which provides navigation guidance for portions of affected ATS route V–485. The decommissioning has rendered portions of V–485 unusable and amending T–333 will overcome affected portions of V–485. The Priest, CA, VOR is being decommissioned as part of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Comments must be received on or before January 11, 2019.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1(800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2018–0986; Airspace Docket No. 18–AWP–20 at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

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

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

FOR FURTHER INFORMATION CONTACT: Kenneth Ready, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2018–0986; Airspace Docket No. 18–AWP–20) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2018–0986; Airspace Docket No. 18–AWP–20.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the office of the Western Service Center, Operations Support Group, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

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

air traffic service routes, and reporting points.

Background

The FAA is planning decommissioning activities for the Priest, CA, VOR in 2019 as one of the candidate VORs identified for discontinuance by the FAA's VOR MON program and listed in the final policy statement notice, ''Provision of Navigation Services for the Next Generation Air Transportation System (NextGen) Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR Minimum Operational Network),'' published in the **Federal Register** of July 26, 2016 (81 FR 48694), Docket No. FAA–2011–1082. The ATS route effected by the Clovis VOR decommissioning is V–485. RNAV route T–333 is proposed to be amended to overcome the gap to V–485.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying RNAV route T–333. The proposed route change is outlined below.

T–333: T–333 currently extends between the KLIDE, CA, FIX and the TIPRE, CA, waypoint. The FAA proposes to extend the route to the southeast by 130 miles to connect to the Fellows, CA, VOR/DME NAVAID, which is the new proposed starting point of the RNAV route. The extension is needed for navigation in the low altitude structure as V–485 is being gapped in a separate rulemaking action due to the decommissioning of the Priest, CA, VOR. The amendment will remove the KLIDE, CA, FIX due to turn criteria for RNAV procedure development in order to rejoin T–333 at the BORED, CA, FIX.

United States RNAV Routes are published in paragraph 6011 of FAA Order 7400.11C dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The RNAV Route listed in this document will be subsequently published in the Order.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6011 United States Area Navigation Routes

T–333 FELLOWS, CA TO TIPRE, CA [AMENDED]

FELLOWS, CA (FLW)	VOR/DME	(Lat. 35°05′35.10″ N, long. 119°51′56.08″ W)
REDDE, CA	FIX	(Lat. 35°39′35.48″ N, long. 120°17′42.14″ W)
LKHRN, CA	WP	(Lat. 36°05′59.82″ N, long. 120°45′22.53″ W)
RANCK, CA	FIX	(Lat. 36°35′29.90″ N, long. 121°06′10.37″ W)
HENCE, CA	FIX	(Lat. 36°55′28.65″ N, long. 121°25′49.36″ W)
GILRO, CA	FIX	(Lat. 37°02′46.62″ N, long. 121°34′06.76″ W)
BORED, CA	FIX	(Lat. 37°18′34.16″ N, long. 121°27′48.06″ W)
SMONE, CA	WP	(Lat. 37°32′10.45″ N, long. 121°21′30.65″ W)
OOWEN, CA	WP	(Lat. 37°42′25.17″ N, long. 121°16′29.21″ W)
TIPRE, CA	WP	(Lat. 38°12′21.00″ N, long. 121°02′09.00″ W)

* * * * *

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

Gemechu Gelgelu,

Acting Manager, Airspace Policy Group.

[FR Doc. 2018–25711 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0952; Airspace Docket No. 18–ASW–16]

RIN 2120–AA66

Proposed Amendment of E Airspace; Flippin, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace extending upward from 700 feet above the surface at Marion County Regional Airport, Flippin, AR, and Baxter County Airport, Mountain Home, AR, which is contained within the Flippin, AR, airspace legal description. The FAA is proposing this action as the result of the decommissioning of the Flippin VHF omnidirectional range (VOR) navigation aid, which provided navigation information for the instrument

procedures at these airports, as part of the VOR Minimum Operational Network (MON) Program. The geographic coordinates of the Marion County Regional Airport and name of Baxter County Airport would also be updated to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before January 11, 2019.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2018–0952; Airspace Docket No. 18–ASW–16, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

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

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class E airspace extending upward from 700 feet above the surface at Marion County Regional Airport, Flippin, AR, and Baxter County Airport, Mountain Home, AR, to support instrument flight rule operations at these airports.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2018–0952/Airspace Docket No. 18–ASW–16.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by:

Amending the Class E airspace extending upward from 700 feet above the surface at Marion County Regional Airport, Flippin, AR, to within a 6.5-mile radius (increased from a 6.4-mile radius); removing the Flippin VOR/DME from the airspace legal description; removing the extension east of the airport; removing the city associated with the airport from the airspace legal description to comply with FAA Order 7400.2L, Procedures for Handling Airspace Matters; and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

And amending the Class E airspace extending upward from 700 feet above the surface at Baxter County Airport (previously Baxter County Regional Airport), Mountain Home, AR, by removing the extension south of the airport associated with the Flippin VOR/DME; removing the city associated with the airport from the airspace legal description to comply with FAA Order 7400.2L; and updating the name of the airport to coincide with the FAA's aeronautical database.

This action is the result of an airspace review caused by the decommissioning of the Flippin VOR, which provided navigation information for the instrument procedures at these airports, as part of the VOR MON Program.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR

71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASW AR E5 Flippin, AR [Amended]

Marion County Regional Airport, AR
(Lat. 36°17′27″ N, long. 92°35′25″ W)
Baxter County Airport, AR
(Lat. 36°22′08″ N, long. 92°28′14″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Marion County Regional Airport and within a 6.5-mile radius of Baxter County Airport.

Issued in Fort Worth, Texas, on November 19, 2018.

Walter Tweedy,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2018–25706 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Chapter II

[Release Nos. 33–10576; 34–84640; 39–2523; IA–5067; IC–33298; File No. S7–25–18]

List of Rules To Be Reviewed Pursuant to the Regulatory Flexibility Act

AGENCY: Securities and Exchange Commission.

ACTION: Publication of list of rules scheduled for review.

SUMMARY: The Securities and Exchange Commission is publishing a list of rules to be reviewed pursuant to Section 610 of the Regulatory Flexibility Act. The list is published to provide the public with notice that these rules are scheduled for review by the agency and to invite public comment on whether the rules should be continued without change, or should be amended or rescinded to minimize any significant economic impact of the rules upon a substantial number of such small entities.

DATES: Comments should be submitted by December 27, 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/proposed.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–XX–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–XX–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 also are 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 comment submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Leila Bham, Office of the General Counsel, 202–551–5532.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (''RFA''), codified at 5 U.S.C. 601–612, requires an agency to review its rules that have a significant economic impact upon a substantial number of small entities within ten years of the publication of such rules as final rules. 5 U.S.C. 610(a). The purpose of the review is ''to determine whether such rules should be continued without change, or should be amended or rescinded . . . to minimize any significant economic impact of the rules upon a substantial number of such small entities.'' 5 U.S.C. 610(a). The RFA sets forth specific considerations that must be addressed in the review of each rule:

- The continued need for the rule;
- the nature of complaints or comments received concerning the rule from the public;
- the complexity of the rule;
- the extent to which the rule overlaps, duplicates or conflicts with other federal rules, and, to the extent feasible, with state and local governmental rules; and
- the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. 5 U.S.C. 610(c).

The Securities and Exchange Commission, as a matter of policy, reviews all final rules that it published for notice and comment to assess not only their continued compliance with the RFA, but also to assess generally

their continued utility. When the Commission implemented the Act in 1981, it stated that it ''intend[ed] to conduct a broader review [than that required by the RFA], with a view to identifying those rules in need of modification or even rescission.'' Securities Act Release No. 6302 (Mar. 20, 1981), 46 FR 19251 (Mar. 30, 1981). The list below is therefore broader than that required by the RFA, and may include rules that do not have a significant economic impact on a substantial number of small entities. Where the Commission has previously made a determination of a rule's impact on small businesses, the determination is noted on the list.

The Commission particularly solicits public comment on whether the rules listed below affect small businesses in new or different ways than when they were first adopted. The rules and forms listed below are scheduled for review by staff of the Commission.

Title: Fund of Funds Investments.

Citation: 17 CFR 270.12d1–1, 17 CFR 270.12d1–2, 17 CFR 270.12d1–3.

Authority: 15 U.S.C. 77f, 77g(a), 77j, 77s(a), 80a–6(c), 80a–8(b), 80a–12(d)(1)(J), 80a–24(a), 80a–29, 80a–37(a).

Description: The Commission adopted three new rules under the Investment Company Act of 1940 (''Investment Company Act'') that address the ability of an investment company (''fund'') to acquire shares of another fund. Section 12(d)(1) of the Investment Company Act prohibits, subject to certain exceptions, so-called ''fund of funds'' arrangements, in which one fund invests in the shares of another. The rules broadened the ability of a fund to invest in shares of another fund in a manner consistent with the public interest and the protection of investors. The Commission also adopted amendments to forms used by funds to register under the Investment Company Act and offer their shares under the Securities Act of 1933 (''Securities Act''). The amendments improved the transparency of the expenses of funds of funds by requiring that the expenses of the acquired funds be aggregated and shown as an additional expense in the fee table of the fund of funds.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. IC–27399 (June 20, 2006). The Commission solicited comment on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. IC–26198 (Oct. 1, 2003), but, as stated in the adopting release, received no comments on that analysis.

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Title: Joint Final Rules: Application of the Definition of Narrow-Based Security Index to Debt Securities Indexes and Security Futures on Debt Securities.

Citation: 17 CFR 41.15, 17 CFR 41.21, 17 CFR 240.3a55–4, 17 CFR 240.6h–2.

Authority: 7 U.S.C. 1a(25)(B)(vi) and 2(a)(1)(D); 15 U.S.C. 78c(a)(55)(C)(vi), 78c(b), 78f(h), 78w(a), 78mm.

Description: The Commodity Futures Trading Commission (''CFTC'') and the Commission adopted a new rule and amended an existing rule under the Commodity Exchange Act and adopted two new rules under the Securities Exchange Act of 1934 (''Exchange Act'') that modified the applicable statutory listing standards requirements to permit security futures to be based on individual debt securities or a narrow-based security index composed of such securities. In addition, these rules and rule amendment exclude from the definition of ''narrow-based security index'' debt securities indexes that satisfy specified criteria. A future on a debt securities index excluded from the definition of narrow-based security index is not a security future and may trade subject to the exclusive jurisdiction of the CFTC.

Prior RFA Analysis: Pursuant to Section 605(b) of the Regulatory Flexibility Act, the Commission certified that the rule would not have a significant economic impact on a substantial number of small entities. This certification was incorporated into the proposing release, Release No. 34–53560 (March 29, 2006). As stated in the adopting release, Release No. 34–54106 (July 6, 2006), the Commission received no comments concerning the impact on small entities or the Regulatory Flexibility Act certification.

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Title: Executive Compensation and Related Person Disclosure.

Citation: 17 CFR 229.201, 17 CFR 229.306, 17 CFR 229.401, 17 CFR 229.402, 17 CFR 229.403, 17 CFR 229.404, 17 CFR 229.407, 17 CFR 229.601, 17 CFR 229.1107, 17 CFR 232.304, 17 CFR 240.13a–11, 17 CFR 240.13a–20, 17 CFR 240.14a–3, 17 CFR 240.14a–6, 17 CFR 240.14c–5, 17 CFR 240.15d–11, 17 CFR 240.16b–3, 17 CFR 240.14a–101, 240 CFR 15d–20, 17 CFR 245.100, 17 CFR 249.308, 17 CFR 249.210, 17 CFR 249.210b, 17 CFR 249.308a, 17 CFR 249.308b, 17 CFR 249.310, 17 CFR 249.310b, 17 CFR 249.220f, 17 CFR 239.11, 17 CFR 239.13, 17 CFR 239.25, 17 CFR 239.18, 17 CFR 239.15A, 17 CFR 274.11A, 17 CFR 239.14, 17 CFR 274.11a–1, 17 CFR 239.17a, 17 CFR 274.11b, 17 CFR 249.331, 17 CFR 274.128.

Authority: 15 U.S.C. 77c, 77d, 77e, 77f, 77g, 77h, 77j, 77k, 77s, 77s(a), 77z–2, 77z–3, 77aa(25), 77aa(26), 77mm, 77ddd, 77eee, 77ggg, 77hhh, 77iii, 77jjj, 77nnn, 77sss, 77sss(a), 77ttt, 78a *et seq.,* 78c, 78c(b), 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78*l,* 78m, 78n, 78o, 78o(d), 78p, 78q, 78s, 78u–5, 78w, 78w(a), 78x, 78*ll,* 78*ll*(d), 78mm, 79e, 79f, 79g, 79j, 79*l,* 79m, 79n, 79q, 79t, 79t(a), 80a–2(a), 80a–3, 80a–8, 80a–9, 80a–10, 80a–13, 80a–20, 80a–23, 80a–24, 80a–26, 80a–29, 80a–30, 80a–31(c), 80a–37, 80a–38(a), 80a–39, 80b–3, 80b–4, 80b–11, 7201 *et seq.;* 18 U.S.C. 1350.

Description: The Commission adopted amendments to the disclosure requirements for executive and director compensation, related person transactions, director independence and other corporate governance matters and security ownership of officers and directors. These amendments apply to disclosure in proxy and information statements, periodic reports, current reports, and other filings under the Exchange Act and to registration statements under the Exchange Act and the Securities Act. The Commission also adopted a requirement that disclosure under the amended items generally be provided in plain English. The amendments were intended to make proxy and information statements, reports, and registration statements easier to understand. They were also intended to provide investors with a clearer and more complete picture of the compensation earned by a company's principal executive officer, principal financial officer and highest paid executive officers and members of its board of directors. In addition, they were intended to provide better information about key financial relationships among companies and their executive officers, directors, significant shareholders, and their respective immediate family members.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. 33–8732A (Aug. 29, 2006). In the adopting release, the Commission considered comments received on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. 33–8655 (Jan. 27, 2006).

* * * * *

Title: Mutual Fund Redemption Fees.

Citation: 17 CFR 270.22c–2.

Authority: 15 U.S.C. 80a–6(c), 80a–22(c), 80a–37(a).

Description: The Commission adopted amendments to a rule under the Investment Company Act. The rule, among other things, requires most open-end investment companies (''funds'') to enter into agreements with intermediaries, such as broker-dealers, that hold shares on behalf of other investors in so called ''omnibus accounts.'' These agreements must provide funds access to information about transactions in these accounts to enable the funds to enforce restrictions on market timing and similar abusive transactions. The Commission amended the rule to clarify the operation of the rule and reduce the number of intermediaries with which funds must negotiate shareholder information agreements.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. IC–27504 (Sept. 27, 2006). In the adopting release, the Commission considered comments received on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. IC–27255 (Feb. 28, 2006).

* * * * *

Title: Definition of Eligible Portfolio Company Under the Investment Company Act of 1940.

Citation: 17 CFR 270.2a–46, 17 CFR 270.55a–1.

Authority: 15 U.S.C. 80a–2(a)(46)(C)(iv), 80a–6(c), 80a–38(a).

Description: The Commission adopted two new rules under the Investment Company Act. The new rules more closely aligned the definition of eligible portfolio company, and the investment activities of business development companies, with the purpose that Congress intended. The rules expanded the definition of eligible portfolio company in a manner that promotes the flow of capital to certain small, developing and financially troubled companies.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. IC–27538 (Oct. 25, 2006). The Commission solicited comment on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. IC–26647 (Nov. 1, 2004), but, as stated in the adopting release, received no comments that specifically addressed that analysis.

* * * * *

Title: Electronic Filing of Transfer Agent Forms.

Citation: 17 CFR 232.101, 17 CFR 232.104, 17 CFR 232.201, 17 CFR 240.17Ac2–1, 17 CFR 240.17Ac2–2, 17 CFR 240.17Ac3–1, 17 CFR 249b.100, 17 CFR 249b.101, 17 CFR 249b.102, 17 CFR 239.63, 17 CFR 249.446, 17 CFR 269.7, 17 CFR 274.402.

Authority: 15 U.S.C. 77s(a), 15 U.S.C. 78m(a), 15 U.S.C. 78w(a), 15 U.S.C. 78*ll,* 15 U.S.C. 77sss, 15 U.S.C. 80a–29, 15 U.S.C. 80a–37, 15 U.S.C. 78q(a), 15 U.S.C. 78q–1(c).

Description: The Commission adopted amendments to the rules and forms to require that the forms filed with respect to transfer agent registration, annual reporting, and withdrawal from registration be filed with the Commission electronically. The forms are required to be filed on the Commission's EDGAR database in XML format and are accessible to Commission staff and the public for search and retrieval. The purpose of the amendments was to improve the Commission's ability to utilize the information reported on the forms in performing its oversight function of transfer agent operations and to publicly disseminate the information on the forms.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. No. 34–54864 (Dec. 4, 2006). In the adopting release, the Commission considered comments received on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. 34–54356 (Aug. 24, 2006).

* * * * *

Title: Internet Availability of Proxy Materials.

Citation: 17 CFR 240.14a–2, 17 CFR 240.14a–3, 17 CFR 240.14a–4, 17 CFR 240.14a–7, 17 CFR 240.14a–8, 17 CFR 240.14a–12, 17 CFR 240.14a–13, 17 CFR 240.14b–1, 17 CFR 240.14b–2, 17 CFR 240.14c–2, 17 CFR 240.14c–3, 17 CFR 240.14c–5, 17 CFR 240.14c–7, 17 CFR 240.14a–101, 17 CFR 240.14c–101, 17 CFR 249.310, 17 CFR 249.308a, 17 CFR 249.330 and 274.101, 17 CFR 240.14a–16.

Authority: 15 U.S.C. 77c, 77d, 77f, 77g, 77h, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78c(b), 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78l, 78m, 78n, 78o, 78o(d),78p, 78q, 78s, 78u–5, 78w, 78x, 78ll, 78mm, 80a–8, 80a–20, 80a–23, 80a–24, 80a–26, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, and 7202, 7233,7241, 7262, 7264 and 7265.; and 18 U.S.C. 1350.

Description: The Commission adopted amendments to the proxy rules under the Exchange Act that provide an alternative method for issuers and other persons to furnish proxy materials to shareholders by posting them on an internet website and providing shareholders with notice of the availability of the proxy materials. Issuers must make copies of the proxy materials available to shareholders on request, at no charge to shareholders. The amendments put into place processes that will provide shareholders with notice of, and access to, proxy materials while taking advantage of technological developments and the growth of the internet and electronic communications. Issuers that rely on the amendments may be able to significantly lower the costs of their proxy solicitations that ultimately are borne by shareholders. The amendments also might reduce the costs of engaging in a proxy contest for soliciting persons other than the issuer. The amendments do not apply to business combination transactions, and also do not affect the availability of any existing method of furnishing proxy materials.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the adoption of Release No. 34–55146 (Jan. 29, 2007). In the adopting release, the Commission considered comments received on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. 34–52926 (Dec. 8 2005).

* * * * *

Title: Covered Securities Pursuant to Section 18 of the Securities Act of 1933.

Citation: 17 CFR 230.146(b).

Authority: 15 U.S.C. 77b, 77c, 77d, 77f, 77g, 77h, 77j, 77r, 77s, 77z–3, 77sss, 78c, 78d, 78j, 78*l,* 78m, 78n, 78o, 78t, 78w, 78*ll*(d), 78mm, 80a–8, 80a–24, 80a–28, 80a29, 80a–30, and 80a–37.

Description: The Commission adopted an amendment to Rule 146 under Section 18 of the Securities Act to designate certain securities listed, or authorized for listing, on the Nasdaq Capital Market tier of The NASDAQ Stock Market LLC as covered securities for purposes of Section 18(b) of the Securities Act. Covered securities under Section 18(b) of the Securities Act are exempt from state law registration requirements. The Commission also amended Rule 146 to correct the rule text to conform it to the language of Section 18 of the Securities Act.

Prior RFA Analysis: Pursuant to Section 605(b) of the Regulatory Flexibility Act, the Commission certified that the rule would not have a significant economic impact on a substantial number of small entities.

This certification was incorporated into the proposing release, Release No. 33–8754 (Nov. 22, 2006). As stated in the adopting release, Release No. 33–8791 (Apr. 18, 2007), the Commission received no comments concerning the impact on small entities or the Regulatory Flexibility Act certification.

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Title: Oversight of Credit Rating Agencies Registered as Nationally Recognized Statistical Rating Organizations.

Citation: 17 CFR 240.17g–1, 17 CFR 240.17g–2, 17 CFR 240.17g–3, 17 CFR 240.17g–4, 17 CFR 240.17g–5, 17 CFR 240.17g–6, and 17 CFR 249b.300.

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78e, 78f, 78g, 78i, 78j, 78j–l, 78k, 78k–1, 78*l,* 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78*ll,* 78mm, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, and 7201 *et seq.;* and 18 U.S.C. 1350.

Description: The Commission adopted rules to implement provisions of the Credit Rating Agency Reform Act of 2006 (the ''Rating Agency Act''), enacted on September 29, 2006. The Rating Agency Act defines the term ''nationally recognized statistical rating organization,'' provides authority for the Commission to implement registration, recordkeeping, financial reporting, and oversight rules with respect to registered credit rating agencies, and directs the Commission to issue final implementing rules.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. 34–55857 (Jun. 5, 2007). The Commission solicited comment on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. 34–55231 (Feb. 2, 2007), but, as stated in the adopting release, received no comments on that analysis.

* * * * *

Title: Regulation SHO and Rule 10a–1.

Citation: 17 CFR 240.10a–1; 17 CFR 242.200; 17 CFR 242.201.

Authority: 15 U.S.C. 78b, 78c(b), 78f, 78i(a), 78j(a), 78k–1, 78o, 78o–3, 78q, 78q–1, 78w(a).

Description: The Commission adopted amendments to the short sale price test under the Exchange Act. The amendments are intended to provide a more consistent regulatory environment for short selling by removing restrictions on the execution prices of short sales, as well as prohibiting any self-regulatory organization from having a price test. In addition, the Commission adopted amendments to Regulation SHO to remove the requirement that a broker-dealer mark a sell order of an equity security as ''short exempt,'' if the seller is relying on an exception from a price test.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. 34–55970 (Jun. 28, 2007). In the adopting release, the Commission considered comments received on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. 34–54891 (Dec. 7, 2006).

* * * * *

Title: Shareholder Choice Regarding Proxy Materials.

Citation: 17 CFR 240.14a–3, 17 CFR 240.14a–7, 17 CFR 240.14a–16, 17 CFR 240.14a–101, 17 CFR 240.14b–1, 17 CFR 240.14b–2, 17 CFR 240.14c–2, and 17 CFR 240.14c–3.

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78*l,* 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78*ll,* 78mm, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, and 7201 *et seq.;* and 18 U.S.C. 1350.

Description: The Commission adopted amendments to the proxy rules under the Exchange Act to provide shareholders with the ability to choose the means by which they access proxy materials. Under the amendments, issuers and other soliciting persons are required to post their proxy materials on an internet website and provide shareholders with a notice of the internet availability of the materials. The issuer or other soliciting person may choose to furnish paper copies of the proxy materials along with the notice. If the issuer or other soliciting person chooses not to furnish a paper copy of the proxy materials along with the notice, a shareholder may request delivery of a copy at no charge to the shareholder.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the adoption of Release No. 34–56135 (Jul. 26, 2007). In the adopting release, the Commission considered comments received on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. 34–55147 (Jan. 22, 2007).

* * * * *

Title: Prohibition of Fraud by Advisers to Certain Pooled Investment Vehicles.

Citation: 17 CFR 275.206(4)–8.

Authority: 15 U.S.C. 80b–6(4) and 80b–11(a).

Description: The Commission adopted a new rule that prohibits advisers to pooled investment vehicles from making false or misleading statements to, or otherwise defrauding, investors or prospective investors in those pooled vehicles. This rule was designed to clarify, in light of a court opinion prior to the rule adoption, the Commission's ability to bring enforcement actions under the Investment Advisers Act of 1940 against investment advisers who defraud investors or prospective investors in a hedge fund or other pooled investment vehicle.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. IA–2628 (Aug. 3, 2007). The Commission solicited comment on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. IA–2576 (Dec. 27, 2006), but, as stated in the adopting release, received no comments on that analysis.

* * * * *

Title: Short Selling in Connection with a Public Offering.

Citation: 17 CFR 242.105.

Authority: 15 U.S.C. 77g, 77q(a), 77s, 77s(a), 78b, 78c, 78g, 78i(a), 78j, 78k–1(c), 781, 78m, 78n, 78o(b), 78o(c), 78o(g), 78q(a), 78q(b), 78q(h), 78w(a), 78dd–1, 78mm, 80a–23, 80a–29, 80a–37.

Description: A fundamental goal of Regulation M, Anti-Manipulation Rules Concerning Securities Offerings, is protecting the independent pricing mechanism of the securities market so that offering prices result from the natural forces of supply and demand unencumbered by artificial forces. Rule 105 of Regulation M governs short selling in connection with public offerings and concerns short sales that are effected prior to pricing an offering. The rule is particularly concerned with short selling that can artificially depress market prices which can lead to lower than anticipated offering prices, thus causing an issuer's offering proceeds to be reduced. The rule is intended to foster secondary and follow-on offering prices that are determined by independent market dynamics and not by potentially manipulative activity. Prior to the amendments, there had been non-compliance with the then-current version of Rule 105 and persons engaged in strategies to hide their non-compliance. The Commission observed that these strategies evolved over time, so it adopted the amendments to

forestall the continuation of these obfuscating transactions and to cut-off the likely future development of more complex attempts to disguise violations of the Rule. The amendments enhance market integrity by prohibiting conduct that can be manipulative around the time an offering is priced so that market prices can be fairly determined by an independent market. The Commission believes the amendments safeguard the integrity of the capital raising process and protect issuers from potentially manipulative activity that can reduce offering proceeds. The amendments are expected to promote investor confidence in the market which should foster capital formation.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. 34–56206 (Aug. 6, 2007). In the adopting release, the Commission considered the comment received on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. 34–58888 (Dec. 6, 2006).

* * * * *

Title: Amendments to Regulation SHO.

Citation: 17 CFR 242.200; 17 CFR 242.203.

Authority: 15 U.S.C. 78b, 78c(b), 78i(h), 78j, 78k–1, 78o, 78q(a), 78q–1, 78w(a).

Description: The Commission adopted amendments to Regulation SHO under the Exchange Act. The amendments were intended to further reduce the number of persistent fails to deliver in certain equity securities by eliminating the grandfather provision of Regulation SHO. In addition, the Commission amended the close-out requirement of Regulation SHO for certain securities that a seller is ''deemed to own.'' The amendments also updated the market decline limitation referenced in Regulation SHO.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. 34–56212 (Aug. 7, 2007). In the adopting release, the Commission considered comments received on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. 34–54154 (Jul. 14, 2006).

* * * * *

Title: Definitions of Terms and Exemptions Relating to the ''Broker'' Exceptions for Banks.

Citation: 17 CFR 247.700, 247.701, 247.721, 247.722, 247.723, 247.740, 247.741, 247.760, 247.771, 247.772, 247.775, 247.776, 247.780, and 247.781.

Authority: Pub. L. 109–351, 120 Stat. 1966 (2006); Pub. L. 106–102, 113 Stat. 1338 (1999); 15 U.S.C. 78c(a)(4), 78c(b), 78*o,* 78q, 78w(a), and 78mm.

Description: Pursuant to the Financial Services Regulatory Relief Act of 2006 (''Regulatory Relief Act''), the Board of Governors of the Federal Reserve System (''Board'') and the Commission jointly adopted Regulation R to implement certain of the exceptions for banks from the definition of the term ''broker'' under Section 3(a)(4) of the Exchange Act, as amended by the Gramm-Leach-Bliley Act (''GLBA''). The rules in Regulation R define terms used in these statutory exceptions and include certain related exemptions. Regulation R applies to any ''bank'' as defined in Section 3(a)(6) of the Exchange Act, as amended by Section 401 of the Regulatory Relief Act to include any Federal savings association or other savings association the deposits of which are insured by the Federal Deposit Insurance Corporation.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Board and the Commission's adoption of Regulation R in Release No. 34–56501 (Sept. 24, 2007). In the adopting release, the Board and the Commission considered comments received on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. 34–54946 (Dec. 8, 2006).

* * * * *

Title: Exemptions for Banks Under Section 3(a)(5) of the Securities Exchange Act of 1934 and Related Rules.

Citation: 17 CFR 240.3a5–2, 240.3a5–3, and 240.15a–6.

Authority: 15 U.S.C. 78c(a)(4), 78c(b), 78*o,* 78q, 78w(a), and 78mm.

Description: The Commission adopted the rules and rule amendments to provide a conditional exemption allowing banks to effect riskless principal transactions with non-U.S. persons pursuant to Regulation S under the Securities Act, to amend and re-designate an exemption from the definition of ''dealer'' for banks' securities lending activities as a conduit lender, and to conform a rule that grants a limited exemption from U.S. broker-dealer registration for foreign broker-dealers to the definitions of ''broker'' and ''dealer'' in the Exchange Act, as amended by the Gramm-Leach-Bliley Act. The exemptions for banks provided by the rules and rule amendments apply to any ''bank'' as defined in Section 3(a)(6) of the Exchange Act, as amended by Section 401 of the Financial Services Regulatory Relief Act of 2006 to include any Federal savings association or other savings association the deposits of which are insured by the Federal Deposit Insurance Corporation.

Prior RFA Analysis: Pursuant to Section 605(b) of the Regulatory Flexibility Act, the Commission certified that the rule would not have a significant economic impact on a substantial number of small entities. This certification was incorporated into the proposing release, Release No. 34–54947 (Dec. 18, 2006). As stated in the adopting release, Release No. 34–56502 (Sept. 24, 2007), the Commission received no comments concerning the impact on small entities or the Regulatory Flexibility Act certification.

* * * * *

Title: Exemption of Compensatory Employee Stock Options From Registration Under 12(g) of the Securities Exchange Act of 1934.

Citation: 17 CFR 240.12h–1.

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78*l,* 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78ll, 78mm, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, and 7201 *et seq.;* and 18 U.S.C. 1350.

Description: The Commission adopted two exemptions from the registration requirements of the Exchange Act for compensatory employee stock options. The first exemption is available to issuers that are not required to file periodic reports under the Exchange Act. The second exemption is available to issuers that are required to file those reports because they have registered under Exchange Act Section 12 a class of security or are required to file reports pursuant to Exchange Act Section 15(d). The exemptions apply only to the issuer's compensatory employee stock options and do not extend to the class of securities underlying those options.

Prior RFA Analysis: Pursuant to Section 605(b) of the Regulatory Flexibility Act, the Commission certified that the two exemptions from the registration provisions of Exchange Act Section 12(g) for compensatory employee stock options would not have a significant economic impact on a substantial number of small entities. The certification was incorporated into the proposing release, Release No. 34–56010 (Jul. 10, 2007). As stated in the adopting release, Release No. 34–56887 (Dec. 7, 2007), the Commission received no comments concerning the impact on

small entities or the Regulatory Flexibility Act certification.

* * * * *

Title: Revisions to Rules 144 and 145.

Citation: 17 CFR 230.144, 17 CFR 230.145, 17 CFR 230.190, 17 CFR 230.701, 17 CFR 230.903, 17 CFR 239.144.

Authority: 15 U.S.C. 77b, 77c, 77d, 77f, 77g, 77h, 77j, 77r, 77s, 77z–2, 77z–3, 77sss, 78c, 78d, 78j, 78*l,* 78m, 78n, 78o, 78o(d), 78t, 78u–5, 78w, 78w(a), 78*ll,* 78*ll*(d), 78mm, 80a–2(a), 80a–3, 80a–8, 80a–9, 80a–10, 80a–13, 80a–24, 80a–26, 80a–28, 80a–29, 80a–30, and 80a–37.

Description: Rule 144 under the Securities Act creates a safe harbor for the sale of securities under the exemption set forth in Section 4(1) of the Securities Act. The Commission amended Rule 144 to shorten the holding period requirement for ''restricted securities'' of issuers that are subject to the reporting requirements of the Exchange Act to six months. Restricted securities of issuers that are not subject to the Exchange Act reporting requirements continue to be subject to a one-year holding period prior to any public resale. The amendments also substantially reduced the restrictions applicable to the resale of securities by non-affiliates. In addition, the amendments simplified the Preliminary Note to Rule 144, amended the manner of sale requirements and eliminated them with respect to debt securities, amended the volume limitations for debt securities, increased the Form 144 filing thresholds, and codified several staff interpretive positions that relate to Rule 144. The Commission also amended Securities Act Rule 145 to eliminate the presumptive underwriter provision, except for transactions involving a shell company, and amended the resale requirements in Rule 145(d).

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the adoption of Release No. 33–8869 (Dec. 17, 2007). In the adopting release, the Commission considered comments received on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. 33–8813 (Jun. 22, 2007).

* * * * *

Title: Shareholder Proposals Relating to the Election of Directors.

Citation: 17 CFR 240.14a–8(i)(8).

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78*l,* 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78*ll,* 78mm, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, and 7201 *et seq.;* and 18 U.S.C. 1350.

Description: The Commission adopted amendments to Rule 14a–8 under the Exchange Act to codify the meaning of Rule 14a–8(i)(8). Rule 14a–8 provides shareholders with an opportunity to place certain proposals in a company's proxy materials for a vote at an annual or special meeting of shareholders. Subsection (i)(8) of the Rule permits exclusion of certain shareholder proposals related to the election of directors. The Commission adopted an amendment to Rule 14a–8(i)(8) to provide certainty regarding the meaning of this provision in response to a ~~recent~~ court decision.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the adoption of Release No. 34–56914 (Dec. 11, 2007). In the adopting release, the Commission considered comments received on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. 34–56161 (Jul. 27, 2007).

* * * * *

Title: Revisions to the Eligibility Requirements for Primary Securities Offerings on Forms S–3 and F–3.

Citation: 17 CFR 239.13, 17 CFR 239.33, 17 CFR 230.401(g).

Authority: 15 U.S.C. 77b, 77c, 77d, 77f, 77g, 77h, 77j, 77r, 77s, 77z–2, 77z–3, 77sss, 78c, 78d, 78j, 78*l,* 78m, 78n, 78o, 78o(d), 78t, 78u–5, 78w, 78w(a), 78*ll,* 78mm, 80a–2(a), 80a–3, 80a–8, 80a–9, 80a–10, 80a–13, 80a–24, 80a–26, 80a–28, 80a–29, 80a–30, and 80a–37.

Description: The Commission adopted amendments to the eligibility requirements of Form S–3 and Form F–3 to allow certain domestic and foreign private issuers to conduct primary securities offerings on these forms without regard to the size of their public float or the rating of debt they are offering, so long as they satisfy the other eligibility conditions of the respective form, have a class of common equity securities listed and registered on a national securities exchange, and the issuers do not sell more than the equivalent of one-third of their public float in primary offerings over any period of 12 calendar months. The amendments were intended to allow more companies to benefit from the greater flexibility and efficiency in accessing the public securities markets afforded by Form S–3 and Form F–3 without compromising investor protection. The expanded form eligibility does not extend to shell companies, however, which are prohibited from using the new provisions until 12 calendar months after they cease being shell companies. In addition, the Commission adopted an amendment to the rules and regulations promulgated under the Securities Act to clarify that violations of the one-third restriction will also violate the requirements as to proper registration form, even though the registration statement has been declared effective previously.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the adoption of Release No. 33–8878 (Dec. 27, 2007). In the adopting release, the Commission considered comments received on the Initial Regulatory Flexibility Analysis including in the proposing release, Release No. 33–8812 (Jun. 20, 2007).

* * * * *

Title: Electronic Shareholder Forums.

Citation: 17 CFR 240.14a–2 and 17 CFR 240.14a–17.

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78*l,* 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78*ll,* 78mm, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, and 7201 *et seq.;* and 18 U.S.C. 1350.

Description: The Commission adopted amendments to the proxy rules under the Exchange Act to facilitate electronic shareholder forums. The amendments clarified that participation in an electronic shareholder forum that could potentially constitute a solicitation subject to the proxy rules is exempt from most of the proxy rules if all of the conditions to the exemption are satisfied. In addition, the amendments stated that a shareholder, company, or third party acting on behalf of a shareholder or company that establishes, maintains, or operates an electronic shareholder forum is not liable under the federal securities laws for any statement or information provided by another person participating in the forum.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the adoption of Release No. 34–57172 (Jan. 18, 2008). The Commission requested comment on the Initial Regulatory Flexibility Analysis prepared in the proposing release, Release No. 34–56160 (Jul. 27, 2007). As stated in the adopting release, although commenters addressed several aspects of the proposed amendments that potentially could have affected small entities, no commenter

specifically discussed the effect of the proposed amendments regarding electronic shareholder forums on small businesses or entities.

* * * * *

Title: Electronic Filing and Revision of Form D.

Citation: 17 CFR 230.502, 17 CFR 230.503, 17 CFR 232.100, 17 CFR 232.101, 17 CFR 232.104, 17 CFR 232.201, 17 CFR 232.202, and 17 CFR 239.500.

Authority: 15 U.S.C. 77b, 77c, 77d, 77f, 77g, 77h, 77j, 77r, 77s, 77s(a), 77z–2, 77z–3, 77sss, 77sss(a), 78c, 78c(b), 78d, 78j, 78*l,* 78m, 78n, 78o, 78o(d), 78t, 78u–5, 78w, 78w(a), 78*ll,* 78*ll*(d), 78mm, 80a–2(a), 80a–3, 80a–6(c), 80a–8, 80a–9, 80a–10, 80a–13, 80a–24, 80a–26, 80a–28, 80a–29, 80a–30, 80a–37, and 7201 *et seq.;* and 18 U.S.C. 1350.

Description: The Commission adopted amendments mandating the electronic filing of information required by Securities Act Form D through the internet. The Commission also adopted revisions to Form D and to Regulation D in connection with the electronic filing requirement. The revisions simplified and restructured Form D and updated and revised its information requirements.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the adoption of Release No. 33–8891 (Feb. 6, 2008). The Commission requested comment on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. 33–8814 (Jun. 29, 2007), but, as stated in the adopting release, no commenter responded to the request.

* * * * *

Title: Proposed Rule Changes of Self-Regulatory Organizations.

Citation: 17 CFR part 240.19b–4, 17 CFR part 240.19b–7, and 17 CFR part 249.822.

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78a *et seq.,* 78c, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78l, 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78ll, 78mm, 80a– 20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, and 7201 *et seq.* and 18 U.S.C. 1350.

Description: The Commission adopted rule amendments to require Self-Regulatory Organizations (''SROs'') that submit proposed rule changes pursuant to Section 19(b)(7)(A) of the Exchange Act to file these rule changes electronically. In addition, the Commission adopted rule amendments to require SROs to post all such proposed rule changes on their websites. Together, the amendments are designed to expand the electronic filing by SROs of proposed rule changes, making it more efficient and cost effective, and to harmonize the process of filings made under Section 19(b)(7)(A) with that for filings made by SROs under Section 19(b)(1) of the Act.

Prior RFA Analysis: Pursuant to Section 605(b) of the Regulatory Flexibility Act, the Commission certified that the rule would not have a significant economic impact on a substantial number of small entities. This certification was incorporated into the proposing release, Release No. 34–55341 (Feb. 23, 2007). As stated in the adopting release, Release No. 34–57526 (Mar. 19, 2008), the Commission received no comments concerning the impact on small entities or the Regulatory Flexibility Act certification.

* * * * *

Title: Disclosure of Divestment by Registered Investment Companies in Accordance With Sudan Accountability and Divestment Act of 2007.

Citation: 17 CFR 294.331, 17 CFR 274.128, 17 CFR 294.330, and 17 CFR 274.101.

Authority: 15 U.S.C. 78j(b), 78m, 78o(d), 78w(a), 78mm, 80a–8, 80a–13(c), 80a–24(a), 80a–29, and 80a–37.

Description: The Commission adopted amendments to its forms under the Exchange Act and the Investment Company Act that required disclosure by a registered investment company that divests, in accordance with the Sudan Accountability and Divestment Act of 2007, from securities of issuers that the investment company determines, using credible information that is available to the public, conduct or have direct investments in certain business operations in Sudan. The Sudan Accountability and Divestment Act limits civil, criminal, and administrative actions that may be brought against a registered investment company that divests itself from such securities, provided that the investment company makes disclosures in accordance with regulations prescribed by the Commission.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. IC–28254 (Apr. 24, 2008). The Commission solicited comment on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. IC–28148 (Feb. 11, 2008), but, as stated in the adopting release, received no comments on that analysis.

* * * * *

Title: Definition of Eligible Portfolio Company under the Investment Company Act of 1940.

Citation: 17 CFR 270.2a–46.

Authority: 15 U.S.C. 80a–1 *et seq.,* 80a–34(d), 80a–37, and 80a–39.

Description: The Commission adopted an amendment to a rule under the Investment Company Act to more closely align the definition of eligible portfolio company, and the investment activities of business development companies (''BDCs''), with the purpose that Congress intended. The amendment expanded the definition of eligible portfolio company to include certain companies that list their securities on a national securities exchange.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. IC–28266 (May 15, 2008). The Commission solicited comment on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. IC–27539 (Oct. 25, 2006), but, as stated in the adopting release, received no comments on that analysis.

* * * * *

Title: Commission Guidance and Revisions to the Cross-Border Tender Offer, Exchange Offer, Rights Offerings, and Business Combination Rules and Beneficial Ownership Reporting Rules for Certain Foreign Institutions.

Citation: 17 CFR 230.162, 17 CFR 230.800, 17 CFR 230.802, 17 CFR 232.101, 17 CFR 239.25, 17 CFR 239.34, 17 CFR 239.42, 17 CFR 239.800, 17 CFR 240.13d–1, 17 CFR 240.13d–102, 17 CFR 240.13e–3, 17 CFR 240.13e–4, 17 CFR 240.14d–1, 17 CFR 240.14d–11, 17 CFR 240.14d–100, 17 CFR 240.14e–5, 17 CFR 240.16a–1, and 17 CFR 249.480.

Authority: 15 U.S.C. 77b, 77c, 77d, 77f, 77g, 77h, 77j, 77r, 77s, 77s(a), 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77sss(a), 77ttt, 78c, 78c(b), 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78*l,* 78m, 78n, 78o, 78o(d), 78p, 78q, 78s, 78t, 78u–5, 78w, 78w(a), 78x, 78*ll,* 78*ll*(d), 78mm, 80a–2(a), 80a–3, 80a–6(c), 80a–8, 80a–9, 80a–10, 80a–13, 80a–20, 80a–23, 80a–24, 80a–26, 80a–28, 80a–29, 80a–30, 80a–37, 80b–3, 80b–4, 80b–11, 7201 *et seq.,* 7202, 7233, 7241, 7262, 7264, and 7265; and 18 U.S.C. 1350.

Description: The Commission adopted changes to expand and enhance the utility of the cross-border exemptions for business combination transactions and rights offerings and to encourage offerors and issuers to permit U.S. security holders to participate in these transactions on the same terms as other

target security holders. The Commission also set forth interpretive guidance on several topics. In two instances, the Commission extended the rule changes adopted in this release to apply to acquisitions of U.S. companies. The Commission also adopted changes to allow certain foreign institutions to file on Schedule 13G to the same extent as would be permitted for their U.S. counterparts, where specified conditions are satisfied. The Commission also adopted a conforming change to Rule 16a–1(a)(1) to include the foreign institutions eligible to file on Schedule 13G.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the adoption of Release No. 33–8957 (Sept. 19, 2008). The Commission requested comment on the Initial Regulatory Flexibility Analysis (''IFRA'') included in the proposing release, Release No. 33–8917 (May 6, 2008), but, as stated in the adopting release, the Commission did not receive any public comments that responded directly to the IRFA or that dealt directly with the proposal's impact on small entities.

* * * * *

Title: ''Naked'' Short Selling Antifraud Rule.

Citation: 17 CFR 240.10b–21.

Authority: 15 U.S.C. 78b, 78c(b), 78f, 78i(h), 78j, 78k–1, 78o, 78o–3, 78q, 78q–1, 78s and 78w(a).

Description: The Commission adopted an antifraud rule under the Exchange Act to address fails to deliver securities that have been associated with ''naked'' short selling. The rule is intended to further evidence the liability of short sellers, including broker-dealers acting for their own accounts, who deceive specified persons about their intention or ability to deliver securities in time for settlement (including persons that deceive their broker-dealer about their locate source or ownership of shares) and that fail to deliver securities by settlement date.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. 34–58774 (Oct. 14, 2008). In the adopting release, the Commission considered comments received on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. 34–57511 (Mar. 17, 2008).

* * * * *

Title: Amendments to Regulation SHO.

Citation: 17 CFR 242.203.

Authority: 15 U.S.C. 78b, 78c(b), 78i(h), 78j, 78k–1, 78o, 78q(a), 78q–1, 78w(a).

Description: The Commission adopted amendments to Regulation SHO under the Exchange Act. The amendments were intended to further reduce the number of persistent fails to deliver in certain equity securities by eliminating the options market maker exception to the close-out requirement of Regulation SHO. As a result of the amendments, fails to deliver in threshold securities that result from hedging activities by options market makers are no longer be excepted from Regulation SHO's close-out requirement. The Commission also provided guidance regarding bona fide market making activities for purposes of the market maker exception to Regulation SHO's locate requirement.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. 34–58775 (Oct. 14, 2008). In the adopting release, the Commission considered comments received on the Initial Regulatory Flexibility Analysis included in the re-proposing release, Release No. 34–56213 (Aug. 7, 2007).

* * * * *

Title: Mandatory Electronic Submission of Applications for Orders under the Investment Company Act and Filings Made Pursuant to Regulation E.

Citation: 17 CFR 232.101, 17 CFR 232.201, and 17 CFR 270.0–2.

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 78c, 78*l,* 78m, 78n, 78o(d), 78w(a), 78*ll,* 80a–8, 80a–29, 80a–30, and 80a–37.

Description: The Commission adopted several amendments to rules regarding the Electronic Data Gathering, Analysis, and Retrieval (EDGAR) system. Specifically, the Commission amended rules to make mandatory the electronic submission on EDGAR of applications for orders under any section of the Investment Company Act as well as Regulation E filings of small business investment companies and business development companies. The Commission also amended the electronic filing rules to make the temporary hardship exemption unavailable for submission of applications under the Investment Company Act. Finally, the Commission amended Rule 0–2 under the Investment Company Act, eliminating the requirement that certain documents accompanying an application be notarized and the requirement that applicants submit a draft notice as an exhibit to an application.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. IC–28476 (Oct. 29, 2008). The Commission solicited comment on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. IC–28042 (Nov. 1, 2007), but, as stated in the adopting release, received no comments on that analysis.

* * * * *

Title: Amendment to Municipal Securities Disclosure.

Citation: 17 CFR 240.15c2–12.

Authority: 15 U.S.C. 78b, 78c(b), 78j, 78*o*(c), 78*o*–4, and 78w(a)(1).

Description: The Commission adopted amendments to Rule 15c2–12 under the Exchange Act relating to municipal securities disclosure. The amendments change certain requirements regarding the information that the broker, dealer, or municipal securities dealer acting as an underwriter in a primary offering of municipal securities must reasonably determine that an issuer of municipal securities or an obligated person has undertaken, in a written agreement or contract for the benefit of holders of the issuer's municipal securities, to provide. Specifically, the amendments require the broker, dealer, or municipal securities dealer to reasonably determine that the issuer or obligated person has agreed to provide the information covered by the written agreement to the Municipal Securities Rulemaking Board (''MSRB''), instead of to multiple nationally recognized municipal securities information repositories and state information depositories; and to provide such information in an electronic format and accompanied by identifying information as prescribed by the MSRB.

Prior RFA Analysis: Pursuant to Section 605(b) of the Regulatory Flexibility Act, the Commission certified that the rule would not have a significant economic impact on a substantial number of small entities. This certification was incorporated into the proposing release, Release No. 34–58255 (August 7, 2008). As stated in the adopting release, Release No. 34–59062 (December 15, 2008), the Commission received no comments concerning the impact on small entities or the Regulatory Flexibility Act certification.

* * * * *

Title: Modernization of Oil and Gas Reporting.

Citation: 17 CFR 210.4–10, 17 CFR 229.102, 17 CFR 229.801, 17 CFR 229.802, 17 CFR 229.1201, 17 CFR 229.1202, 17 CFR 229.1203, 17 CFR

229.1204, 17 CFR 229.1205, 17 CFR 229.1206, 17 CFR 229.1207, 17 CFR 229.1208, and 17 CFR 249.220f.

Authority: 15 U.S.C. 77e, 77f, 77g, 77h, 77j, 77k, 77s, 77z–2, 77z–3, 77aa(25), 77aa(26), 77ddd, 77eee, 77ggg, 77hhh, 77iii, 77jjj, 77nnn, 77sss, 78a *et seq.,* 78c, 78i, 78j, 78j–1, 78*l,* 78m, 78n, 78o, 78o(d), 78q, 78u–5, 78w, 78w(a), 78*ll,* 78mm, 80a–8, 80a–9, 80a–20, 80a–29, 80a–30, 80a–31, 80a–31(c), 80a–37, 80a–37(a), 80a–38(a), 80a–39, 80b–3, 80b–11, 7201 *et seq.,* 7202, and 7262; and 18 U.S.C. 1350.

Description: The Commission adopted revisions to its oil and gas reporting disclosures in Regulation S–K and Regulation S–X under the Securities Act and the Exchange Act, as well as Industry Guide 2. The revisions were intended to provide investors with a more meaningful and comprehensive understanding of oil and gas reserves to help them evaluate the relative value of oil and gas companies. The amendments were designed to modernize and update the oil and gas disclosure requirements to align them with current practices and changes in technology. The amendments concurrently aligned the full cost accounting rules with the revised disclosures. The amendments also codified and revised Industry Guide 2 in Regulation S–K. In addition, they harmonized oil and gas disclosures by foreign private issuers with the disclosures for domestic issuers.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the adoption of Release No. 33–8995 (Dec. 31, 2008). The Commission requested comment on the Initial Regulatory Flexibility Analysis (''IFRA'') prepared in the proposing release, Release No. 33–8935 (Jun. 27, 2008), but, as stated in the adopting release, did not receive comments specifically addressing the impact of the proposed rules and amendments on small entities. However, several comments related to burdens that would be placed on all companies affected by the proposals and the Commission considered those comments.

* * * * *

Title: Indexed Annuities and Certain Other Insurance Contracts.

Citation: 17 CFR 240.12h–7.

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78l, 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78*ll,* 78mm, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, and 7201 *et seq.,* and 18 U.S.C. 1350.

Description: The Commission adopted a new rule that exempts insurance companies from filing reports under the Exchange Act with respect to indexed annuities and other securities that are registered under the Securities Act, provided that certain conditions are satisfied, including that the securities are regulated under state insurance law, the issuing insurance company and its financial condition are subject to supervision and examination by a state insurance regulator, and the securities are not publicly traded.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. 34–59221 (Jan. 8, 2009). In the adopting release, the Commission considered comments received on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. 34–58022 (June 25, 2008).

* * * * *

Title: Enhanced Disclosure and New Prospectus Delivery Option for Registered Open-End Management Investment Companies.

Citation: 17 CFR 230.159A, 17 CFR 230.482, 17 CFR 230.485, 17 CFR 230.497, 17 CFR 230.498, 17 CFR 232.304, 17 CFR 232.401, 17 CFR 232.10 *et seq.,* 17 CFR 239.15A and 274.11A, 17 CFR 239.17b and 274.11c, and 17 CFR 239.23.

Authority: 15 U.S.C. 77e, 77f, 77g, 77j, 77s, 77s(a), 77z–3, 80a–8, 80a–24(a), 80a–24(g), 80a–29, and 80a–37.

Description: The Commission adopted amendments to the form used by mutual funds to register under the Investment Company Act and to offer their securities under the Securities Act in order to enhance the disclosures that are provided to mutual fund investors. The amendments require key information to appear in plain English in a standardized order at the front of the mutual fund statutory prospectus. The Commission also adopted rule amendments that permit a person to satisfy its mutual fund prospectus delivery obligations under Section 5(b)(2) of the Securities Act by sending or giving the key information directly to investors in the form of a summary prospectus and providing the statutory prospectus on an internet website. Upon an investor's request, mutual funds are also required to send the statutory prospectus to the investor. These amendments were intended to improve mutual fund disclosure by providing investors with key information in plain English in a clear and concise format, while enhancing the means of delivering more detailed information to investors. Finally, the Commission adopted additional amendments that were intended to result in the disclosure of more useful information to investors who purchase shares of exchange-traded funds on national securities exchanges.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. IC–28584 (Jan. 13, 2009). The Commission solicited comment on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. IC–28064 (Nov. 21, 2007), but, as stated in the adopting release, received no comments on that analysis.

* * * * *

Title: Interactive Data to Improve Financial Reporting.

Citation: 17 CFR 229.601, 17 CFR 232.11, 17 CFR 232.201, 17 CFR 232.202, 17 CFR 232.305, 17 CFR 232.401, 17 CFR 232.402, 17 CFR 230.144, 17 CFR 240.12b–25, 17 CFR 240.13a–14, 17 CFR 240.15d–14, 17 CFR 239.13, 17 CFR 239.16b, 17 CFR 239.33, 17 CFR 239.39, 17 CFR 239.40, 17 CFR 249.308a, 17 CFR 249.310, 17 CFR 249.322, 17 CFR 249.220f, 17 CFR 249.240f, 17 CFR 249.306, 17 CFR 232.405, 17 CFR 232.406T.

Authority: 15 U.S.C. 77b, 77c, 77d, 77e, 77f, 77g, 77h, 77j, 77k, 77r, 77s, 77s(a), 77z–2, 77z–3, 77aa(25), 77aa(26), 77ddd, 77eee, 77ggg, 77hhh, 77iii, 77jjj, 77nnn, 77sss, 77sss(a), 77ttt, 78(a) *et seq.,* 78c, 78c(b), 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78*l,* 78m, 78n, 78o, 78o(d), 78p, 78q, 78s, 78t, 78u–5, 78w, 78w(a), 78x, 78*ll,* 78*ll*(d), 78mm, 80a–2(a), 80a–3, 80a–6(c), 80a–8, 80a–9, 80a–10, 80a–13, 80a–20, 80a–23, 80a–24, 80a–26, 80a–28, 80a–29, 80a–30, 80a–31(c), 80a–37, 80a–38(a), 80a–39, 80b–3, 80b–4, 80b–11, and 7201 *et seq.;* and 18 U.S.C. 1350.

Description: The Commission adopted rules requiring companies that prepare their financial statements in accordance with U.S. generally accepted accounting principles (U.S. GAAP), and foreign private issuers that prepare their financial statements using International Financial Reporting Standards as issued by the International Accounting Standards Board, to provide their financial statement information in interactive data format using the eXtensible Business Reporting Language. The interactive data is provided as an exhibit to periodic and current reports and registration statements, as well as to transition reports for a change in fiscal year. The format is intended to make financial

information easier for investors to analyze, and also to help in automating regulatory filings and business information processing.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the adoption of Release No. 33–9002 (Jan. 30, 2009). In the adopting release, the Commission considered comments received on the Initial Regulatory Flexibility Act Analysis included in the proposing release, Release No. 33–8924 (May 30, 2008).

* * * * *

Title: Amendments to Rules for Nationally Recognized Statistical Rating Organizations.

Citation: 17 CFR 240.17g–2, 17 CFR 240.17g–3, 17 CRF 240.17g–5, and 17 CFR 249b.300.

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78*l,* 78m, 78n, 78o, 78p, 78q, 78s, 78u5, 78w, 78x, 78*ll,* 78mm, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, and 7201 *et seq.;* and 18 U.S.C. 1350; and 15 U.S.C. 78a *et seq.*

Description: The Commission adopted amendments to certain rules and to a form applicable to nationally recognized statistical rating organizations (''NRSROs''). The amendments established additional recordkeeping and disclosure requirements for NRSROs, required NRSROs to furnish the Commission with an additional annual report, prohibited NRSROs from issuing or maintaining credit ratings subject to certain conflicts of interest, and required NRSROs to disclose additional information regarding the performance data for credit ratings and the procedures and methodologies used to determine credit ratings.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. 34–59342 (Feb. 2, 2009). The Commission solicited comment on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. 34–57967 (June 16, 2008), but, as stated in the adopting release, received no comments on that analysis.

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Title: Interactive Data for Mutual Fund Risk/Return Summary.

Citation: 17 CFR 230.485, 17 CFR 230.497, 17 CFR 232.11, 17 CFR 232.202, 17 CFR 232.401, 17 CFR 232.405, 17 CFR 232.10 *et seq.,* 17 CFR 239.15A, and 17 CFR 232.274.11A.

Authority: 15 U.S.C. 77e, 77f, 77g, 77j, 77s(a), 77z3, 78c, 78*l,* 78m, 78n, 77nnn, 77sss, 78o(d), 78w(a), 78*ll,* 78mm, 80a–6(c), 80a–8, 80a–24, 80a–29, and 80a–37.

Description: The Commission adopted rule amendments requiring mutual funds to provide risk/return summary information in a form that is intended to improve its usefulness to investors. Under the rules, risk/return summary information could be downloaded directly into spreadsheets, analyzed in a variety of ways using commercial off-the-shelf software, and used within investment models in other software formats. Mutual funds provide the risk/return summary section of their prospectuses to the Commission and on their websites in interactive data format using the eXtensible Business Reporting Language (''XBRL''). The interactive data is provided as exhibits to registration statements and as exhibits to prospectuses with risk/return summary information that varies from the registration statement. The rules were intended not only to make risk/return summary information easier for investors to analyze but also to assist in automating regulatory filings and business information processing. Interactive data has the potential to increase the speed, accuracy, and usability of mutual fund disclosure, and eventually reduce costs. The Commission also adopted rules to permit investment companies to submit portfolio holdings information in the interactive data voluntary program without being required to submit other financial information.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. IC–28617 (Feb. 11, 2009). In the adopting release, the Commission considered comments received on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. IC–28298 (June 10, 2008).

* * * * *

Title: Amendments to Regulation SHO.

Citation: 17 CFR 242.204; 17 CFR 200.30–3.

Authority: 15 U.S.C. 77g, 77o, 77q(a), 77s, 77s(a), 77sss, 78b, 78c, 78d, 78d–1, 78d–2, 78g(c)(2), 78i(a), 78j, 78k–1(c), 781, 78ll(d), 78m, 78mm, 78n, 78o(b), 78o(c), 78o(g), 78q(a), 78q(b), 78q(h), 78w, 78w(a), 78dd–1, 78mm, 80a–23, 80a29, 80a–37, 80b–11, and 7202.

Description: The Commission adopted amendments to help further the goal of reducing fails to deliver by maintaining the reductions in fails to deliver achieved by the adoption of temporary Rule 204T, as well as other actions taken by the Commission. In addition, these amendments are intended to help further the goal of addressing abusive ''naked'' short selling in all equity securities. These goals will be furthered by requiring that, subject to certain limited exceptions, if a participant of a registered clearing agency has a fail to deliver position at a registered clearing agency it must immediately purchase or borrow securities to close out the fail to deliver position by no later than the beginning of regular trading hours on the settlement day following the day the participant incurred the fail to deliver position. Failure to comply with the close-out requirement of this final rule is a violation of the rule. In addition, a participant that does not comply with this closeout requirement, and any broker-dealer from which it receives trades for clearance and settlement, will not be able to short sell the security either for itself or for the account of another, unless it has previously arranged to borrow or borrowed the security, until the fail to deliver position is closed out.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. 34–60388 (Jul. 27, 2009). In the adopting release, the Commission considered comments received on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. 34–58773 (Oct. 14, 2008).

* * * * *

Title: Regulation S–AM: Limitations on Affiliate Marketing.

Citation: 17 CFR 248.101–128.

Authority: Pub. L. 108–159, 117 Stat. 1952 (2003); 15 U.S.C. 78q, 78w, 78mm, 80a–30, 80a–37, 80b–4, and 80b–11.

Description: The Commission adopted Regulation S–AM pursuant to Section 214 of the Fair and Accurate Credit Transactions Act of 2003 (''FACT Act''), which required the Commission and other federal agencies to adopt rules implementing limitations on a person's use of certain information received from an affiliate to solicit a consumer for marketing purposes, unless the consumer has been given notice and a reasonable opportunity and a reasonable and simple method to opt out of such solicitations. Regulation S–AM applies to investment advisers and transfer agents registered with the Commission, as well as brokers, dealers and investment companies.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was

prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Regulation S–AM in Release Nos. 34–60423, IC–28842, and IA–2911 (Aug. 4, 2009). The Commission requested comment on the Initial Regulatory Flexibility Analysis included in the proposing release, Release Nos. 34–49985, IC–26494, and IA–2259 (July 8, 2004), but, as stated in the adopting release, received no comments concerning the impact on small entities or the Initial Regulatory Flexibility Analysis.

* * * * *

Title: References to Ratings of Nationally Recognized Statistical Rating Organizations.

Citation: 17 CFR 240.3a1–1; 17 CFR 242.300; 17 CFR 242.301; 17 CFR 249.638 (Form ATS–R); 17 CFR 249.821 (Form PILOT); 17 CFR 270.5b–3; and 17 CFR 270.10f–3.

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77q(a), 77s, 77s(a), 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78a *et seq.,* 78b, 78c, 78d, 78e, 78f, 78g, 78g(c)(2), 78i, 78i(a), 78j, 78j–1, 78k, 78k–1, 78k–1(c), 78*l,* 78m, 78n, 78o, 78o(b), 78o(c), 78o(g), 78p, 78q, 78q(a), 78q(b), 78q(h), 78s, 78u–5, 78w, 78w(a), 78x, 78dd–1, 78*ll,* 78mm, 80a–1 *et seq.,* 80a–20, 80a–23, 80a–29, 80a–34(d), 80a–37, 80a–39, 80b–3, 80b–4, 80b–11, 7201 *et seq.,* and 18 U.S.C. 1350.

Description: The Commission adopted amendments to the rules and forms noted above that removed references to credit ratings issued by NRSROs. As stated in Securities Exchange Act Release No. 34–60789 (Oct. 5, 2009), the Commission believes that the references to credit ratings in these rules and forms no longer serve their intended purpose, and that such references might have contributed to undue reliance on those ratings by market participants.

Prior RFA Analysis: Pursuant to Section 605(b) of the Regulatory Flexibility Act, the Commission certified that the rule would not have a significant economic impact on a substantial number of small entities. This certification was incorporated into the proposing release, Release No. 34–58070 (July 1, 2008). As stated in the adopting release, Release No. 34–60789 (Oct. 5, 2009), the Commission received no comments concerning the impact on small entities or the Regulatory Flexibility Act certification.

* * * * *

Title: Final Model Privacy Form under the Gramm-Leach-Bliley Act.

Citation: 17 CFR part 248, subpart A, and Appendix A to Subpart A.

Authority: Pub. L. 109–351, 120 Stat. 1966 (2006); 15 U.S.C. 6804; 15 U.S.C. 78w, 80a–37(a), and 80b–11(a).

Description: The Commission adopted the Final Model Privacy Form under the GLBA pursuant to Section 728 of the Financial Services Regulatory Relief Act of 2006, which required the Commission and other federal agencies to jointly develop a comprehensible, clear and conspicuous, and succinct model form to provide customers of financial institutions a means of easily identifying a financial institution's information sharing practices and comparing those practices with others, and to provide financial institutions a safe harbor for satisfying disclosure requirements of rules implementing GLBA provisions under which financial institutions must provide initial and annual privacy notices to their customers. In connection with adopting the Model Privacy Form, the Commission also adopted a new Appendix A to Regulation S–P and amendments to Regulation S–P's provisions regarding privacy notices provided by broker-dealers, investment advisers registered with the Commission, and investment companies.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of the Model Privacy Form as Form S–P in Release Nos. 34–61003, IA–2950, IC–28997 (Nov. 16, 2009). In the adopting release, the Commission considered comments received on the Initial Regulatory Flexibility Analysis included in the proposing release, Release Nos. 34–55497, IA–2598, IC–27755 (Mar. 20, 2007).

* * * * *

Title: Amendments to Rules for Nationally Recognized Statistical Rating Organizations.

Citation: 17 CFR 240.17g–2, 17 CRF 240.17g–5, and 17 CFR 243.100.

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78*l,* 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78*ll,* 78mm, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, and 7201 *et seq.;* and 18 U.S.C. 1350.

Description: The Commission adopted amendments to certain rules applicable to nationally recognized statistical rating organizations NRSROs. The amendments identify an additional conflict of interest relating to the issuance and maintenance of a credit rating of an asset-backed security that was paid for by an issuer, sponsor, or underwriter of the asset-backed security. The amendments specify that an NRSRO subject to this conflict of interest is prohibited from issuing a credit rating for the asset-backed security unless it takes certain actions designed to make the information given to the NRSRO hired to issue the rating available to NRSROs that were not hired to issue the rating. The information is intended to make it possible for non-hired NRSROs to determine credit ratings on asset-backed securities that are rated by hired NRSROs. The amendments also expanded disclosure requirements with respect to rating action histories of NRSROs.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. 34–61050 (Nov. 23, 2009). The Commission solicited comment on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. 34–59343 (Feb. 2, 2009), but, as stated in the adopting release, received no comments on that analysis.

* * * * *

Title: Proxy Disclosure Enhancements.

Citation: 17 CFR 229.401, 17 CFR 229.402, 17 CFR 229.407, 17 CFR 240.14a–101, 17 CFR 249.308, 17 CFR 249.308a, 17 CFR 249.310, 17 CFR 239.15A and 274.11A, 17 CFR 239.14 and 274.11a–1, and 17 CFR 239.17a and 274.11b.

Authority: 15 U.S.C. 77e, 77f, 77g, 77h, 77j, 77k, 77s, 77z–2, 77z–3, 77aa(25), 77aa(26), 77ddd, 77eee, 77ggg, 77hhh,77iii, 77jjj, 77nnn, 77sss, 78c, 78c(b), 78i, 78j, 78*l,* 78m, 78n, 78o, 78o(d), 78u–5, 78w, 78w(a), 78*ll,* 78mm, 80a–2(a), 80a–3, 80a–8, 80a–9, 80a–10, 80a–13, 80a–20, 80a–24, 80a–26, 80a–29, 80a–30, 80a–31(c), 80a–37, 80a–38(a), 80a–39, 80b–11, and 7201 *et seq.;* and 18 U.S.C. 1350.

Description: The Commission adopted amendments to enhance disclosure provided in connection with proxy solicitations and other reports. These amendments require new or revised disclosures with regard to compensation policies and practices that present material risks to the company; stock and option awards of executives and directors; director and nominee qualifications and legal proceedings; board leadership structure; the board's role in risk oversight; and potential conflicts of interest of compensation consultants that advise companies and their boards of directors. The amendments apply to disclosure provided in proxy and information statements, annual reports and registration statements under the

Exchange Act, and registration statements under the Securities Act as well as the Investment Company Act. The amendments also transferred from Forms 10–Q and 10–K to Form 8–K the requirement to disclose shareholder voting rights.

Prior RFA Analysis: A Final Regulatory Flexibility Act Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the adoption of Release No. 33–9089 (Dec. 16, 2009). The Commission requested comment on the Initial Regulatory Flexibility Act Analysis included in the proposing release, Release No. 33–9052 (July 10, 2009), but received no comments specifically addressing it. Other comments received that addressed aspects of the proposed rule that could potentially affect small entities were considered in the proposing release, however.

* * * * *

Title: Custody of Funds or Securities of Clients by Investment Advisers.

Citation: 17 CFR 275.204–2, 17 CFR 275.206(4)–2, 17 CFR 279.1, and 17 CFR 279.8.

Authority: 15 U.S.C. 80b–6(4) 80b–3(c)(1), 80b–4, 80b11 and 80b–11(a).

Description: The Commission adopted amendments to the custody and recordkeeping rules under the Investment Advisers Act of 1940 and related forms. The amendments were designed to provide additional safeguards under the Advisers Act when a registered adviser has custody of client funds or securities by requiring such an adviser, among other things: To undergo an annual surprise examination by an independent public accountant to verify client assets; to have the qualified custodian maintaining client funds and securities send account statements directly to the advisory clients; and unless client assets are maintained by an independent custodian (*i.e.,* a custodian that is not the adviser itself or a related person), to obtain, or receive from a related person, a report of the internal controls relating to the custody of those assets from an independent public accountant that is registered with and subject to regular inspection by the Public Company Accounting Oversight Board. Finally, the amended custody rule and forms provide the Commission and the public with better information about the custodial practices of registered investment advisers.

Prior RFA Analysis: A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the Commission's adoption of Release No. IA–2968 (Dec. 30, 2009). In the adopting release, the Commission considered comments received on the Initial Regulatory Flexibility Analysis included in the proposing release, Release No. IA–2876 (May 20, 2009).

* * * * *

By the Commission.

Dated: November 21, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–25861 Filed 11–26–18; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–1021]

RIN 1625–AA00

Safety Zone for Fireworks Display; Spa Creek, Annapolis, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone for certain waters of Spa Creek. This action is necessary to provide for the safety of life on these navigable waters of Spa Creek at Annapolis, MD, during a fireworks display on December 31, 2018. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Maryland-National Capital Region or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before December 12, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–1021 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Mr. Ron Houck, Sector Maryland-National Capital Region Waterways Management Division, U.S. Coast Guard; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On October 17, 2018, Pyrotecnico, Inc., of New Castle, PA, notified the Coast Guard that it will be conducting a fireworks display from 11:55 p.m. on December 31, 2018 to 12:30 a.m. on January 1, 2019, sponsored by the City of Annapolis, MD. The fireworks are to be launched from a barge in Spa Creek, in Annapolis, MD. Additional details were received on November 5, 2018. Hazards from the fireworks display include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port Maryland-National Capital Region (COTP) has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone within 400 feet of the fireworks barge.

The purpose of this rulemaking is to ensure the safety of vessels on the navigable waters within 400 feet of the fireworks barge on Spa Creek before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The COTP proposes to establish a temporary safety zone in Spa Creek from 11 p.m. on December 31, 2018 through 1 a.m. on January 1, 2019. The safety zone would cover all navigable waters within 400 feet of the fireworks barge in Spa Creek within 400 feet of the fireworks barge in approximate position latitude 38°58′32.48″ N, longitude 076°28′57.55″ W, located at Annapolis, MD. The duration of the safety zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled fireworks display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

Executive orders and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, duration, and time-of-day of the safety zone. Although vessel traffic will not be able to safely transit around this safety zone, the impact would be for 2 hours during the evening when vessel traffic in Spa Creek is normally low. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting two hours that would prohibit entry within a portion of Spa Creek. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://*

www.regulations.gov and will include any personal information you have provided. For more about privacy and the docket, visit *http://www.regulations.gov/privacyNotice.*

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–1021 to read as follows:

§ 165.T05–1021 Safety Zone for Fireworks Display; Spa Creek, Annapolis, MD.

(a) *Location.* The following area is a safety zone: All navigable waters of Spa Creek within 400 feet of the fireworks barge in approximate position latitude 38°58′32.48″ N, longitude 076°28′57.55″ W, located at Annapolis, MD. All coordinates refer to datum NAD 1983.

(b) *Definitions.* As used in this section:

(1) *Captain of the Port (COTP)* means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region.

(2) *Designated representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Maryland-National Capital Region to assist in enforcing the safety zone described in paragraph (a) of this section.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative. All vessels underway within this safety zone at the time it is activated are to depart the zone.

(2) To seek permission to enter, contact the COTP or the COTP's designated representative by telephone at 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio VHF–FM channel 16 (156.8 MHz).

(3) Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement officials.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement period.* This section will be enforced from 11 p.m. on December 31, 2018 through 1 a.m. on January 1, 2019.

Dated: November 21, 2018.

Joseph B. Loring,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2018–25841 Filed 11–26–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 121

RIN 0906–AB02

Change to the Definition of ''Human Organ'' Under Section 301 of the National Organ Transplant Act of 1984; Withdrawal

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Proposed rule; Withdrawal.

SUMMARY: This document withdraws a proposed rule published in the **Federal Register** on October 2, 2013. The proposed rule sought public comment on the proposed change in the definition of ''human organ'' in section 301 of the National Organ and Transplant Act of 1984, as amended, (NOTA) to explicitly incorporate hematopoietic stem cells within peripheral blood in the definition of ''bone marrow.'' HHS received over 500 comments on the proposed rule. Given the number of substantive comments, at this time HHS has decided to consider the issue further and may issue an NPRM in the future.

DATES: The proposed rule published on October 2, 2013 (78 FR 60810) is withdrawn as of November 27, 2018.

ADDRESSES: Division of Transplantation, 5600 Fishers Lane, Room 8W63, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Frank L. Holloman, MPA, Acting Division Director, Division of Transplantation, 5600 Fishers Lane, Room 8W63, Rockville, MD 20852. Telephone: (301) 443–7577.

SUPPLEMENTARY INFORMATION:

On March 1, 2017, President Trump issued Executive Order 13777, ''Enforcing the Regulatory Reform Agenda,'' to implement and enforce regulatory reform (82 FR 12285 2/24/2017). Executive Order 13777 directed each Federal agency to establish a Regulatory Reform Task Force to identify regulations that are ''outdated, unnecessary, or ineffective.'' In accordance with guidance from Executive Orders 13777 and 13771 (January 30, 2017, titled ''Regulatory Freeze Pending Review''), HHS's Task Force identified the proposed change in definition of ''human organ'' as a candidate for withdrawal at this time.

Dated: November 13, 2018.

George Sigounas,

Administrator, Health Resources and Services Administration.

Dated: November 20, 2018.

Alex M. Azar II,

Secretary, Department of Health and Human Services.

[FR Doc. 2018–25833 Filed 11–26–18; 8:45 am]

BILLING CODE 4165–15–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[MB Docket Nos. 17–105, 02–144; MM Docket Nos. 92–266, 93–215; CS Docket No. 94–28; FCC 18–148]

Modernization of Media Regulation Initiative: Revisions to Cable Television Rate Regulations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission seek comment on whether to replace and simplify the Commission's cable rate-regulation framework. We also seek comment on decisions to deregulate rates charged for equipment used to receive service tiers that have been deregulated, deregulate some small systems owned by small cable companies and clarify that the rate regulations do not apply to services provided to commercial entities. Lastly, we seek comment on our decision to

eliminate outdated forms and make changes to how regulated rates are calculated.

DATES: Submit comments on or before December 27, 2018; reply comments on or before January 28, 2019. Written comments on the Paperwork Reduction Act proposed information collection requirements must be submitted by the public, Office of Management and Budget (OMB), and other interested parties on or before January 28, 2019.

ADDRESSES: You may submit comments, identified by MB Docket Nos. 17–105 and 02–144, by any of the following methods:

- *Federal Communications Commission's website: http://apps.fcc.gov/ecfs//.* Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 888–835–5322.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For additional information on this proceeding, contact Katie Costello, *katie.costello@fcc.gov,* of the Media Bureau, (202) 418–2233. For additional information concerning the information collection requirements contained in this document, send an email to *PRA@fcc.gov* or contact Cathy Williams, (202) 418–2918.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking, FCC 18–148, adopted and released on October 23, 2018. The full text of these documents is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW, CY–A257, Washington, DC 20554. These documents will also be available via ECFS (*http://www.fcc.gov/cgb/ecfs/*). (Documents will be available electronically in ASCII, Word, and/or Adobe Acrobat.) The complete text may be purchased from the Commission's copy contractor, 445 12th Street, SW, Room CY–B402, Washington, DC 20554. To request these documents in accessible formats (computer diskettes, large print, audio recording, and Braille), send an email to *fcc504@fcc.gov* or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

In this Further Notice of Proposed Rulemaking (*FNPRM*) we seek comment on updates to the cable television rate regulations in part 76 of our rules. In the *FNPRM,* we seek comment on how to update our rules so that they reflect the current video marketplace. First, we seek comment on whether we should consider replacing our existing complex rate regulation framework with a new and simple methodology. Second, and in the alternative, we seek comment on, among other issues, whether to greatly streamline our existing initial rate-setting methodology by eliminating numerous rate forms that we believe are no longer necessary or useful, substantially reducing the amount of equipment subject to rate regulation, and ending rate regulation entirely for small cable systems owned by small operators.

We first seek comment on whether to make fundamental changes to our existing cable rate regulatory regime based on recent developments in the competitive and regulatory landscape. Alternatively, we seek comment on ways to streamline and update our existing rules and forms to better serve cable operators and LFAs while still protecting subscribers from unreasonable prices. In this regard, we seek comment on whether to exempt from rate regulation equipment used to receive CPST service and also small cable systems owned by small cable operators, and we tentatively find that ''commercial cable service'' is exempt from rate regulation. We seek comment on ways to greatly simplify the process cable operators use to set their initial regulated Basic Service Tier (BST) rates and to justify subsequent rate increases. We seek comment on whether these changes would be consistent with section 623 of the Act, including the statutory purpose to protect subscribers from ''rates for the basic service tier that exceed the rates that would be charged for the basic service tier if such cable system were subject to effective competition,'' and whether they would reduce the burdens that cable operators and LFAs bear under our current rate regulation rules.

We note that the Commission sought comment in 2002 in MB Docket No. 02–144 on many of the proposals that we seek comment on in this *FNPRM,* but we seek to update the record on these proposals due to the passage of time and the significant changes that have since occurred in the marketplace, legal landscape, and technology. Those that commented in response to that *2002 Revised Order and NPRM* (67 FR 56682) (Sept. 05, 2002)) that wish to ensure their previous comments are considered in this proceeding with respect to the issues raised here should refile their comments in response to this *FNPRM.* We also seek comment on closing MB Docket No. 02–144.

Fundamental Changes to Existing Framework. We seek comment on whether to adopt fundamental changes to our rate regulation framework and what those changes could be. We seek comment on whether there are simpler, more streamlined methods for determining reasonable rates that could be implemented and still satisfy our statutory obligations under section 623 of the Act. For example, should we significantly simplify our rate regulation regime by eliminating all of our existing rate regulation forms and directing those few Local Franchising Authorities (LFAs) that remain engaged in rate regulation to set reasonable BST rates based on the factors listed in section 623(b)(2)(C)? Under this proposal we would eliminate FCC Forms 1200, 1205, 1210, 1211, 1215, 1220, 1225, 1230, 1235 and 1240. Similarly, under this approach, LFAs could set equipment rates that are based on the ''actual cost'' of the relevant equipment, as required by section 623(b)(3), without reliance on our existing forms. To the extent necessary, the Commission could adjudicate any disputes that arise on a case-by-case basis. Would this approach be consistent with the Act, including the Commission's obligation under section 623(b)(1) to ensure that BST rates are ''reasonable'' and ''designed to achieve the goal of protecting subscribers of any cable system that is not subject to effective competition?'' Would this approach be consistent with the statutory directive that the Commission ''shall seek to reduce the administrative burdens on subscribers, cable operators, franchising authorities, and the Commission''? If the Commission adopted this approach, what new rules should we adopt? Should we retain any of our existing rules governing cable rates and, if so, which ones? What advantages or disadvantages would this type of approach have for subscribers, LFAs, and cable operators? We also seek comment on the type of adjudicatory process the Commission should implement to resolve disputes if we adopt the type of rate-setting approach described above. If the Commission adopts the rate-setting approach described above, should we continue to resolve disputes between cable

operators and LFAs by using the appeal process? If so, how should we determine whether the LFA's decision comports with the statutory factors? To what extent should we rely on existing rate appeal precedent for guidance? Should we adopt instead an alternative form of dispute resolution? For example, should Commission staff mediate rate disputes on an informal basis in the first instance? Alternatively, or if mediation is unsuccessful, should we consider adopting a more formal adjudicatory process and, if so, how should it work? We note that, in the program access context, the Commission has adopted merger conditions that impose baseball-style arbitration if parties cannot come to agreement. Would a similar arbitration process work as an option for parties to elect to resolve rate disputes, with the Commission or a designated Bureau acting as the decisionmaker? Are there other adjudicatory processes that would work better in this context? If the Commission were to take this type of approach, what other issues should we consider? Alternatively, should we consider a proposal submitted by NCTA that would allow a cable operator to justify its regulated BST and equipment rates by comparison to rates for comparable offerings in communities that are subject to effective competition? Under this framework, a cable operator would establish a national or regional rate, which NCTA refers to as an ''Updated Comparative Benchmark'' (UCB), that it would charge all BST subscribers. NCTA suggests that an ''[o]perator complying with the UCB could avoid all formal rate filings.'' It avers that this ''[a]pproach would benefit consumers by facilitating consistent, market-driven rates across an operator's cable systems'' and ''would provide a built-in incentive for operators to offer competitive prices to all subscribers, even in markets without effective competition.'' We seek comment on this framework. Would a UCB approach be consistent with section 623(b)? Given differences in channel lineups from system to system, how could ''comparable offerings'' be defined for purposes of establishing and comparing a UCB to a regulated rate? NCTA states that, under its proposal, ''[o]perators would be allowed to calculate UCB rates based on reasonable system sampling'' of systems subject to effective competition. We seek comment on this idea. What type of sampling could be used to calculate the UCB? For example, should a sampling include only communities with a comparable channel lineup? NCTA's proposal refers to ''comparable offerings'' but also states that the national or regional rates would be ''compared to the regulated [BST] rate without regard to the particular number of BST channels offered in either regulated or unregulated communities, provided the [national or regional] rate encompasses at least the same services that must be included in a rate regulated BST (*i.e.,* local broadcast channels and, PEG channels, where applicable).'' Is it appropriate to base rates for a regulated area's BST on a non-regulated area's rate for a system that carries different channels and/or a substantially different number of channels? How would ''comparable offerings'' be defined if it doesn't account for differences in the channel lineup? What if the cable operator has no systems that are subject to effective competition that it can use as a ''comparable offering'' to set its rate? If the Commission were to adopt this type of approach, to what extent should a cable operator be required to document and support its calculations? Should we adopt a presumption of reasonableness to such calculations that would be rebuttable by other interested parties? If so, what should such parties be required to demonstrate by way of rebuttal, and which party should bear the burden of persuasion? We also seek comment on the likely costs and benefits of this approach. NCTA proffers that, if we were to permit cable operators to use the UCB, we could retain our existing rate regime as ''alternative rate support.'' Would the addition of this layer of requirements to our existing rules be consistent with the goal of simplifying and eliminating outdated rate regulations? How would this process account for LFA review? For example, if we were to adopt a UCB approach, what formal process would a cable operator use to notify an LFA about the rate it plans to charge? What authority would the LFA have to review and approve the UCB, and what if the LFA doesn't approve the UCB? Would an LFA have an opportunity to appeal the UCB rate as unreasonable, and if so, under what process? When would the cable operator be allowed to implement its UCB? What specific changes would we need to make to our rules if we were to adopt this framework or would retaining our existing rules as NCTA suggests be sufficient? To the extent that commenters are concerned about this framework, we also seek input on ways to revise the process to make it more acceptable to all interested parties. We seek comment on any other proposals we should consider to restructure and simplify our existing rate regulation regime. Are there other processes that would reduce burdens on cable operators and local governments and achieve our statutory directive to ensure reasonable rates for subscribers? With respect to any alternative approaches we should consider, we ask commenters to explain and, if possible, quantify and provide support for their assessment of the relative costs and benefits vis-à-vis our existing regulatory framework; identify any uncertainties or limitations in their assessment of costs and benefits; and explain how their proposal would satisfy the requirements of section 623, whether and how it would be cost effective for LFAs, cable operators, and the Commission, and how it would fit in with today's marketplace realities.

Reform of Existing Rules and Forms. In lieu of more extensive revisions to our overall rate regulation framework, we seek comment on eliminating, updating and streamlining our existing cable rate regulations. We first seek comment on eliminating rate regulation for cable equipment that is used to receive non-BST tiers of service and exempting small cable systems owned by small cable companies from rate regulation. Next, we tentatively find that rate regulation does not apply to commercial rates. These three areas appear to be ripe for deregulation, regardless of the regulatory framework that will apply going forward. Next, for those cable systems that remain subject to BST rate regulation, we seek comment on simplifying the process for establishing initial rates, discontinuing quarterly rate filings, and eliminating the cost of service methodology for setting rates. Collectively, these deregulatory steps would enable us to eliminate Forms 1200, 1210, 1220 and 1230. We also seek comment on clarifying the methodology cable operators use to adjust their BST rates and on whether certain of our rules are still relevant in light of the end of CPST rate regulation.

Deregulation of Equipment, Small Systems and Commercial Rates. We seek comment on modifying our current rules regarding the regulation of equipment rates in light of the sunset of Cable Programming Service Tier (CPST) regulation. Section 76.923 of our rules provides that LFAs may regulate costs for equipment used to receive both the BST and additional tiers of service. While the Commission's original interpretation of section 623(b)(5) may have been appropriate when both the BST and CPST were rate regulated, we seek comment on whether our interpretation should be revisited and we should exempt from rate regulation equipment used by subscribers that receive additional tiers of service

beyond the BST, now that CPST rate regulation has sunset. Would it be consistent with section 623 to limit rate regulation to equipment used exclusively to receive the BST and non-tiered services? We seek comment on this approach and on any other approaches we should consider. Would this approach result in any complications or problems that we should consider? We seek comment on whether to exempt from rate regulation those small cable systems, defined by our rules as cable systems serving 15,000 or fewer subscribers, that are owned by small cable companies, defined by our rules as cable television operators serving 400,000 or fewer subscribers. If we find that rate regulation is no longer necessary for such small systems owned by small cable companies, we propose to eliminate the rules establishing alternate methodologies for small systems as well as the Form 1230.Would an exemption for small systems be consistent with the Act, including section 623(i), which requires the Commission to ''reduce the administrative burdens and costs of compliance'' for cable systems that have ''1000 or fewer'' subscribers, and section 623(m), which exempts certain small cable operators from regulation of the BST? Are there any small systems serving 15,000 or fewer subscribers that are owned by small cable companies of 400,000 or fewer subscribers that are currently rate regulated? To the extent any such systems exist, would there be any benefit to retaining rate regulation for these cable systems? For example, should we retain our regulations on the premise that additional cable systems may become subject to regulation in the future? Should we create a different exemption for small entities or provide another form of relief short of a blanket exemption? What are the costs, if any, of retaining regulations for this class of providers, particularly where it appears no such providers are currently regulated? To the extent possible, commenters should quantify anticipated costs and benefits of this proposal or any proposed alternatives, provide support, and describe any uncertainties or limitations inherent in their analysis. We also seek comment on whether a cable operator that loses its deregulated status as a small system, small cable company or small cable operator because it gains subscribers and surpasses the maximum subscriber threshold for such an exemption should be required to notify its LFA that it no longer qualifies for the exemption. We tentatively conclude that cable services offered to commercial subscribers, such as bars and restaurants, are not subject to the Commission's rate regulations. Parties that previously filed comments on this issue should resubmit any comments they believe are still relevant. Section 623(a)(2) specifies that rate regulation shall not be imposed on a cable system that is subject to effective competition, and it defines ''effective competition'' based on the percentage of ''households'' subscribing to cable or the percentage of households to which competing service is available. In applying the test for effective competition, the Commission has concluded that the term ''household'' means ''occupied'' housing units. Given the use of the term ''households'' in section 623 and the Commission's prior definition of that term in connection with the test for effective competition, we tentatively find that Congress did not intend to include cable service offered to commercial subscribers within the scope of rate regulation. We seek comment on this interpretation and, if we were to adopt it, on how we should define cable service offered to commercial subscribers for purposes of our rate regulation rules. One alternative would be to define it as a ''cable service offered to locations that do not consist of households that are temporary or permanent, single housing units or multi-dwelling units.'' Both ''household'' and ''multi-dwelling unit'' are terms we have defined in Commission precedent regarding cable operators. ''Household'' is an occupied housing unit. ''Multi-dwelling unit'' is a building or buildings with two or more residences, including apartment buildings, condominiums, hotels, hospitals, universities, and trailer parks. We seek comment on this definition and any alternatives we should consider.

Setting Initial Regulated Rates (Forms 1200 and 1220). We seek comment on replacing our initial rate setting methodology, which requires using data from as far back as 1992, with one based on current, actual BST rates. This simplified practice would apply to cable operators that become regulated for the first time or that become re-regulated and would eliminate the need for Forms 1200 and 1220. For simplicity, we refer to first time or re-regulated cable operators as newly regulated cable operators throughout this document. Newly regulated cable operators may include those that are regulated for the first time, operators in communities where an LFA successfully rebuts the presumption of effective competition, or operators that lose their exemption from rate regulation because their status under our rules has changed. For all newly regulated operators, the initial or effective date of regulation would be the date that an LFA notifies the cable operator that the LFA is certified to regulate rates and that the basic service tier is subject to regulation under the generally applicable rate rules. We seek comment on whether to streamline our Form 1200 process by accepting an operator's current, actual BST rate at the time it becomes subject to rate regulation in lieu of the benchmark rate calculated using the Form 1200. Under this approach, the BST rate would include the entire amount charged for the BST on the effective date of regulation, whether or not an operator had identified individual components of the rate on its subscribers' bills. It would not include promotional or discount rates nor include charges for equipment used to receive the BST. To the extent that any equipment or installation costs were included in the BST service charge, they would be removed using an off-form attachment. The initial or effective date of regulation would be the date that an LFA notifies the cable operator that the basic service tier is subject to regulation under the generally applicable rate rules. We seek comment on whether this approach will ensure that BST rates are kept within a reasonable range while creating a less burdensome process for cable operators and LFAs. Is it reasonable to presume under this proposal that the operator's rates in effect prior to becoming subject to regulation are reasonable? Does section 623, which prohibits rate regulation for communities that are subject to effective competition, support this presumption, at least with respect to cable operators that become newly regulated but were previously subject to effective competition? Is this presumption also reasonable in cases where an LFA decides to exercise its authority and has successfully rebutted the presumption of effective competition? In cases where an LFA previously had the authority to rate regulate, but chose not to do so, can we assume that the rates in effect before the LFA became certified to regulate were reasonable? Are there other approaches we should consider that would enable us to update and simplify our existing process for setting initial regulated cable rates? If we adopt this approach, we also seek comment on whether we should impose any restrictions on a cable operator's ability to use its actual current BST rate as its initial regulated rate. For example, should we restrict a cable operator's ability to use its actual BST rate as a starting point if there is a substantial spike in its BST rate

shortly before the initial date of regulation? This approach would be consistent with our precedent and would limit an operator's incentive to substantially raise its BST rates in anticipation of becoming newly regulated. It could also account for a large rate increase during the time period between when an operator is no longer subject to effective competition and the initial date of regulation. If we adopt such a restriction, how much of a rate increase should be considered as the threshold and what would be an appropriate period of time before rate regulation commences for us to restrict substantial increases? In the interest of uniformity and consistency, should we conform the three-month period that applies to small cable operators who lose their deregulatory status as small cable operators to any newly proposed rule? If a cable system is not permitted to use its existing rate in certain cases, how should its initial rate be determined? For example, in such cases, should we allow LFAs to review the cable operator's most recent rate increase for compliance with our rules by using the last previous rate as the initial rate? Are there other approaches we should consider? We tentatively conclude that we would no longer need to retain our methodology for determining historical permitted charges using the Form 1200 if we use an operator's actual rate for the initial regulated rate. Consequently, if we adopt this approach, we propose to amend our rules to delete references to Form 1200 and its predecessor, Form 393, and to delete rules that relate solely to this methodology. If we adopt this proposal, should we also modify and streamline our refund liability rule in § 76.942 to reflect the reduction in possible refund scenarios that could occur under our streamlined methodology for setting initial rates? Should we simplify the refund rule so that a cable operator's liability for refunds runs from the date of initial regulation until it reduces its rate in compliance with an LFA order? Are there any other rules we should delete or modify if we adopt this approach? We seek comment on eliminating the labor-intensive Form 1220 cost of service methodology as an alternative means of setting initial regulated rates and on terminating pending rulemaking proceedings related to this methodology. With the demise of CPST regulation and the revised methodology for setting initial rates discussed above, the Form 1220 cost of service alternative may no longer be necessary to ensure that an operator receives an adequate return on its investment. Is there any compelling need for the Commission to retain Form 1220 or a cost of service methodology as an alternative way to set initial regulated rates? To what extent, if any, do cable operators use this process today? Would eliminating this alternative from our rules create any problems that we should consider? If we eliminate the Forms 1200 and 1220, should we eliminate references to the initial Form 1200 and cost of service methodologies in § 76.933, which addresses the process for filing these forms and their franchising authority review? Similarly, should we modify § 76.942 to delete references to those forms and the processes they use? What costs and benefits would result from eliminating the cost of service option for setting rates?

Calculating Rate Increases (Forms 1210, 1240 and 1235). Under our current rules, once a regulated operator sets an initial BST rate, it justifies rate increases based on changes in external costs, changes in the number of channels on the BST, and inflation. In this section, we seek comment on ways to simplify the process for calculating these rate increases. We seek comment on the costs and benefits of these proposals or any alternatives that commenters may identify. Commenters should quantify costs and benefits to the extent possible, provide supporting information, and identify any limitations or uncertainties in their assessments. Currently, cable operators are permitted to justify changes to their rates either on a quarterly basis using Form 1210 or an annual basis using Form 1240. We seek comment on whether there is any benefit to retaining the Form 1210 quarterly adjustment option. We also seek input on whether the quarterly methodology should be removed from our rules. Is there any compelling reason for the Commission to retain the quarterly rate form? To what extent, if at all, do cable operators continue to use the Form 1210 and will eliminating it create any problems or disadvantages that we should consider? If we eliminate the Form 1210, should we eliminate references to this quarterly process in Sections 76.933 and 76.942, as discussed above? We seek comment on modifications to our Form 1240 instructions for adjusting rates when channels are added to or deleted from the BST. With the sunset of CPST regulation, we seek comment on whether we should eliminate two components of channel movement rate adjustment calculations: The ''residual'' component and the ''channel number'' component. We seek comment on simplifying our rule so that (1) no per channel residual is moved to the BST along with a CPST channel and (2) no per channel residual is removed from the BST when a channel is removed from the BST unless the total number of channels on the BST falls below the total number of channels included in the initial regulated BST rate. We seek comment on eliminating from our rules the movement of CPST residual to the BST and on restricting the removal of BST residual and whether there are alternative mechanisms we should consider. With regard to the channel number component, our rules currently allow for a rate adjustment based on changes in the total number of channels on all regulated tiers. This ''per channel adjustment factor'' is calculated using a ''markup table,'' which is premised on having a regulated CPST and a system with fewer than 100 channels. Neither of those factors are valid today, so we seek comment on eliminating this adjustment and the accompanying table. Will this approach result in reasonable rate changes based on changes in the number of channels, and if not, what other methodologies should we consider? As noted above, the Form 1240 allows an operator to calculate a maximum permitted rate using projected costs. The operator is then required to ''true up'' its rate by comparing the projected costs with actual costs once they are known. The operator is not required to pass through all of its costs to subscribers in its actual rate and may accrue costs to pass through at a later date. The Commission has stated that interest should not continue to accrue on these unrecovered costs, but subsequent decisions have created confusion in this area. When interest continues to accrue on these costs, it can result in excessive maximum permitted rates calculated on the Form 1240. We tentatively conclude that we should clarify our Form 1240 instructions to prevent cable operators from using the form to accrue interest on costs not passed through to subscribers when they are first entitled to recover those costs. We seek comment on our tentative conclusion. We seek comment on modifications to the Form 1235 instructions for calculating significant network upgrade costs to account for substantial changes in a system's channel count or number of subscribers. Through the Form 1235, cable operators are permitted to allocate a portion of their network upgrade costs to the BST based on the system channel capacity devoted to the BST. The cable operator then determines a per subscriber surcharge based on the

number of subscribers to the BST. Under our current instructions, the Form 1235 is filed only once and, if there is a subsequent substantial change in the number of subscribers or the number of channels allocated to the BST, the surcharge remains the same. This fails to account for system changes over time and could result in either over-inflated or under-inflated surcharges. Accordingly, we seek comment on whether to allow an LFA to require the cable operator to refile an updated Form 1235 using the new channel ratio or subscriber count, when the change is substantial. If so, we seek comment on how we should define ''substantial'' or otherwise establish a threshold upon which an LFA could require the operator to file a Form 1235 update. We also seek comment on modifying the Form 1235 instructions to prevent the double recovery of depreciation expense. Currently, Form 1235 calculates a rate of return on the initial net investment rather than calculating a return based on the average net investment, which would include a reduction for depreciation expense. At the same time, operators fully recover the upgrade investment over time as depreciation expense. As a result, operators have been able to recover a return on investment that has also been recovered through depreciation expense. Would a modification to the Form 1235 instructions, requiring operators to use the average net upgrade investment over the life of the upgrade rather than the initial net investment, prevent this double recovery? Would it allow the cable operator to earn a return on its investment and recover its network upgrade costs, while preventing subscribers from overpaying for network upgrade costs? If not, what other alternatives should be considered to address this issue?

Elimination of Additional Forms. We seek comment on whether to eliminate a number of inactive or obsolete rate forms and delete references to them in our rules. These include: (1) Form 1211 (small system alternative to FCC Form 1210), which would be obsolete if we eliminate the Form 1210; (2) Form 1215 (a la carte channel offerings), which is a vestige of CPST regulation and is therefore no longer relevant; (3) Form 1225 (small systems cost of service form), which was superseded by the Form 1230; and (4) Form 329, an obsolete CPST complaint form. We seek comment on whether there is any reason to retain any of these forms.

CPST Sunset Issues. In this Section, we seek comment on issues related to the sunset of CPST regulation. Commenters in the media modernization proceeding question whether specific rules have been rendered moot by the sunset of CPST regulation or by the passage of time. These rules include § 76.980 (charges for customer changes in service tiers) and § 76.984 (requiring a geographically uniform rate structure). In addition, we seek comment on whether there is any reason to retain § 76.922(e)(2)(iii)(C) (mid-year rate adjustments) and § 76.963 (forfeiture exceptions) in light of CPST deregulation. Additionally, we seek comment on the continued relevance of § 76.982 (continuation of certain types of rate agreements). We seek comment on how these rules might be affected by the sunset of CPST regulation and whether the rules continue to serve the public interest. We seek comment on eliminating our rule that allows cable operators using the annual rate adjustment methodology to make an additional rate adjustment to their CPST to reflect mid-year channel additions. Since the Commission adopted § 76.922(e)(2)(iii)(C), both the CPST and most single tier systems have been deregulated. We seek comment on whether the rule including the single tier aspect of the rule, became meaningless after CPST deregulation because (1) there is no longer a need for a rule governing CPST rate adjustments and (2) in effect, all regulated systems now have only a single regulated tier, so the single-tier exception (as written) would seem to be applicable to all regulated operators, undermining the policy of limiting BST rate adjustments to an annual event. We seek comment on whether there are any single tier systems still operating. Although we recognize that subscriber and market demand for channel line-ups may change during the course of a year, operators under the annual system can either project these changes to the BST at the time of their annual filing or accrue these costs and reflect them in their next annual filing.

Section 76.980. Section 623(b)(5)(C) of the Act requires that Commission regulations include ''standards and procedures to prevent unreasonable charges for changes in the subscriber's selection of services or equipment subject to regulation under this section . . .'' Section 76.980, which limits charges cable operators may impose for changes in service tiers, was adopted pursuant to this statutory directive. This rule protects subscribers from paying excessive service charges just for dropping or adding tiers of service. NCTA argues that § 76.980 is a rule that ''should be eliminated as a matter of regulatory clean-up.'' We seek comment on NCTA's claim. Did Congress provide for a sunset of the statutory requirement when it sunset CPST rate regulation, as NCTA suggests, or does the sunset apply only to regulations adopted under subsection (c) of section 623? Even if Congress did not sunset the statutory authority for § 76.980, we seek comment on whether the rule is still necessary to implement section 623(b)(5)(C) of the Act. If not, should we eliminate or narrow the rule, or are there policy reasons to retain it?

Section 76.982. Section 76.982 implements section 623(j) of the Act, which allows franchise agreements entered into before July 1, 1990 to supersede section 623 of the Act and our implementing rules. Section 76.982 requires a cable operator to notify the Commission of its intent to continue regulating basic cable rates in accordance with this exemption to our rules. Any such franchise agreements would be more than 28 years old and thus this notice requirement has very limited, if any, relevance today. In the unlikely event that this issue arises, section 623(j) of the Act would still allow the regulatory exemption. Accordingly, we seek comment on whether we should eliminate § 76.982.

Section 76.984. Section 76.984 was adopted to carry out the mandate of section 623(d) of the Act, which prohibits cable operators from selling the same cable service at different prices in different parts of a given franchise area unless the franchise area as a whole faces effective competition. Although commenters claim that § 76.984 should no longer be in effect, we tentatively disagree and believe that this provision continues to prevent anti-competitive behavior and promote competition. As discussed above, the 1996 Act amended section 623(c) to provide for the sunset of CPST rate regulation, but the requirement for uniform rates is found in section 623(d). Accordingly, we do not believe § 76.984 is subject to the sunset provision, and we seek comment on this issue as well as on whether the rule continues to serve the public interest.

Section 76.963. Section 76.963 was adopted to limit the Commission's existing forfeiture authority from being applied to Commission orders resolving complaints regarding CPST service and equipment rates. In implementing this rule, the Commission stated that it ''will not impose forfeitures on a cable operator simply because a rate for cable programming service is found to be unreasonable.'' It appears that this rule is no longer needed due to the sunset of CPST regulation. Eliminating this rule

does not affect the Commission's general authority to impose forfeitures for violations of specific rules or statutory provisions. We seek comment on eliminating this rule.

Initial Regulatory Flexibility Act Analysis.—As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) relating to this *FNPRM.* The IRFA is set forth below.

Paperwork Reduction Act.—The FNPRM may result in new or revised information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501 through 3520). If the Commission adopts any new or revised information collection requirement, the Commission will publish a notice in the **Federal Register** inviting the public to comment on the requirement, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501–3520). In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.'' In this present FNPRM, we have assessed the effects of the proposed changes to the Commission's rate regulations, including the modification of channel addition and deletion rules, the adoption of a streamlined process for establishing initial regulated rates, the sunset of a separate streamlined process for small systems, the sunset of the unabbreviated cost of service methodology, the modification of the Form 1235 methodology, and the clarification and or elimination of obsolete rules and forms and find that the policy changes are either neutral or reduce the burden on businesses with fewer than 25 employees.

Ex Parte Rules.—This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's ex parte rules. Ex parte presentations are permissible if disclosed in accordance with Commission rules, except during the Sunshine Agenda period when presentations, ex parte or otherwise, are generally prohibited. Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. Memoranda must contain a summary of the substance of the ex parte presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with Section 1.1206(b) of the rules. In proceedings governed by Section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written ex parte presentations and memoranda summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

Filing Requirements.—Comments and Replies. Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

Electronic Filers: Comments may be filed electronically using the internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/.*

Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW, TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, DC 20554.

People with Disabilities. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Availability of Documents. Comments and reply comments will be publicly available online via ECFS. These documents will also be available for public inspection during regular business hours in the FCC Reference Information Center, which is located in Room CY–A257 at FCC Headquarters, 445 12th Street SW, Washington, DC 20554. The Reference Information Center is open to the public Monday through Thursday from 8:00 a.m. to 4:30 p.m. and Friday from 8:00 a.m. to 11:30 a.m.

Initial Regulatory Flexibility Analysis. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) concerning the possible significant economic impact on small entities by the policies and rules proposed in this Further Notice of Proposed Rulemaking (FNPRM). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided on the first page of the FNPRM. The Commission will send a copy of the FNPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the FNPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.

Need for, and Objectives of, the Proposed Rules. This FNPRM addresses ways to modernize, update and streamline the cable rate regulations in Part 76 of the Federal Communications Commission's rules governing multichannel video and cable television service. The FNPRM seeks comment on whether to replace the existing rate regulation framework and seeks proposals for that. Alternatively, if the Commission keeps the existing rate regulation framework in place, the FNPRM seeks comment on a number of proposals to update and simplify it. The FNPRM proposes to simplify the cable rate regulatory scheme by streamlining the initial rate-setting methodology, clarify how cable operators may adjust their rates every year, and eliminate rate regulation of some equipment used to receive cable signals and small systems owned by small cable companies. This would enable the Commission to eliminate several rate forms that would no longer be necessary. These changes would relieve regulatory burdens, modernize and streamline cable rate regulations, and update regulations to account for the deregulation of cable programming service tier rates.

Legal Basis. The proposed action is authorized pursuant to sections 1, 2(a), 3, 4(i), 4(j), 303(r), 601(3), 602, and 623 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152(a), 153, 154(i), 154(j), 303(r), 521, 522, 543.

Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. Below, we provide a description of such small entities, as well as an estimate of the number of such small entities, where feasible.

Cable Companies and Systems (Rate Regulation Standard). The Commission has also developed its own small business size standards, for the purpose of cable rate regulation. Under the Commission's rules, a ''small cable company'' is one serving 400,000 or fewer subscribers, nationwide. Industry data indicate that, of 1,076 cable operators nationwide, all but 11 are small under this size standard. In addition, under the Commission's rules, a ''small system'' is a cable system serving 15,000 or fewer subscribers. Industry data indicate that, of 6,635 systems nationwide, 5,802 systems have under 10,000 subscribers, and an additional 302 systems have 10,000–19,999 subscribers. Thus, under this second size standard, the Commission believes that most cable systems are small.

Cable System Operators. The Act also contains a size standard for small cable system operators, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' The Commission has determined that an operator serving fewer than 677,000 subscribers shall be deemed a small operator, if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed $250 million in the aggregate. Industry data indicate that, of 1,076 cable operators nationwide, all but 10 are small under this size standard. We note that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million, and therefore we are unable to estimate more accurately the number of cable system operators that would qualify as small under this size standard.

Small Governmental Jurisdictions. The small entity described as a ''small governmental jurisdiction'' is defined generally as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' U.S. Census Bureau data from the 2012 Census of Governments indicates that there were 90,056 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. Of this number there were 37,132 General purpose governments (county, municipal and town or township) with populations of less than 50,000 and 12,184 Special purpose governments (independent school districts and special districts) with populations of less than 50,000. The 2012 U.S. Census Bureau data for most types of governments in the local government category shows that the majority of these governments have populations of less than 50,000. Based on this data we estimate that at least 49,316 local government jurisdictions fall in the category of ''small governmental jurisdictions.'' As discussed in the FNPRM, however, local governments are certified to rate regulate in only about 100 jurisdictions, and that includes governmental jurisdictions that are not small. Therefore, we expect the number of small governmental jurisdictions to which these rule changes would apply is likely under 100.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements. As indicated above, this FNPRM addresses ways to modernize, update and streamline the cable rate regulations in Part 76 of the Federal Communications Commission's rules governing multichannel video and cable television service. The FNPRM proposes to modify channel addition and deletion rules, streamline the process for establishing initial regulated rates, sunset a separate streamlined process for small systems and further deregulate small entities, sunset the single tier system headend surcharge methodology, sunset the unabbreviated cost of service methodology, modify the FCC Form 1235 methodology, clarify Commission jurisdiction over basic service tier rates, and the clarify and or eliminate obsolete rules and forms. These changes are necessary to relieve regulatory burdens, modernize and streamline cable rate regulations, and update regulations to account for the deregulation of cable programming service tier rates. All of the proposed rule changes are either neutral or reduce existing reporting, recordkeeping or other compliance requirements. Specifically, changes to the initial rate calculation methodology remove requirements that cable operators go back to 1992 records to justify their rate and systems serving 15,000 or fewer subscribers that are owned by small cable companies of 400,000 or fewer subscribers are relieved from all rate regulation.

Steps Taken To Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance, rather than design standards; and (4) an exemption

from coverage of the rule, or any part thereof, for small entities.'' The Commission expects to more fully consider the economic impact on small entities following its review of comments filed in response to the FNPRM and this IRFA. Generally, the FNPRM seeks comment on: ways to modernize, update and streamline the cable rate regulations in Part 76 of the Federal Communications Commission's rules governing multichannel video and cable television service. The FNPRM proposes to modify channel addition and deletion rules, streamline the process for establishing initial regulated rates, sunset of a separate streamlined process for small systems and further deregulate small entities, sunset the single tier system headend surcharge methodology, sunset the unabbreviated cost of service methodology, modify the FCC Form 1235 methodology, clarify Commission jurisdiction over basic service tier rates, and the clarify and or eliminate obsolete rules and forms. These changes are necessary to relieve regulatory burdens, modernize and streamline cable rate regulations, and update regulations to account for the deregulation of cable programming service tier rates. All of the proposed rule changes are either neutral or reduce existing reporting, recordkeeping or other compliance requirements. Specifically, changes to the initial rate calculation methodology remove requirements that cable operators go back to 1992 records to justify their rate and systems serving 15,000 or fewer subscribers that are owned by small cable companies of 400,000 or fewer subscribers are relieved from all rate regulation.

Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule. None.

It is ordered that, pursuant to the authority found in sections 1, 2(a), 3, 4(i), 4(j), 303(r), 601(3), 602, and 623 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152(a), 153, 154(i), 154(j), 303(r), 521, 522, 543, this Further Notice of Proposed Rulemaking *is adopted. It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 76

Cable television; Reporting and recordkeeping requirements.

Federal Communications Commission.

Cecilia Sigmund,

Federal Register Liaison Officer, Office of the Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 76 as follows:

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

■ 1. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

■ 2. Amend § 76.911 by revising paragraph (b)(3) to read as follows:

§ 76.911 Petition for reconsideration of certification.

* * * * *

(b) * * *

(3) In any case in which a stay of rate regulation has been granted, if the petition for reconsideration is denied, the cable operator may be required to refund any rates or portion of rates above the permitted tier charge or permitted equipment charge in accordance with § 76.942.

* * * * *

■ 3. Revise § 76.922 to read as follows:

§ 76.922 Rates for the basic service tier.

(a) *Basic service tier rates.* Basic service tier rates shall be subject to regulation by the Commission and by state and local authorities, as is appropriate, in order to assure that they are in compliance with the requirements of 47 U.S.C. 543. Rates that are demonstrated, in accordance with this part, not to exceed the permitted charge as described in this section, plus a charge for franchise fees, will be accepted as in compliance. The maximum monthly charges for regulated programming services shall not include any charges for equipment or installations. Charges for equipment and installations are to be calculated separately pursuant to § 76.923. Equipment and installation rates that are demonstrated not to exceed the maximum permitted rates as specified in § 76.923, will be accepted as in compliance. The initial rate-setting methodology used to set basic service tier rates shall continue to provide the basis for subsequent permitted charges.

(b) *Permitted charge.* (1) The permitted charge for a tier of regulated program service shall be the maximum permitted rate calculated using FCC Forms 1240 and 1235. Permitted charges established prior to the effective date of this rule will be reviewed for conformance with the rules in effect at the time the permitted charges were established.

(2) *Establishment of newly regulated rates.* (i) Cable systems shall use FCC Form 1240 to establish initial regulated rates.

(ii) For newly regulated cable systems, including cable systems that are re-regulated following a change in regulatory status, the initial date of regulation for the basic service tier shall be the date on which notice is given by the local franchising authority that the basic service tier is subject to regulation under the generally applicable rate rules.

(iii) For purposes of this section, rates in effect on the initial date of regulation shall be the rates charged to subscribers for service received on that date.

(c) *Annual rate adjustment method* — (1) *Generally.* Except as provided for in paragraph (c)(2)(iii)(B) of this section and § 76.923(o), operators using the annual rate adjustment method may not adjust their rates more than annually to reflect inflation, changes in external costs, changes in the number of regulated channels, and changes in equipment costs. Operators must file on the same date a Form 1240 for the purpose of making rate adjustments to reflect inflation, changes in external costs and changes in the number of regulated channels and a Form 1205 for the purpose of adjusting rates for regulated equipment and installation. Operators may choose the annual filing date, but they must notify the franchising authority of their proposed filing date prior to their filing. Franchising authorities or their designees may reject the annual filing date chosen by the operator for good cause. If the franchising authority finds good cause to reject the proposed filing date, the franchising authority and the operator should work together in an effort to reach a mutually acceptable date. If no agreement can be reached, the franchising authority may set the filing date up to 60 days later than the date chosen by the operator. An operator may change its filing date from year to year, except, as described in paragraphs (c)(2)(iii)(B) of this section, at least twelve months must pass before the operator can implement its next annual adjustment.

(2) *Projecting inflation, changes in external costs, and changes in number of regulated channels.* An operator using the annual rate adjustment

method may adjust its rates to reflect inflation, changes in external costs and changes in the number of regulated channels that are projected for the 12 months following the date the operator is scheduled to make its rate adjustment pursuant to § 76.933.

(i) *Inflation adjustments.* The residual component of a system's permitted charge may be adjusted annually to project for the 12 months following the date the operator is scheduled to make a rate adjustment. The annual inflation adjustment shall be based on inflation that occurred in the most recently completed quarter, converted to an annual factor. Adjustments shall be based on changes in the Gross National Product Price Index as published by the Bureau of Economic Analysis of the United States Department of Commerce.

(ii) *External costs.* (A) Permitted charges for a tier may be adjusted annually to reflect actual changes in external costs experienced but not yet accounted for by the cable system, as well as for projections in these external costs for the 12-month period on which the filing is based. In order that rates be adjusted for projections in external costs, the operator must demonstrate that such projections are reasonably certain and reasonably quantifiable. Projections involving copyright fees, retransmission consent fees, other programming costs, Commission regulatory fees, and cable specific taxes are presumed to be reasonably certain and reasonably quantifiable. Operators may project for increases in franchise related costs to the extent that they are reasonably certain and reasonably quantifiable, but such changes are not presumed reasonably certain and reasonably quantifiable. Operators may pass through increases in franchise fees pursuant to § 76.933.

(B) In all events, a system must adjust its rates every twelve months to reflect any net decreases in external costs that have not previously been accounted for in the system's rates.

(C) Any rate increase made to reflect increases or projected increases in external costs must also fully account for all other changes and projected changes in external costs, inflation and the number of channels on regulated tiers that occurred or will occur during the same period. Rate adjustments made to reflect changes in external costs shall be based on any changes, plus projections, in those external costs that occurred or will occur in the relevant time periods since the periods used in the operator's most recent previous FCC Form 1240.

(iii) *Channel adjustments.* (A) Permitted charges for a tier may be adjusted annually to reflect changes not yet accounted for in the number of regulated channels provided by the cable system, as well as for projected changes in the number of regulated channels for the 12-month period on which the filing is based. In order that rates be adjusted for projected changes to the number of regulated channels, the operator must demonstrate that such projections are reasonably certain and reasonably quantifiable.

(B) An operator may make rate adjustments for the addition of required channels to the basic service tier that are required under federal or local law at any time such additions occur, subject to the filing requirements of § 76.933(c)(5), regardless of whether such additions occur outside of the annual filing cycle. Required channels may include must-carry, local origination, public, educational and governmental access and leased access channels. Should the operator elect not to pass through the costs immediately, it may accrue the costs of the additional channels plus interest, as described in paragraph (c)(3) of this section.

(3) *True-up and accrual of charges not projected.* As part of the annual rate adjustment, an operator must ''true up'' its previously projected inflation, changes in external costs and changes in the number of regulated channels and adjust its rates for these actual cost changes. The operator must decrease its rates for overestimation of its projected cost changes, and may increase its rates to adjust for underestimation of its projected cost changes.

(i) Where an operator has underestimated costs, future rates may be increased to permit recovery of the accrued costs plus 11.25% interest between the date the costs are incurred and the date the operator is entitled to make its rate adjustment.

(ii) If an operator has underestimated its cost changes and elects not to recover these accrued costs with interest on the date the operator is entitled to make its annual rate adjustment, the interest will cease to accrue as of the date the operator is entitled to make the annual rate adjustment, but the operator will not lose its ability to recover such costs and interest. An operator may recover accrued costs between the date such costs are incurred and the date the operator actually implements its rate adjustment.

(d) *External costs.* (1) External costs shall consist of costs in the following categories:

(i) State and local taxes applicable to the provision of cable television service;

(ii) Franchise fees;

(iii) Costs of complying with franchise requirements, including costs of providing public, educational, and governmental access channels as required by the franchising authority;

(iv) Retransmission consent fees and copyright fees incurred for the carriage of broadcast signals;

(v) Other programming costs;

(vi) Commission cable television system regulatory fees imposed pursuant to 47 U.S.C. 159; and

(vii) Headend equipment costs necessary for the carriage of digital broadcast signals.

(2) The permitted charge for a regulated tier shall be adjusted on account of programming costs, copyright fees and retransmission consent fees only for the program channels or broadcast signals offered on that tier.

(3) Adjustments for external costs in the true-up portion of the FCC Form 1240 may be made on the basis of actual changes in external costs only. The starting date for adjustments to external costs for newly regulated or re-regulated systems shall be the implementation date of the actual rate in effect as of the initial date of regulation or re-regulation.

(4) Changes in franchise fees shall not result in an adjustment to permitted charges, but rather shall be calculated separately as part of the maximum monthly charge per subscriber for a tier of regulated programming service.

(5) Adjustments to permitted charges to reflect changes in the costs of programming purchased from affiliated programmers, as defined in § 76.901, shall be permitted as long as the price charged to the affiliated system reflects either prevailing company prices offered in the marketplace to third parties (where the affiliated program supplier has established such prices) or the fair market value of the programming.

(i) For purposes of this section, entities are affiliated if either entity has an attributable interest in the other or if a third party has an attributable interest in both entities.

(ii) Attributable interest shall be defined by reference to the criteria set forth in Notes 1 through 5 to § 76.501 provided, however, that:

(A) The limited partner and LLC/LLP/RLLP insulation provisions of Note 2(f) shall not apply; and

(B) The provisions of Note 2(a) regarding five (5) percent interests shall include all voting or nonvoting stock or limited partnership equity interests of five (5) percent or more.

(6) Adjustments to permitted charges on account of increases in costs of programming shall be further adjusted

to reflect any revenues received by the operator from the programmer. Such adjustments shall apply on a channel by channel basis.

(7) In calculating programming expense, operators may add a mark-up of 7.5% for increases in programming costs. Operators shall reduce rates to reflect decreases in programming costs and remove the 7.5% mark-up, if any, taken on the removed costs.

(e) *Changes in the number of channels on the regulated basic service tier.*—(1) *Generally.* A system must adjust annually the residual component of its permitted rate for the basic service tier (''BST'') to reflect any decreases in the number of channels that were on the BST as of the initial date of regulation or May 14, 1994, whichever is later. Cable systems shall use FCC Form 1240 to justify rate changes made on account of changes in the number of channels on the BST.

(2) *Deletion of channels.* (i) When dropping a channel from a BST, operators shall reflect the net reduction in external costs in their rates. With respect to channels to which the 7.5% markup on programming costs was applied, the operator shall treat the markup as part of its programming costs and subtract the markup from its external costs.

(ii) For channels added to the BST after the initial date of regulation or May 14, 1994, whichever is later, operators shall remove the actual per channel adjustment taken for that channel when it was added to the BST.

(iii) When removing channels results in a total BST channel count that is less than the number of channels that were on the BST as of the initial date of regulation or May 14, 1994, whichever is later, operators shall also reduce the price of the BST by any ''residual'' associated with the channel removal. For purposes of this calculation, the per channel residual is the permitted charge for the BST, minus the external costs and any per channel adjustments included in the permitted charge, divided by the total number of channels on the BST as of the initial date of regulation or May 14, 1994, whichever is later.

(3) *Movement of channels to the BST.* When a channel is moved from another tier of service to the BST, the moved channel shall be treated as a new channel.

(4) *Substitution of channels on a BST.* An operator may substitute a new channel for an existing channel on a BST to prevent a reduction in the total BST channel count to less than the number of channels that were on the BST as of the initial date of regulation or May 14, 1994, whichever is later. The substituted channel will carry the same residual as the original channel for which it was substituted. Operators substituting channels on a BST shall be required to reflect any reduction in programming costs in their rates and may reflect any increase in programming costs, including the 7.5% markup.

(f) Permitted charges for a tier shall be determined in accordance with forms and associated instructions established by the Commission.

(g) *Network upgrade rate increase.* (1) Cable operators that undertake significant network upgrades requiring added capital investment may justify an increase in rates for regulated services on FCC Form 1235 by demonstrating that the capital investment will benefit subscribers, including providing television broadcast programming in a digital format.

(2) A rate increase on account of upgrades shall not be assessed on customers until the upgrade is complete and providing benefits to customers of regulated services.

(3) Cable operators seeking an upgrade rate increase have the burden of demonstrating the amount of the net increase in costs, taking into account current depreciation expense, likely changes in maintenance and other costs, changes in regulated revenues and expected economies of scale.

(4) Cable operators seeking a rate increase for network upgrades shall allocate net cost increases in conformance with the cost allocation rules as set forth in § 76.924.

(5) Cable operators that undertake significant upgrades shall be permitted to increase rates by adding the benchmark/price cap rate to the rate increment necessary to recover the net increase in cost attributable to the upgrade.

(h) *Hardship rate relief.* A cable operator may adjust charges by an amount specified by the Commission or the franchising authority for the basic service tier if it is determined that:

(1) Total revenues from cable operations, measured at the highest level of the cable operator's cable service organization, will not be sufficient to enable the operator to attract capital or maintain credit necessary to enable the operator to continue to provide cable service;

(2) The cable operator has prudent and efficient management; and

(3) Adjusted charges on account of hardship will not result in total charges for regulated cable services that are excessive in comparison to charges of similarly situated systems.

■ 4. Amend § 76.923 by revising paragraphs (a)(1) and (n) to read as follows:

§ 76.923 Rates for equipment and installation used to receive the basic service tier.

(a) * * *

(1) The equipment regulated under this section consists of all equipment in a subscriber's home, provided and maintained by the operator, that is used to receive the basic service tier and video programming offered on a per channel or per program basis, if any, except if such equipment is additionally used to receive other tiers of programming service. Such equipment shall include, but is not limited to:

(i) Converter boxes;

(ii) Remote control units; and

(iii) Inside wiring.

* * * * *

(n) *Timing of filings.* An operator shall file FCC Form 1205 in order to establish its maximum permitted rates at the following times:

(1) When the operator sets its initial regulated equipment rates;

(2) On the same date it files its FCC Form 1240. If an operator elects not to file an FCC Form 1240 for a particular year, the operator must file a Form 1205 on the anniversary date of its last Form 1205 filing; and

(3) When seeking to adjust its rates to reflect the offering of new types of customer equipment other than in conjunction with an annual filing of Form 1205, 60 days before it seeks to adjust its rates to reflect the offering of new types of customer equipment.

■ 5. Amend § 76.924 by:

■ a. Revising paragraphs (a), (c), and (d)(1) introductory text;

■ b. Removing and reserving paragraph (d)(2); and

■ c. Revising paragraph (e).

The revisions read as follows:

§ 76.924 Allocation to service cost categories.

(a) *Applicability.* The requirements of this section are applicable to cable operators for which the basic service tier is regulated by local franchising authorities or the Commission. The requirements of this section are applicable for purposes of rate adjustments on account of external costs and for cost of service showings such as the FCC Form 1235.

* * * * *

(c) *Accounts level.* Cable operators making cost of service showings or seeking adjustments due to changes in external costs shall identify investments, expenses and revenues at the franchise, system, regional, and/or

company level(s) in a manner consistent with the accounting practices of the operator on its initial date of regulation or re-regulation. However, in all events, cable operators shall identify at the franchise level their costs of franchise requirements, franchise fees, local taxes and local programming.

(d) * * * (1) Cable operators making cost of service showings shall report all investments, expenses, and revenue and income adjustments accounted for at the franchise, system, regional and/or company level(s) to the summary accounts listed below.

* * * * *

(2) [Removed and Reserved]

(e) *Allocation to service cost categories.* (1) For cable operators making cost of service showings, investments, expenses, and revenues contained in the summary accounts identified in paragraph (d) of this section shall be allocated among the Equipment Basket, as specified in § 76.923, and the following service cost categories:

(i) Basic service cost category. The basic service category, shall include the cost of providing basic service as defined by § 76.901(a). The basic service cost category may only include allowable costs as defined by § 76.922.

(ii) Cable programming services cost category. The cable programming services category shall include the cost of providing cable programming services as defined by § 76.901(b). The cable programming service cost category may include only allowable costs as defined in § 76.922.

(iii) All other services cost category. The all other services cost category shall include the costs of providing all other services that are not included in the basic service or cable programming services cost categories as defined in paragraphs (e)(1)(i) and (ii) of this section.

(2) Cable operators seeking an adjustment due to changes in external costs identified in FCC Form 1240 shall allocate such costs among the equipment basket, as specified in § 76.923, and the following service cost categories:

(i) The basic service category as defined by paragraph (e)(1)(i) of this section;

(ii) The cable programming services category as defined by paragraph (e)(1)(ii) of this section;

(iii) The all other services cost category as defined by paragraph (e)(1)(iii) of this section.

* * * * *

■ 6. Revise § 76.930 to read as follows:

§ 76.930 Initiation of review of basic cable service and equipment rates.

A cable operator shall file its rate justifications for the basic service tier and associated equipment with a franchising authority within 30 days of receiving written notification from the franchising authority that the franchising authority has been certified by the Commission to regulate rates for the basic service tier, or within 30 days from the date the franchising authority notifies the operator that the operator will be subject to the generally applicable rate rules because the operator's regulatory status has changed. Basic service and equipment rate filings for existing rates or proposed rate increases (including increases that result from reductions in the number of channels on a tier) must use the appropriate official FCC form, a copy thereof, or a copy generated by FCC software. Failure to file on the official FCC form, a copy thereof, or a copy generated by FCC software, may result in the imposition of sanctions specified in § 76.937(d). A cable operator shall include rate cards and channel line-ups with its filing and include an explanation of any discrepancy in the figures provided in these documents and its rate filing.

■ 7. Revise § 76.933 to read as follows:

§ 76.933 Franchising authority review of basic cable rates and equipment costs.

(a) A cable operator that submits for review its existing rates for the basic service tier and associated equipment costs may continue the existing rates in effect pending franchising authority review and subject to the refund liability provisions of § 76.942.

(b) A cable operator that submits for review a proposed change in its existing rates for the basic service tier and associated equipment costs, including a rate increase resulting from a network upgrade pursuant to § 76.922(g), shall do so no later than 90 days prior to the effective date of the proposed rates.

(c)(1) The franchising authority will have 90 days from the date of the rate filing to review it. However, if the franchising authority or its designee concludes that the operator has submitted a facially incomplete filing, the franchising authority's deadline for issuing a decision, the date on which a rate increase may go into effect if no decision is issued, and the period for which refunds are payable will be tolled while the franchising authority is waiting for this information, provided that, in order to toll these effective dates, the franchising authority or its designee must notify the operator of the incomplete filing within 45 days of the date the filing is made.

(2) If there is a material change in an operator's circumstances during the 90 day review period and the change affects the operator's rate filing, the operator may file an amendment to its rate filing prior to the end of the 90 day review period. If the operator files such an amendment, the franchising authority will have at least 30 days to review the filing. Therefore, if the amendment is filed more than 60 days after the operator made its initial filing, the operator's proposed rate change may not go into effect any earlier than 30 days after the filing of its amendment. However, if the operator files its amended application on or prior to the sixtieth day of the 90 day review period, the operator may implement its proposed rate adjustment, as modified by the amendment, 90 days after its initial filing.

(3) If a franchising authority has taken no action within the 90 day review period, then the existing rates may continue in effect or the proposed rates may go into effect at the end of the review period, subject to a prospective rate reduction and refund if the franchising authority subsequently issues a written decision disapproving any portion of such rates, provided, however, that in order to order a prospective rate reduction and refund, if an operator inquires as to whether the franchising authority intends to issue a rate order after the 90 day review period, the franchising authority or its designee must notify the operator of its intent in this regard within 15 days of the operator's inquiry. If the franchising authority has not issued its rate order by the end of the 90 day review period, the franchising authority will have 12 months from the date the operator filed for the rate adjustment to issue its rate order. In the event that the franchising authority does not act within the 12-month period, it may not at a later date order a refund or a prospective rate reduction with respect to the rate filing.

(4) At the time an operator files its rate justifications with the franchising authority, the operator may give customers notice of the proposed rate changes. Such notice should state that the proposed rate change is subject to approval by the franchising authority. If the operator is only permitted a smaller increase than was provided for in the notice, the operator must provide an explanation to subscribers on the bill in which the rate adjustment is implemented. If the operator is not permitted to implement any of the rate increase that was provided for in the notice, the operator must provide an

explanation to subscribers within 60 days of the date of the franchising authority's decision. Additional advance notice is required if the rate to be implemented exceeds the previously noticed rate.

(5) If an operator files for a rate adjustment for the addition of channels to the basic service tier that the operator is required by federal or local law to carry, the franchising authority has 60 days to review the requested rate. The proposed rate shall take effect at the end of this 60 day period unless the franchising authority rejects the proposed rate as unreasonable. The franchising authority shall be subject to the requirements described in paragraph (c)(1)–(3) of this section for ordering refunds and prospective rate reductions, except that the initial review period is 60 rather than 90 days.

(6) When the franchising authority is regulating basic service tier rates, a cable operator may increase its rates for basic service to reflect the imposition of, or increase in, franchise fees or cable television system regulatory fees imposed pursuant to 47 U.S.C. 159. The increased rate attributable to Commission cable television system regulatory fees or franchise fees shall be subject to subsequent review and refund if the franchising authority determines that the increase in basic tier rates exceeds the increase in regulatory fees or in franchise fees allocable to the basic tier. This determination shall be appealable to the Commission pursuant to § 76.944. When the Commission is regulating basic service tier rates pursuant to § 76.945, an increase in those rates resulting from franchise fees or Commission regulatory fees shall be reviewed by the Commission pursuant to the mechanisms set forth in § 76.945.

(d) If an operator files an FCC Form 1205 for the purpose of setting the rate for a new type of equipment under § 76.923(o), the franchising authority has 60 days to review the requested rate. The proposed rate shall take effect at the end of this 60 day period unless the franchising authority rejects the proposed rate as unreasonable. The franchising authority shall be subject to the requirements described in paragraph (c)(1)–(3) of this section for ordering refunds and prospective rate reductions, except that the initial review period is 60 rather than 90 days.

■ 8. Revise § 76.934 to read as follows:

§ 76.934 Small systems and small cable companies.

(a) For purposes of rules governing the regulatory status of small systems, the size of a system or company shall be determined by reference to its size as of the date the system files with its franchising authority or the Commission the documentation necessary to qualify for the relief sought. Where relief is dependent upon the size of both the system and the company, the operator must measure the size of both the system and the company as of the same date. A small system shall be considered affiliated with a cable company if the company holds a 20 percent or greater equity interest in the system or exercises *de jure* control over the system.

(b) A franchising authority that has been certified, pursuant to § 76.910, to regulate rates for basic service and associated equipment may permit a small system as defined in § 76.901 to certify that the small system's rates for basic service and associated equipment comply with § 76.922, the Commission's substantive rate regulations.

(c) *Regulation of small systems.* A small system, as defined by § 76.901(c), that receives a notice of regulation from its local franchising authority must respond within the time periods prescribed in § 76.930.

(d) *Petitions for extension of time.* Small systems may obtain an extension of time to establish compliance with rate regulations provided they can demonstrate that timely compliance would result in severe economic hardship. Requests for extension of time should be addressed to the local franchising authority. The filing of a request for an extension of time to comply with the rate regulations will not toll the effective date of rate regulation for small systems or alter refund liability for rates that exceed permitted levels.

(e) *Small Systems Owned by Small Cable Companies.* Small systems owned by small cable companies are not subject to rate regulation as long as they meet the definitions of small system and small cable company. When a system no longer qualifies for deregulatory status, the system must give the franchising authority notice of its change in status. The system may maintain the actual rates it charged prior to its loss of small system status, but future rate adjustments will be subject to generally applicable rate regulations. After receiving notice of regulation from the franchising authority, the system shall file its schedule of rates consistent with § 76.930 of this subpart.

(f) For rules governing small cable operators, see § 76.990 of this subpart.

■ 9. Revise § 76.935 to read as follows:

§ 76.935 Participation of interested parties.

In order to regulate basic tier rates or associated equipment costs, a franchising authority must have procedural laws or regulations applicable to rate regulation proceedings that provide a reasonable opportunity for consideration of the views of interested parties. Such rules must take into account the time periods that franchising authorities have to review rates under § 76.933.

■ 10. Amend § 76.937 by:

■ a. Removing paragraph (c);

■ b. Redesignating paragraphs (d) and (e) as paragraphs (c) and (d); and

■ c. Revising newly redesignated paragraph (d).

The revision reads as follows:

§ 76.937 Burden of proof.

* * * * *

(d) A franchising authority or the Commission may order a cable operator that has filed a facially incomplete form to file supplemental information, and the franchising authority's deadline to rule on the reasonableness of the proposed rates will be tolled pending the receipt of such information. A franchising authority may set reasonable deadlines for the filing of such information, and may find the cable operator in default and mandate appropriate relief, pursuant to paragraph (c) of this section, for the cable operator's failure to comply with the deadline or otherwise provide complete information in good faith.

■ 11. Revise § 76.938 to read as follows:

§ 76.938 Proprietary information.

A franchising authority may require the production of proprietary information to make a rate determination in those cases where cable operators have submitted initial rates for review, or have proposed rate increases. The franchising authority shall state a justification for each item of information requested and, where related to an FCC form filing, indicate the question or section of the form to which the request specifically relates. Upon request to the franchising authority, the parties to a rate proceeding shall have access to such information, subject to the franchising authority's procedures governing non-disclosure by the parties. Public access to such proprietary information shall be governed by applicable state or local law.

■ 12. Revise § 76.939 to read as follows:

§ 76.939 Truthful written statements and responses to requests of franchising authority.

Cable operators shall comply with franchising authorities' and the Commission's requests for information, orders, and decisions. Any information submitted to a franchising authority or

the Commission in making a rate determination pursuant to an FCC form filing is subject to the provisions of § 1.17 of this chapter.

■ 13. Revise § 76.942 to read as follows:

§ 76.942 Refunds.

(a) A franchising authority (or the Commission, pursuant to § 76.945) may order a cable operator to refund to subscribers that portion of previously paid rates determined to be in excess of the permitted tier charge or above the actual cost of equipment. Before ordering a cable operator to refund previously paid rates to subscribers, a franchising authority (or the Commission) must give the operator notice and opportunity to comment.

(b) The refund period shall run as follows:

(1) From the date the operator implements the rate under review until it reduces the rate in compliance with a valid rate order or justifies that rate or a higher rate in its next rate filing, whichever is sooner, however, the refund period shall not begin before the initial date of regulation.

(2) For rates in effect and justified on rate forms filed before the effective date of this rule, as amended, the refund period shall be determined by the rules in effect at the time of filing.

(3) Refund liability shall be calculated on the reasonableness of the rates as determined by the rules in effect during the period under review by the franchising authority or the Commission.

(c) The cable operator, in its discretion, may implement a refund in the following manner:

(1) By returning overcharges to those subscribers who actually paid the overcharges, either through direct payment or as a specifically identified credit to those subscribers' bills; or

(2) By means of a prospective percentage reduction in the rates for the basic service tier or associated equipment to cover the cumulative overcharge. The refund shall be reflected as a specifically identified, one-time credit on prospective bills to the class of subscribers that currently subscribe to the cable system.

(d) Refunds shall include interest computed at applicable rates published by the Internal Revenue Service for tax refunds and additional tax payments.

(e) Once an operator has implemented a rate refund to subscribers in accordance with a refund order by the franchising authority (or the Commission pursuant to paragraph (a) of this section), the franchising authority must return to the cable operator an amount equal to that portion of the franchise fee that was paid on the total amount of the refund to subscribers. The franchising authority must promptly return the franchise fee overcharge either in an immediate lump sum payment, or the cable operator may deduct it from the cable system's future franchise fee payments. The franchising authority has the discretion to determine a reasonable repayment period, but interest shall accrue on any outstanding portion of the franchise fee starting on the date the operator has completed implementation of the refund order. In determining the amount of the refund, the franchise fee overcharge should be offset against franchise fees the operator holds on behalf of the franchising authority for lump sum payment. The interest rate on any refund owed to the operator presumptively shall be 11.25%.

■ 14. Amend § 76.944 by revising paragraph (c) as follows:

§ 76.944 Commission review of franchising authority decisions on rates for the basic service tier and associated equipment.

* * * * *

(c) An operator that uses the annual rate adjustment method under § 76.922(c) may include in its next true up under § 76.922(c)(3) any amounts to which the operator would have been entitled but for a franchising authority decision that is not upheld on appeal.

■ 15. Revise § 76.945 to read as follows:

§ 76.945 Procedures for Commission review of basic service rates.

(a) Upon assumption of rate regulation authority, the Commission will notify the cable operator and require the cable operator to file its basic rate schedule with the Commission within 30 days, with a copy to the local franchising authority.

(b) Basic service and equipment rate schedule filings for existing rates or proposed rate increases or adjustments (including increases that result from reductions in the number of channels in a tier) must use the official FCC form, a copy thereof, or a copy generated by FCC software. Failure to file on the official FCC form or a copy may result in the imposition of sanctions specified in § 76.937(c).

(c) Filings for existing rates or proposed rate increases or adjustments must be made 90 days prior to the proposed effective date and can become effective on the proposed effective date unless the Commission issues an order deferring the effective date or denying the rate proposal. Petitions opposing such filings must be filed within 15 days of public notice of the filing by the cable operator and be accompanied by a certificate that service was made on the cable operator and the local franchising authority. The cable operator may file an opposition within five days of the filing of the petition, certifying to service on both the petitioner and the local franchising authority.

§ 76.963 [Removed]

■ 16. Remove § 76.963.

§ 76.982 [Removed]

■ 17. Remove § 76.982.

■ 18. Amend § 76.990 by:

■ a. Revising paragraphs (a) and (b)(2);

■ b. Removing paragraph (b)(3); and

■ c. Revising paragraph (c).

The revisions read as follows:

§ 76.990 Small cable operators.

(a) A small cable operator is exempt from rate regulation on its basic service tier if that tier was the only service tier subject to rate regulation as of December 31, 1994, in any franchise area in which that operator services 50,000 or fewer subscribers.

(b) * * *

(2) Once the operator has certified its eligibility for deregulation on the basic service tier, the local franchising authority shall not prohibit the operator from taking a rate increase and shall not order the operator to make any refunds unless and until the local franchising authority has rejected the certification in a final order that is no longer subject to appeal or that the Commission has affirmed. The operator shall be liable for refunds for revenues gained (beyond revenues that could be gained under regulation) as a result of any rate increase taken during the period in which it erroneously claimed to be deregulated, plus interest, in the event the operator is later found not to be deregulated. The limits on refund liability will not be applicable during that period to ensure that the filing of an invalid small operator certification does not reduce any refund liability that the operator would otherwise incur.

(c) *Transition from small cable operator status.* If a small cable operator subsequently becomes ineligible for small operator status, the operator will become subject to regulation but may maintain the rates it charged prior to losing small cable operator status if such rates were in effect for three months preceding the initial date of regulation. Upon regulation, actual rates and subsequent rate increases will be subject to generally applicable regulations governing rates and rate increases. A cable operator must give its franchising authority notice of its change in status.

The system shall file its rate justifications consistent with § 76.930. For rules governing small cable systems and small cable companies, see § 76.934.

§ 76.1805 [Removed]

■ 19. Remove § 76.1805.

[FR Doc. 2018–25325 Filed 11–26–18; 8:45 am]

BILLING CODE 6712–01–P

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 501, 536, and 552

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

RIN 3090–AJ64

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

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

ACTION: Proposed rule; Correction.

SUMMARY: The General Services Administration (GSA) is issuing a correction to GSAR Case 2015–G506; Adoption of Construction Project Delivery Method Involving Early Industry Engagement—Construction Manager as Constructor (CMc). The document heading carried an incorrect Regulatory Information Number (RIN) in the header. This document carries the correct RIN.

DATES: Comments for the proposed rule published November 8, 2018 continue to be accepted on or before January 7, 2019 to be considered in the formulation of the final rule.

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

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''GSAR Case 2015–G506''. Select the link ''Comment Now'' that corresponds with GSAR Case 2015–G506. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''GSAR Case 2015–G506'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division, 1800 F Street NW, ATTN: Lois Mandell Washington, DC 20405.

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

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

SUPPLEMENTARY INFORMATION: On November 8, 2018, at 83 FR 55838, GSA published a proposed rule to amend the GSAR to revise sections of GSAR Part 536, Construction and Architect-Engineer Contracts, and corresponding clauses in GSAR Part 552, Solicitation Provisions and Contract Clauses to incorporate CMc contracting. The document's heading contained the incorrect RIN, ''RIN 3090–AI81''. This correct RIN is ''RIN 3090–AJ64'' and is contained in the heading of this correction.

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

Dated: November 20, 2018.

Jeffrey A. Koses,

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

[FR Doc. 2018–25741 Filed 11–26–18; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 180702599–8599–01]

RIN 0648–BI03

Fisheries of the Northeastern United States; Northeast Skate Complex; Framework Adjustment 6; Revised 2018–2019 Specifications

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

ACTION: Proposed rule; request for comments.

SUMMARY: This rule proposes to approve and implement measures submitted by the New England Fishery Management Council in Framework Adjustment 6 to the Northeast Skate Complex Fishery Management Plan and revise the 2018–2019 specifications. This action would reduce the management uncertainty buffer between the annual catch limit and the annual catch target from 25 to 10 percent, which would result in increasing the annual catch target and total allowable landings for the 2018–2019 fishing years by 20 percent. This action is necessary to allow the skate wing total allowable landing to be achieved while minimizing the need to restrict fishing operations through incidental possession limits. This action intends to extend the directed fishing time for both the skate wing and bait fisheries.

DATES: Public comments must be received by December 12, 2018.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2018–0123, by either of the following methods:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal.

1. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0123,*
2. Click the ''Comment Now!'' icon, complete the required fields, and
3. Enter or attach your comments.

—OR—

Mail: Submit written comments to Michael Pentony, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA, 01930. Mark the outside of the envelope, ''Comments on the Proposed Rule to Skate Framework Adjustment 6.''

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 submitted as instructed that we receive are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft

Word, Excel, or Adobe PDF file formats only.

New England Fishery Management Council staff prepared an environmental assessment (EA) for Northeast Skate Complex Framework Adjustment 6 that describes the proposed action and other considered alternatives. The EA provides an analysis of the biological, economic, and social impacts of the proposed measures and other considered alternatives and economic analysis. Copies of the Framework 6 EA are available on request from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950. This document is also available from the following internet addresses: *http://www.nefmc.org* and *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0123.*

FOR FURTHER INFORMATION CONTACT: Emily Gilbert, Fishery Policy Analyst, (978) 281–9244.

SUPPLEMENTARY INFORMATION:

Background

The Northeast Skate Complex Fishery Management Plan (FMP), developed by the New England Fishery Management Council and implemented in 2003, manages a complex of seven skate species (barndoor, clearnose, little, rosette, smooth, thorny, and winter skate) off the New England and mid-Atlantic coasts. Skates are harvested and managed in two different fisheries: One for food (the wing fishery) and one for lobster and crab bait (the bait fishery).

The fishing year for skates is from May 1 to April 30. The directed wing fishery is managed using possession limits in two separate seasons. The bait fishery has possession limits in three separate seasons (Table 1). When catch approaches the seasonal total allowable landings (TAL), a lower, more restrictive incidental limit is implemented to slow harvest and help ensure that seasonal quotas are not exceeded.

TABLE 1—POSSESSION LIMITS PER TRIP FOR FISHING YEARS 2018–2019

Skate possession limits *	Trip limits			
	Skate wings	Whole skates	Barndoor ** skate wings	Whole barndoor ** skates
NE Multispecies, Scallop, or Monkfish Day-At-Sea (DAS):				
Season 1 (May 1–August 31)	2,600 lb, *1,179 kg*	5,902 lb, *2,677 kg*	650 lb, *295 kg*	1,476 lb, *670 kg.*
Season 2 (September 1–April 30)	4,100 lb, *1,860kg*	9,307 lb, *4,222 kg*	1,025 lb, *465 kg*	2,327 lb, *1,056 kg.*
NE Multispecies B DAS:				
May 1–April 30	220 lb, *100 kg*	500 lb, *227 kg*	0	0.
Non-DAS:				
May 1–April 30	500 lb, *227 kg*	1,135 lb, *515 kg*	0	0.
Whole skate with bait Letter of Authorization:				
May 1–October 31	0	25,000 lb, *11,340 kg*	0	0.
November 1–April 30	0	12,000 lb, *5,443 kg*	0	0.

* Possession limits may be modified in-season in order to prevent catch from exceeding quotas.
** Barndoor skate trip limits are within the overall skate possession limit for each trip, not in addition to it.

In recent years, a combination of lower overall catch limits and strong fishery participation has caused the incidental limits in both the wing and bait fisheries to be triggered with several months remaining in the fishing year. To address this issue for the bait fishery, the Council developed and NMFS implemented Framework Adjustment 4 in March 2018 to better control the catch of skate bait throughout the fishing year (83 FR 6133; February 13, 2018). Similarly, in January 2018, the Council initiated Framework Adjustment 6 to adjust measures to extend the directed skate wing fishing year and reduce negative impacts when skate wing incidental limits are triggered. The Council took final action on Framework 6 at its June 2018 meeting.

Proposed Measures

This action would adjust the management uncertainty buffer between the annual catch limit (ACL) and annual catch target (ACT) in the skate FMP. The current uncertainty buffer between the ACL and ACT is 25 percent (*i.e.,* ACT = 75 percent of ACL). This action would reduce this buffer to 10 percent, allowing for an increase in the TALs allocated to both the wing and bait fisheries. Council analysis indicates that this revised buffer would likely delay the need to implement the restrictive incidental limit of 500 lb (227 kg) in the wing fishery until closer to the end of the fishing year. For the bait fishery, this buffer reduction is expected to delay the incidental trigger until around March. The analyses within Framework 6 indicate that the level of management uncertainty within the skate fishery has likely reduced since the implementation of the ACL operational framework in 2010. For example, management controls put in place have been effective at constraining catch; species identification and catch accounting has improved; ACLs have not been exceeded, and only minor overages of fishery TALs have occurred.

Revised 2018–2019 Specifications

The proposed modification to the management uncertainty buffer would result in adjustments to the 2018–2019 specifications implemented through Framework Adjustment 5 (83 FR 48985; September 28, 2018). NMFS is proposing the following revised specifications for the 2018–2019 fishing years as recommended by the Council in Framework 6:

1. The acceptable biological catch and ACL would remain at 31,327 mt;
2. An ACT of 28,194 mt (90 percent of the ACL);
3. A TAL of the 15,788 mt for the entire skate fishery;
4. A TAL of 10,499 mt for the wing fishery, that is divided in two seasons according to the current regulations at 50 CFR 648.322. In season 1 (May 1–August 31) the TAL would be 5,984 mt (57 percent), and the remainder of the TAL allocated to Season 2 (September 1–April 30). As the 2018 fishing year started on May 1, the wing TALs would be retroactively increased. The regulations for the skate fishery allow for unused wing TAL from Season 1 to be rolled-over to Season 2. NMFS estimates that 4,490 mt of wings were landed in Season 1, and therefore 497 mt can be rolled over to Season 2 in 2018. Given this, the Season 2 wing TAL in 2018 would be approximately 5,012 mt.
5. A TAL of 5,289 mt for the bait fishery that is divided into three seasons according to the current regulations at § 648.322. In Season 1 (May 1–July 31) the TAL would be 1,629 mt (30.8 percent); in Season 2 (August 1–October 31) the TAL would be 1,962 mt (37.1 percent), and the remainder (1,698 mt)

would be allocated to Season 3 (November 1–April 30). As the 2018 fishing year started on May 1, the bait TALs would be retroactively increased. The regulations for the skate fishery allow for the unused bait TAL from Seasons 1 and 2 to be rolled-over to Season 3. Therefore, once TALs are revised for Seasons 1 and 2 and landings have been accounted for, NMFS would adjust the 2018 Season 3 bait TAL accordingly. At a minimum the 2018 Season 3 bait TAL is expected to increase by 598 mt (*i.e.,* the sum of the proposed revised 2018 Season 1 and Season 2 bait TALs under Skate Framework 6, minus the sum of the Season 1 and 2 bait TALs under the 2018–2019 specifications implemented through Skate Framework 5).

The Council reviewed the proposed regulations and deemed them necessary and appropriate to implement consistent with section 303(c) of the Magnuson-Stevens Conservation and Management Act.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has made a preliminary determination that this proposed rule is consistent with the FMP, Framework 6, provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for 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 effect on a substantial number of small entities. The factual basis for this determination is as follows.

The purpose of this action is to allow the skate wing TAL to be achieved while minimizing the need to restrict fishing operations through incidental possession limits. As proposed, this action would reduce the management uncertainty buffer between the skate ACL and the ACT from 25 to 10 percent, which would result in increasing the ACT and TAL for the 2018–2019 fishing years by 20 percent. This action, if implemented, is expected to extend the directed fishing year for both the skate wing and bait fisheries and allow higher magnitude landings for a longer portion of the fishing year.

The action would impact vessels or affiliated groups that hold Federal skate permits and participate in skate fisheries. The Council's analysis of 2017 data, the most recent complete set of data available, indicates that the skate fishery had 288 affiliated groups with single permits, and another 91 vessels belonged to affiliated groups that hold 2 or more permits. It is difficult to quantitatively analyze the economic impacts of increasing TALs, as economic impacts would have to be compared against 2015 fishing year data (the last year in which the incidental possession limit was not imposed) when TALs were higher than the proposed revised 2018 levels under Framework 6. Therefore, a qualitative analysis is described below.

For Regulatory Flexibility Act (RFA) purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11.0 million for all its affiliated operations worldwide. The determination as to whether the entity is large or small is based on a 3-year average of annual revenue.

Affiliate data are assembled by NMFS, as of June 1st each year, for analysis required by the RFA. During fishing year 2017, 334 regulated entities landed skates; 330 entities were small and 4 were large. All 334 entities could be directly regulated by this proposed action.

This action, which proposes to increase the ACT and TALs for the 2018–2019 fishing years by 20 percent, is expected to result in increased revenues and economic benefits. This action is not expected to have a significant economic impact on a substantial number of small entities. The effects of this action on the regulated small entities in this analysis are expected to be positive. Under the proposed action, small entities would not be placed at a competitive disadvantage relative to large entities, and the regulations would not reduce profits for any small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

This rule would not establish any new reporting or recordkeeping requirements.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: November 20, 2018.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs National Marine Fisheries Service.

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

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

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

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

■ 2. In § 648.320, paragraph (a)(4) is revised to read as follows:

§ 648.320 Skate FMP review and monitoring.

(a) * * *

(4) Based on the annual review described above and/or the Stock Assessment and Fishery Evaluation (SAFE) Report described in paragraph (b) of this section, recommendations for acceptable biological catch (ABC) from the Scientific and Statistical Committee, and any other relevant information, the Skate PDT shall recommend to the Skate Committee and Council the following annual specifications for harvest of skates: An annual catch limit (ACL) for the skate complex set less than or equal to ABC; an annual catch target (ACT) for the skate complex set less than or equal to 90 percent of the ACL; and total allowable landings (TAL) necessary to meet the objectives of the FMP in each fishing year (May 1–April 30), specified for a period of up to 2 fishing years.

* * * * *

■ 3. In § 648.323, paragraph (b)(1) is revised to read as follows:

§ 648.323 Accountability measures.

* * * * *

(b) * * *

(1) If the ACL is determined to have been exceeded in any given year, based upon, but not limited to, available landings and discard information, the percent buffer between ACL and ACT shall be increased by 1 percent for each 1-percent ACL overage in the second fishing year following the fishing year in which the ACL overage occurred, through either the specifications or framework adjustment process described under §§ 648.320 and 648.321.

* * * * *

[FR Doc. 2018–25727 Filed 11–26–18; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 83, No. 228
Tuesday, November 27, 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 COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice and opportunity for public comment.

SUMMARY: The Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of the firms contributed importantly to the total or partial separation of the firms' workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

SUPPLEMENTARY INFORMATION:

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[10/12/2018 through 11/19/2018]

Firm name	Firm address	Date accepted for investigation	Product(s)
Truebite, Inc	2590 Glenwood Road, Vestal, NY 13850.	11/7/2018	The firm manufactures custom nail files for the promotional products industry.
Tuff-Bilt Tractors Manufacturing, Inc.	2801 I Avenue, Walthill, NE 68067	11/8/2018	The firm manufactures tractors and farm implements.
Stephens Precision, Inc	293 Industrial Drive, Bradford, VT 05033.	11/13/2018	The firm manufactures custom metal and plastic parts for aerospace, defense, and other industries.
Fuller Foods, Inc	5040 SE Milwaukie Avenue, Portland, OR 97202.	11/16/2018	The firm manufactures cheesy puffs, a snack food.
The Homer Laughlin China Company.	672 Fiesta Drive, Newell, WV 26050.	11/19/2018	The firm manufactures ceramic dinnerware for retail and foodservice markets.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice. These petitions are received pursuant to section 251 of the Trade Act of 1974, as amended.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Irette Patterson,

Program Analyst.

[FR Doc. 2018–25743 Filed 11–26–18; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–096]

Aluminum Wire and Cable From the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation

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

DATES: Applicable November 27, 2018.

FOR FURTHER INFORMATION CONTACT: Nancy Decker at (202) 482–0196, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, Department of

Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On October 11, 2018, the Department of Commerce (Commerce) initiated the countervailing duty (CVD) investigation of aluminum wire and cable from the People's Republic of China.[1] Currently, the preliminary determination is due no later than December 17, 2018.

Postponement of the Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a CVD investigation within 65 days after the date on which Commerce initiated the investigation. However, section 703(c)(1)(A) of the Act permits Commerce to postpone the preliminary determination until no later than 130 days after the date on which Commerce initiated the investigation if a petitioner makes a timely request for a postponement. Under 19 CFR 351.205(e), a petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reason for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.[2]

On November 14, 2018, Encore Wire Corporation, a petitioner in this investigation, submitted a timely request pursuant to section 703(c)(1)(A) of the Act and 19 CFR 351.205(e) to postpone fully the preliminary determination. Encore stated that the purpose of its request was to provide Commerce with sufficient time to receive and analyze the questionnaire responses of the mandatory respondents.[3]

In accordance with 19 CFR 351.205(e), the reason for requesting a postponement of the preliminary determination and the record does not present any compelling reasons to deny the request. Therefore, in accordance with section 703(c)(1)(A) of the Act, Commerce is postponing the deadline for the preliminary determination to February 19, 2019.[4] Pursuant to section 705(a)(l) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(l).

Dated: November 20, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–25824 Filed 11–26–18; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Aluminum Wire and Cable from the People's Republic of China: Initiation of Countervailing Duty Investigation,* 83 FR 52805 (October 18, 2018).

[2] *See* 19 CFR 351.205(e).

[3] *See* Letter from Encore to Commerce, ''Aluminum Wire and Cable from China: Petitioner's Request for Postponement of the Preliminary Determination,'' dated November 14, 2018.

[4] In this case, 130 days after initiation falls on February 18, 2019, a federal holiday. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG646

False Killer Whale Take Reduction Team; Meeting Announcement

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

ACTION: Notice of public meeting.

SUMMARY: NMFS announces a public meeting of the False Killer Whale Take Reduction Team (FKWTRT) on November 29, 2018 in order to provide recommendations on amendments to the False Killer Whale Take Reduction Plan (FKWTRP). The meeting will be held via conference call. Members of the public may submit written comments; the comments must be received within 14 days of the completion of the meeting.

DATES: The meeting of the FKWTRT will be held via conference call on November 29, 2018, from 10 a.m. to 12 p.m. Hawaii Standard Time (or until business is concluded).

ADDRESSES: The public meeting will be conducted via conference call. For details on how to call in to the conference line, please contact Kevin Brindock, Comments may be submitted to the address provided in **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT: Kevin Brindock, NMFS Pacific Islands Regional Office; 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818; telephone: 808–725–5146; facsimile: 808–725–5146; email: *kevin.brindock@noaa.gov.*

SUPPLEMENTARY INFORMATION: Section 118(f)(1) of the Marine Mammal Protection Act (MMPA) requires NMFS to develop and implement take reduction plans designed to assist in the recovery or prevent the depletion of each strategic stock that interacts with Category I and II fisheries. In accordance with Section 118(f)(6) of the MMPA, NMFS established the FKWTRT (75 FR 2853, January 19, 2010) to develop a draft take reduction plan to assist in the recovery and prevent the depletion of the Hawaii pelagic stock and Hawaii insular stock of false killer whales. On November 29, 2012, NMFS published regulations implementing provisions of the False Killer Whale Take Reduction Plan (FKWTRP; 77 FR 71260) to reduce the level of incidental mortality and serious injury (M&SI) of these two stocks of false killer whales in the Hawaii longline fisheries. In accordance with Section 118(f)(7), NMFS convenes periodically the FKWTRT to monitor the effectiveness and implementation of the FKWTRP, and to recommend amendments that may be necessary to meet that objectives of the FKWTRP. More information can be found on the FKWTRT website: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/false-killer-whale-take-reduction.*

Meeting Topics

The purpose of the November 29, 2018, conference call is to review current information and develop consensus recommendations for the FKWTRP to reduce M&SI of false killer whales and meet the goals of the FKWTRP and the MMPA.

Special Accommodations

The conference call is accessible to people with disabilities. Requests for auxiliary aids should be directed to Kevin Brindock at 808–725–5146 at least seven working days prior to the meeting.

Authority: 16 U.S.C. 1361 *et seq.*

Dated: November 21, 2018.

Donna Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–25870 Filed 11–26–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG637

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold a one-day meeting of its Ad Hoc Reef Fish Headboat Advisory Panel.

DATES: The meeting will convene on Tuesday, December 11, 2018, from 8:30 a.m. to 5 p.m. EDT.

ADDRESSES: The meeting will take place at the Gulf Council Office. *Council address:* Gulf of Mexico Fishery Management Council, 4107 West Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Dr. Assane Diagne, Economist, Gulf of Mexico Fishery Management Council; *assane.diagne@gulfcouncil.org,* telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Tuesday, December 11, 2018; 8:30 a.m.–5 p.m., EDT:

1. Adoption of Agenda
2. Approval of September 2017 Meeting Summary
3. Scope of Work
4. Reef Fish Management for Headboat Survey Vessels
   a. Decision Tool for Initial Individual Allocations
   b. Draft Reef Fish Amendment 42 (Background Material)
   c. G Referendum Eligibility Requirements (Background Material)
   5. Reef Fish Amendment 50—State Management
   6. Historical Captain Permits Conversion Into Standard For-Hire Permits
   7. Other Business

— Meeting Adjourns—

The Agenda is subject to change, and the latest version along with other meeting materials will be posted on *www.gulfcouncil.org* as they become available.

The meeting will be webcast over the internet. A link to the webcast will be available on the Council's website, *http://www.gulfcouncil.org.*

Although other non-emergency issues not on the agenda may come before the Advisory Panel for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Advisory Panel will be restricted to those issues specifically identified in the agenda 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 action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Gulf Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Dated: November 21, 2018.

Rey Israel Marquez,

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

[FR Doc. 2018–25828 Filed 11–26–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG640

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting (webinar).

SUMMARY: The Pacific Fishery Management Council (Pacific Council) and the National Marine Fisheries Service Northwest Fisheries Science Center (NWFSC) will hold a meeting via webinar to discuss data issues and solicit participants' knowledge to inform new stock assessments for cabezon. The webinar meeting is open to the public.

DATES: The Pacific Council and NWFSC webinar will be held Friday, December 14, 2018, from 10 a.m. to noon, Pacific Standard Time or until business for the day has been completed.

ADDRESSES: The Pacific Council and NWFSC meeting will be held by webinar. To attend the webinar, (1) join the meeting by visiting this link *https://www.gotomeeting.com/webinar,* (2) enter the webinar ID: 528–106–707, and (3) enter your name and email address (required). After logging into the webinar, please (1) dial this TOLL number: 1–213–929–4232 (not a toll-free number); (2) enter the attendee phone audio access code: 308–416–601; and (3) then enter your audio phone pin (shown after joining the webinar). NOTE: We have disabled mic/speakers as an option and require all participants to use a telephone or cell phone to participate. Technical Information and System Requirements: PC-based attendees are required to use Windows® 7, Vista, or XP; Mac®-based attendees are required to use Mac OS® X 10.5 or newer; Mobile attendees are required to use iPhone®, iPad®, Android™ phone or Android tablet (see the *https://www.gotomeeting.com/webinar/ipad-iphone-android-webinar-apps*). You may send an email to Mr. Kris Kleinschmidt at *Kris.Kleinschmidt@noaa.gov* or contact him at (503) 820–2280, extension 411 for technical assistance.

Public listening stations will also be available at the following locations:

- Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220;
- Room FSH 203, School of Aquatic and Fishery Sciences, University of Washington, Seattle, WA 98195; and
- Barry Fisher Room, Guin Library, Hatfield Marine Science Center, 2030 Marine Science Drive, Newport, OR 97365.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Mr. John DeVore, Staff Officer, Pacific Fishery Management Council; telephone: (503) 820–2413.

SUPPLEMENTARY INFORMATION: The purpose of the Pacific Council and NWFSC webinar meeting is to review available data and solicit knowledge from participants that may inform the next assessments of West Coast cabezon scheduled to be conducted next year.

No management actions will be decided by participants in the Pacific Council and NWFSC webinar meeting. Information gathered during the webinar may be used to inform next year's assessments of cabezon on the West Coast.

Although nonemergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after

publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent of the webinar participants to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2411 at least 10 days prior to the meeting date.

Dated: November 21, 2018.

Rey Israel Marquez,

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

[FR Doc. 2018–25829 Filed 11–26–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG632

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

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

ACTION: Notice; public meeting.

SUMMARY: The Northeast Trawl Advisory Panel (NTAP) of the Mid-Atlantic Fishery Management Council will hold a meeting.

DATES: The meeting will be held on Monday, December 17, beginning at 9 a.m. and conclude by 4:30 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The meeting will be held at the Northeast Fisheries Science Center (NEFSC) office located on 28 Tarzwell Dr., Narragansett, RI 02882 and available via webinar (*http://www.mafmc.org/ntap*).

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *www.mafmc.org.*

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

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to: (1) Review results of the Nov. 19th Working Group meeting, (2) update on the status of the flume tank experiments, (3) update on evaluation of effect of wingspread on assessment results, (4) update on results of the 2018 fall survey, (5) update on the project to collect and evaluate fishery ecological knowledge of Gulf of Maine flatfish distribution shifts and their impacts on the availability to fishery independent surveys and (6) discuss other business and next steps for the NTAP.

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 21, 2018.

Rey Israel Marquez,

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

[FR Doc. 2018–25826 Filed 11–26–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG636

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 59 Assessment Scoping webinar.

SUMMARY: The SEDAR 59 assessment of the South Atlantic stock of Greater Amberjack will consist of a series of webinars. See **SUPPLEMENTARY INFORMATION.**

DATES: A SEDAR 59 Assessment Scoping webinar will be held on Friday, December 14, 2018, from 9 a.m. until 12 p.m.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julia Byrd at SEDAR (see **FOR FURTHER INFORMATION CONTACT** below) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405. *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: Julia Byrd, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366; email: *julia.byrd@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. The product of the SEDAR webinar series will be a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses, and describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Assessment Scoping webinar are as follows:

Participants will review data and discuss data issues, as necessary, and initial modeling issues.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: November 21, 2018.

Rey Israel Marquez,

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

[FR Doc. 2018–25827 Filed 11–26–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

XRIN 0648–XF763

Marine Mammals; Pinniped Removal Authority; Approval of Application

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

ACTION: Notice of availability.

SUMMARY: NMFS announces the approval of an application from the state of Oregon (state) for lethal removal of individually identifiable predatory California sea lions (CSL; *Zalophus californianus*) in the vicinity of Willamette Falls to minimize pinniped predation on Upper Willamette River (UWR) spring-run Chinook salmon (*Onchorhynchus spp.*) and UWR winter steelhead, both listed as threatened under the Endangered Species Act (ESA), in the Willamette River in Oregon. This authorization is pursuant to section 120 of the Marine Mammal Protection Act (MMPA). NMFS also announces availability of decision documents and other information relied upon in making this determination.

ADDRESSES: Additional information about our determination may be obtained by visiting the NMFS West Coast Region's website: *http://www.westcoast.fisheries.noaa.gov,* or by writing to us at: NMFS West Coast Region, Protected Resources Division, 1201 Lloyd Blvd., Suite 1100, Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Anderson at the above address, by phone at (503) 231–2226, or by email at, *robert.c.anderson@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 120 of the MMPA (16 U.S.C. 1361, *et seq.*) allows the Secretary of Commerce, acting through the Assistant Administrator for Fisheries, and the West Coast Regional Administrator of NMFS, the discretion to authorize the intentional lethal taking of individually identifiable pinnipeds that are having a significant negative impact on salmonid fishery stocks that are either: (1) Listed under the ESA, (2) approaching a threatened or endangered status, or (3) migrate through the Ballard Locks in Seattle. The authorization applies only to pinnipeds that are not: (1) Listed under the ESA, (2) designated as depleted, or (3) designated a strategic stock.

On October 6, 2017, NMFS received an application signed by the director of the Oregon Department of Fish and Wildlife (ODFW) on the state's behalf, requesting authorization under section 120 of the MMPA to intentionally take, by lethal methods, individually identifiable predatory CSL in the vicinity of Willamette Falls, which were then having a significant negative impact on the recovery of threatened UWR spring-run Chinook salmon and UWR winter steelhead. As required under the MMPA, NMFS convened a Pinniped-Fishery Interaction Task Force (Task Force). The role of the Task Force is to recommend to NMFS approval or denial of the state's application along with recommendations of the proposed location, time, and method of such taking, criteria for evaluating the success of the action, and the duration of the intentional lethal taking authority. The Task Force must also suggest non-lethal alternatives, if available and practicable, including a recommended course of action.

Pursuant to the MMPA, NMFS determined that the state's application contained sufficient information to warrant convening the Task Force. On November 9, 2017, NMFS published a notice in the **Federal Register** (82 FR 52083), announcing receipt of the state's application, and soliciting public comments on the application and any additional information that NMFS should consider in making its decision. On August 20–22, 2018, NMFS convened a Task Force that was open to the public. The Task Force reviewed the state's application, public comments on the application, and other information related to CSL predation on UWR spring-run Chinook salmon and UWR winter steelhead at Willamette Falls. The Task Force completed and submitted its report to NMFS on October 15, 2018. The majority of Task Force members present at the meeting (12 of 16) recommended that NMFS approve the state's application, while 1 Task Force member recommended that NMFS deny the state's application, and 3 Task Force members abstained. All decision documents, including a copy of the authorization, are available on NMFS's West Coast Region web page (see **ADDRESSES**).

Findings

As required under section 7(a)(2) under the ESA, NMFS completed informal consultation, and in accordance with NEPA, NMFS completed an environmental assessment with a finding of no significant impact. In considering a state's application to lethally remove pinnipeds, NMFS is also required, pursuant to section 120(b)(1) of the MMPA, to determine that individually identifiable pinnipeds are having a significant negative impact on the decline or recovery of at-risk salmonid fishery stocks. Based on these requirements, considerations, and analyses, NMFS has determined that the requirements of section 120 of the MMPA have been met and it is therefore reasonable to issue an authorization to the state for the lethal removal of individually identifiable predatory CSL through 2023.

Dated: November 21, 2018.

Donna Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–25871 Filed 11–26–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

U.S. Strategic Command Strategic Advisory Group; Notice of Federal Advisory Committee Meeting

AGENCY: Office of the Chairman Joint Chiefs of Staff, U.S. Strategic Command Strategic Advisory Group, Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the U.S. Strategic Command Strategic Advisory Group will take place.

DATES: Day 1—Closed to the public Thursday, November 29, 2018, from 8:00 a.m. to 4:00 p.m. Day 2—Closed to the public Friday, November 30, 2018, from 8:00 a.m. to 12:00 p.m.

ADDRESSES: Dougherty Conference Center, Building 432, 906 SAC Boulevard, Offutt AFB, Nebraska 68113.

FOR FURTHER INFORMATION CONTACT: John Trefz, (402) 294–4102 (Voice), (402) 294–3128 (Facsimile), *john.l.trefz.civ@mail.mil* (Email). Mailing address is 901 SAC Boulevard, Suite 1F7, Offutt AFB, NE 68113–6030.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Department of Defense (DoD) and the Designated Federal Officer, the U.S. Strategic Command Strategic Advisory Group was unable to provide public notification required by 41 CFR 102–3.150(a) concerning the meeting on November 29, 2018 thru November 30, 2018 of the U.S. Strategic Command Strategic Advisory Group. Accordingly, the Advisory Committee Management Officer for the DoD, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to provide advice on scientific, technical, intelligence, and policy-related issues to the Commander, U.S. Strategic Command, during the development of the Nation's strategic war plans.

Agenda: Topics include: Policy Issues, Space Operations, Nuclear Weapons Stockpile Assessment, Weapons of Mass Destruction, Intelligence Operations, Cyber Operations, Global Strike, Command and Control, Science and Technology, Missile Defense.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, and 41 CFR 102–3.155, the Department of Defense has determined that the meeting shall be closed to the public. Per delegated authority by the Chairman, Joint Chiefs of Staff, General John E. Hyten, Commander, U.S. Strategic Command, in consultation with his legal advisor, has determined in writing that the public interest requires that all sessions of this meeting be closed to the public because they will be concerned with matters listed in 5 U.S.C. 552b(c)(1).

Written Statements: N/A.

Dated: November 20, 2018.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–25745 Filed 11–26–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2018–HA–0094]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Assistant Secretary of Defense for Health Affairs announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by January 28, 2019.

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

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

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

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

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Health Agency, TRICARE Health Plan (J–10), Attn: Mr. Mark Ellis, 7700 Arlington Boulevard, Falls Church, VA 22042 or call (703)–681–0039.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Continued Health Care Benefit Program, DD Form 2837; OMB Control Number 0720–XXXX (formerly 0704–0364).

Needs and Uses: The information collection requirement is necessary for individuals to apply for enrollment in the continued Health Care Benefit Program (CHCBP). The CHCBP is a program of temporary health care benefit coverage that is made available to eligible individuals who lose health care coverage under the Military health System (MHS).

Affected Public: Individuals or Households.

Annual Burden Hours: 369.

Number of Respondents: 1,475.

Responses per Respondent: 1.

Annual Responses: 1,475.

Average Burden per Response: 15 minutes.

Frequency: On Occasion.

Respondents are individuals who are or were beneficiaries of the Military Health System (MHS) and who desire to enroll in the CHCBP following their loss of entitlement to health care coverage in the MHS. These beneficiaries include the active duty service member or former service member (who, for purposes of this notice shall be referred to as ''service member''), an unmarried former spouse of a service member, an unmarried child of a service member who ceases to meet requirements for being considered a dependent, and a child placed for adoption or legal custody with the service member. In order to be eligible for health care coverage under CHCBP, an individual must first enroll in CHCBP. DD Form is used as the information collection instrument for that enrollment. The CHCBP is a legislatively mandated program and it is anticipated that the program will continue indefinitely.

Dated: November 20, 2018.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–25761 Filed 11–26–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Charter Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense is publishing this notice to announce that it is renewing the charter for the Department of Defense Wage Committee (''the Committee'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: The Committee's charter is being renewed pursuant to 5 CFR 5343(c) and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., App) and 41 CFR 102–3.50(c). The Committee's charter and contact information for the Committee's Designated Federal Officer (DFO) can be found at *https://www.facadatabase.gov/FACA/apex/FACAPublicAgencyNavigation.*

The Committee, as directed by 5 CFR532.3209, 532.227 and the Office of Personnel Management Operating Manual, Federal Wage System, Appropriated and Non-Appropriated Funds, S3–2 Agency Level, provides the Secretary of Defense or the Deputy Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), independent advice and recommendations on all matters relating to the conduct of wage surveys and the establishment of wage schedules for all appropriated fund and non-appropriated fund wage areas of blue-collar employees within the Department of Defense (DoD). a. The Committee considers and makes recommendations to the DoD on any matter involved in developing specifications for a wage survey on which the DoD proposes not to accept the recommendations of a local ware survey committee and any matters on which a minority report has been filed; b. Upon completion of a wage survey, the Committee considers the survey data, the local wage survey committee's report and recommendations, and the statistical analyses and proposed pay schedules derived from them, as well as any other data or recommendations pertinent to the survey, and recommends wage schedules to the pay-fixing authority; and c. A majority of the Committee constitutes a decision and recommendation of the Committee, but a member of the minority may file a report with the Committee's recommendations.

The Committee, pursuant to 5 CFR532.227, is composed of five members, a chair and four additional members. One member shall be designated by each of the two labor organizations having the largest number of wage employees covered by exclusive recognition in the DoD. The other two members will have management backgrounds. All members of the Committee are appointed to provide advice on the basis of their best judgment and without representing any particular point of view and in a manner that is free from conflict of interest. Except for reimbursement of official Committee-related travel and per diem, Committee members serve without compensation.

The public or interested organizations may submit written statements to the Committee membership about the Committee's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Committee. All written statements shall be submitted to the DFO for the Committee, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: November 20, 2018.

Shelly Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–25709 Filed 11–26–18; 8:45 am]

BILLING CODE 5001–06–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Senior Executive Service Performance Review Board

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice of members of Senior Executive Service Performance Review Board.

SUMMARY: This notice announces the membership of the Defense Nuclear Facilities Safety Board (DNFSB) Senior Executive Service (SES) Performance Review Board (PRB).

DATES: These appointments are applicable on November 27, 2018.

ADDRESSES: Send comments concerning this notice to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004–2001.

FOR FURTHER INFORMATION CONTACT: Deborah Biscieglia by telephone at (202) 694–7041 or by email at *debbieb@dnfsb.gov.*

SUPPLEMENTARY INFORMATION: 5 U.S.C. 4314 (c)(1) through (5) requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. Sec. 4314(c)(4) requires that the appointment of PRB members be published in the **Federal Register**. The PRB shall review and evaluate the initial summary rating of a senior executive's performance, the executive's response, and the higher level official's comments on the initial summary rating. In addition, the PRB will review and recommend executive performance bonuses and pay increases.

The DNFSB is a small, independent Federal agency; therefore, the members of the DNFSB SES Performance Review Board listed in this notice are drawn from the SES ranks of other agencies. The following persons comprise a standing roster to serve as members of the Defense Nuclear Facilities Safety Board SES Performance Review Board:

Christopher E. Aiello, Special Advisor to the Deputy to the Chairman and CFO, Federal Deposit Insurance Corporation

David M. Capozzi, Executive Director, United States Access Board

Cedric R. Hendricks, Associate Director for the Office of Legislative, Intergovernmental and Public Affairs, Court Services and Offender Supervision Agency

Nigel Q. Mote, Executive Director, U.S. Nuclear Waste Technical Review Board

Dated: November 20, 2018.

Joyce L. Connery,

Acting Chairman.

[FR Doc. 2018–25817 Filed 11–26–18; 8:45 am]

BILLING CODE 3670–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0124]

Agency Information Collection Activities; Comment Request; OESE Performance Review and Self-Assessment Protocol

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before January 28, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0124. Comments submitted in response to this notice should be submitted electronically through the

Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street, SW, PCP, Room 9089, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Patrick Carr, 202–708–8196.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: OESE Performance Review and Self-Assessment Protocol.

OMB Control Number: 1810–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 45.

Total Estimated Number of Annual Burden Hours: 90.

Abstract: The Department of Education's Office of Elementary and Secondary Education (OESE) administers multiple programs administered by State Educational Agencies (SEAs), including Title I, Sections 1001–1004 (School Improvement); Title I, Part A (Improving Basic Programs Operated by Local Educational Agencies); Title I, Part B (Enhanced Assessments Grants (EAG), and Grants for State Assessments and Related Activities); Title II, Part A (Supporting Effective Instruction); Title III, Part A (English Language Acquisition, Language Enhancement, and Academic Achievement). Annual performance reviews—annual phone or on-site conversations with a purposeful sample of SEA and Local Education Agency (LEA) program directors and coordinators—help ensure that an SEA and its LEA are making progress toward improving student achievement and the quality of instruction for all students and are ensuring requirements are met through the review of the program and fiscal requirements to safeguard public funds from waste, fraud, and abuse. The information shared with OESE also informs the selection and delivery of technical assistance to SEAs and aligns structures, processes, and routines so OESE can regularly monitor the connection between grant administration and intended outcomes.

Dated: November 21, 2018.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–25772 Filed 11–26–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0094]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Grantee Reporting Form—Rehabilitation Services Administration (RSA) Annual Payback Report

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before December 27, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0094. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9088, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Karen Holliday, 202–245–7318.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Grantee Reporting Form—Rehabilitation Services Administration (RSA) Annual Payback Report.

OMB Control Number: 1820–0617.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households; Private Sector.

Total Estimated Number of Annual Responses: 11,790.

Total Estimated Number of Annual Burden Hours: 4,858.

Abstract: Under Section 302 of the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA), hereafter referred to as ''The Act,'' the RSA provides Long-Term Training grants to academic institutions to support scholarship assistance to scholars. Scholars who receive scholarships under this program are required to work within the public rehabilitation program, such as with a State vocational rehabilitation agency, or an agency or organization that has a service arrangement with a State vocational rehabilitation agency, in qualified employment fields, which include rehabilitation counseling, administration, supervision, teaching or research in vocational rehabilitation, supported employment, or independent living rehabilitation of individuals with disabilities, especially individuals with significant disabilities. The scholar is required to work two years in such settings for every year of full-time scholarship support. The service obligation for the scholar who matriculated part time, is based on the equivalent total of actual academic years of training received. The program regulations at 34 CFR 386.33–386.36 and 386.40–386.43 detail the payback provisions and the RSA scholars' requirements to comply with them.

Section 302 (b)(2)(C) of the Act requires that data on the employment of scholars are accurate, including tracking of scholars' employment status and location of former scholars supported under the RLTT grants in order to ensure that scholars are meeting the payback requirements.

In addition to meeting the requirement that all scholars be tracked, the data collected will provide performance data relevant to the rehabilitation fields and degrees pursued by RSA scholars, as well as the funds owed and the rehabilitation work completed by them. These data are used to assess program effectiveness and efficiency, and to meet the reporting requirements of the Government Performance and Results Act (GPRA).

RSA is requesting a revision of the currently approved collection for grantees (Institutions of Higher Education) to submit an Annual Payback Report through the online RSA Management Information System (MIS). To collect the needed data, RSA created the revised Payback Information Management System (PIMS). Through the PIMS grantees, scholars and employers report data electronically.

Dated: November 20, 2018.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–25747 Filed 11–26–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of Request for Information (RFI)—Technology Commercialization Fund

AGENCY: Office of Technology Transitions, Department of Energy (DOE).

ACTION: Request for Information (RFI).

SUMMARY: The U.S. Department of Energy (DOE) invites public comment on its Request for Information (RFI) regarding the Technology Commercialization Fund (TCF). The purpose of this RFI is to seek input on how the Office of Technology Transitions (OTT) might improve the TCF through changes to the program and its structure.

DATES: Responses to the RFI must be received by January 11, 2019.

ADDRESSES: Interested parties are to submit comments electronically to *TCFRFI@hq.doe.gov* with the subject line ''TCF RFI Response'' no later than January 11, 2019. All responses must be submitted as a Microsoft Word document (.doc/.docx) of no more than 5 pages in length, with black, Times New Roman, 12 point font, and 1 inch margins as an attachment to an email. The document cannot exceed 2MB in size. Only electronic responses to the above email address will be accepted. DOE will not consider responses submitted by any other means. The complete RFI document is located at *https://eere-exchange.energy.gov/Default.aspx#FoaId9996b2e6-2586-457f-98ca-a7bbb5e9cef5.*

NOTE: If clicking on the above link gives you an error message, you must CUT AND PASTE the URL into your browser to reach the web page.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact *TCFRFI@hq.doe.gov.* For specific questions related to collection activities, please contact Donald Macdonald, (202) 586–2676.

SUPPLEMENTARY INFORMATION: The purpose of this Request for Information (RFI) is to seek input about how OTT might improve the TCF through changes to the program and its structure. OTT seeks specific input on the TCF's structure and process, role of project partners, cost share arrangements, and potential to leverage other DOE programs. This RFI builds on previous DOE RFIs related to technology transfer and commercialization topics, including the 2008 **Federal Register** Notice on DOE Technology Transfer Practices,[1] the 2013 Office of Energy Efficiency and Renewable Energy (EERE) Commercialization RFI,[2] and OTT's 2015 RFI,[3] which included a section about the TCF. Responses to this RFI will serve as a complement to the input collected from these previous requests. The RFI is available at: *https://eere-exchange.energy.gov/Default.aspx#FoaId9996b2e6-2586-457f-98ca-a7bbb5e9cef5.*

NOTE: If clicking on the above link gives you an error message, you must CUT AND PASTE the URL into your browser to reach the web page.

Confidential Business Information

Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well marked copies: One copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the

[1] U.S. Department of Energy. ''Questions Concerning Technology Transfer Practices at DOE Laboratories.'' 73 FR 72036, Doc No. E8–28187. November 26, 2008. *https://www.federalregister.gov/articles/2008/11/26/E8-28187/questions-concerning-technology-transfer-practices-at-doe-laboratories.*

[2] U.S. Department of Energy. ''Request for Information—EERE Commercialization.'' DE–FOA–0001001. September 2013. *http://www.grants.gov/web/grants/view-opportunity.html?oppId=243333.*

[3] U.S. Department of Energy. ''Request for Information—Office of Technology Transitions'' DE–FOA–0001346. May 2015. *https://www.energy.gov/technologytransitions/downloads/de-foa-0001346-request-information-rfi.*

information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person that would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

Signed in Washington, DC on November 19, 2018.

Conner H. Prochaska,

Director, Office of Technology Transitions.

[FR Doc. 2018–25838 Filed 11–26–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Case Number 2018–010, EERE–2017–BT–WAV–0043]

Energy Conservation Program: Extension of Waiver to Apple Inc. from the Department of Energy External Power Supply Test Procedure

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of extension of waiver.

SUMMARY: The U.S. Department of Energy (''DOE'') is granting a waiver extension (Case No. 2018–010) to Apple Inc. (''Apple'') to waive certain requirements of the DOE external power supply test procedure for determining the energy efficiency of the Apple brand external power supply basic models A1947 and A1720. Apple is required to test and rate these basic models in accordance with the alternate test procedure specified.

DATES: The Extension of Waiver is effective on November 27, 2018. The Extension of Waiver will terminate upon the compliance date of any future amendment to the test procedure for external power supplies located in 10 CFR part 430, subpart B, appendix Z that addresses the issues presented in this waiver. At such time, Apple must use the relevant test procedure for the specified basic models of external power supplies for any testing to demonstrate compliance with standards, and any other representations of energy use.

FOR FURTHER INFORMATION CONTACT: Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Email: *AS_Waiver_Requests@ee.doe.gov.*

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–33, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585–0103. Telephone: (202) 586–8145. Email: *Michael.Kido@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: In accordance with Title 10 of the Code of Federal Regulations (10 CFR 430.27(g)), DOE gives notice of the issuance of an Extension of Waiver as set forth below. The Extension of Waiver extends the Decision and Order granted to Apple on March 16, 2018 (83 FR 11738, ''March 2018 Decision and Order'') to include Apple brand basic models A1947 and A1720, as requested by Apple on October 30, 2018.[1] Apple must test and rate the specifically identified external power supply basic models in accordance with the alternate test procedure specified in the March 2018 Decision and Order. Apple's representations concerning the energy efficiency of the specified basic models must be based on testing according to the provisions and restrictions in the alternate test procedure set forth in the March 2018 Decision and Order, and the representations must fairly disclose the test results. Distributors, retailers, and private labelers are held to the same requirements when making representations regarding the energy efficiency of these products. (42 U.S.C. 6293(c)).

DOE makes decisions on waiver extensions for only those basic models specifically set out in the request, not future models that may be manufactured by the petitioner. Apple may submit a new or amended petition for waiver and request for grant of interim waiver, as appropriate, for additional basic models of external power supplies. Alternatively, if appropriate, Apple may request that DOE extend the scope of a waiver to include additional basic models employing the same technology as the basic model(s) set forth in the original petition consistent with 10 CFR 430.27(g).

Signed in Washington, DC, on November 15, 2018.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

Case Number 2018–010, Extension of Waiver

I. Background and Authority

The Energy Policy and Conservation Act of 1975, as amended (''EPCA'')[1] among other things, authorizes DOE to regulate the energy efficiency of a number of consumer products and industrial equipment. (42 U.S.C. 6291–6317) Title III, Part B[2] of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency for certain types of consumer products. These products include external power supplies (''EPSs''), the focus of this extension. (42 U.S.C. 6291(36); 42 U.S.C. 6295(u)).

Under EPCA, DOE's energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA include definitions (42 U.S.C. 6291), energy conservation standards (42 U.S.C. 6295), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), and the authority to require information and reports from manufacturers. (42 U.S.C. 6296)

The Federal testing requirements consist of test procedures that manufacturers of covered products must use as the basis for: (1) Certifying to DOE that their products comply with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6295(s)), and (2) making representations about the efficiency of those products (42 U.S.C. 6293(c)). Similarly, DOE must use these test procedures to determine whether the product complies with relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE is required to follow when prescribing or amending test procedures for covered products. EPCA requires that any test procedures prescribed or amended

[1] Apple's request is available at *https://www.regulations.gov/document?D=EERE-2017-BT-WAV-0043-0013.*

[1] All references to EPCA in this document refer to the statute as amended through the EPS Improvement Act of 2017, Public Law 115–115 (January 12, 2018).

[2] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated as Part A.

under this section must be reasonably designed to produce test results which reflect the energy efficiency, energy use or estimated annual operating cost of a covered product during a representative average use cycle or period of use and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) The test procedure for external power supplies is contained in 10 CFR part 430, subpart B, appendix Z, ''*Uniform Test Method for Measuring the Energy Consumption of External Power Supplies*'' (''Appendix Z'').

Under 10 CFR 430.27, any interested person may submit a petition for waiver from DOE's test procedure requirements. DOE will grant a waiver from the test procedure requirements if DOE determines either that the basic model for which the waiver was requested contains a design characteristic that prevents testing of the basic model according to the prescribed test procedures, or that the prescribed test procedures evaluate the basic model in a manner so unrepresentative of its true energy or water consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 430.27(f)(2). DOE may grant the waiver subject to conditions, including adherence to alternate test procedures. *Id.*

A petitioner may request that DOE extend the scope of a waiver or an interim waiver to include additional basic models employing the same technology as the basic model(s) set forth in the original petition. 10 CFR 430.27(g). DOE will publish any such extension in the **Federal Register**. *Id.*

II. Request for an Extension of Waiver: Assertions and Determinations

On March 16, 2018, DOE issued a Decision and Order in Case Number EPS–001 granting Apple a waiver to test its Apple brand basic models A1718, A1719, and A1540 using an alternate test procedure. 83 FR 11738 (''March 2018 Decision and Order''). Apple stated that the specified basic models meet the provisions of the International Electrotechnical Commission's ''Universal serial bus interfaces for data and power—Part 1–2: Common components—USB Power Delivery'' (''IEC 62680–1–2:2017'') specification. The IEC specification describes the particular architecture, protocols, power supply behavior, connectors, and cabling necessary for managing power delivery over a universal serial bus (''USB'') connection at power levels of up to 100 watts (''W''). The purpose behind this specification is to help provide a standardized approach for power supply and peripheral developers to ensure backward compatibility while retaining product design and marketing flexibility. See generally, IEC 62680–1–2:2017 (Abstract) (describing the standard's general provisions and purpose).

In Apple's view, applying the DOE test procedure to the adaptive EPS basic models identified in its petition would yield results that would be unrepresentative of the active-mode efficiency of those products. The DOE test procedure requires that the average active-mode efficiency for adaptive EPSs [3] be measured by testing the unit twice—once at the highest achievable output voltage (''V'') and once at the lowest. The test procedure requires that active-mode efficiency be measured at four loading conditions relative to the nameplate output current of the EPS. See generally 10 CFR 430.23(bb) and Appendix Z. The lowest achievable output voltage supported by the IEC 62680–1–2:2017 specification is 5V and the nameplate current at this voltage output is 3 amps (''A''), resulting in a power output of 15W. Apple contended that while the IEC 62680–1–2:2017 specification requires the tested EPS to support this power output, the 15W at 5V condition will be rarely used and only for brief periods of time. Accordingly, Apple asserted that the DOE test procedure's measurement of efficiency at this power level is unrepresentative of the true energy consumption of the EPSs subject to the initial waiver request.

Based on the information provided by Apple, DOE determined that the current test procedure at Appendix Z would evaluate the adaptive EPS basic models specified in the March 2018 Decision and Order in a manner so unrepresentative of their true energy consumption characteristics as to provide materially inaccurate comparative data. 83 FR 11738, 11739. The March 2018 Decision and Order specifies that Apple test and rate the subject basic models such that the 100% nameplate loading condition when testing at the lowest achievable output voltage is 2A (which corresponds to an output power of 10 watts). 83 FR 11738, 11740. The 75%, 50%, and 25% loading conditions shall be scaled accordingly and the nameplate output power of such an EPS, at the lowest output voltage, shall be equal to 10 watts. *Id.*

On October 10, 2018, DOE granted a request from Apple to extend the waiver it received in Case Number EPS–001 to Apple brand basic model A1882. 83 FR 50905 (Case Number 2018–005). DOE determined that basis model A1882 employs the same technology as the models covered by Case Number EPS–001.

On October 30, 2018, Apple submitted a request to extend again the scope of the waiver it received in Case Number EPS–001 to the Apple brand basic models A1947 and A1720. Apple stated that these basic models employ the same technology as the models covered by the existing waiver.

DOE has reviewed Apple's waiver extension request and determined that the adaptive EPS basic models identified in Apple's request incorporate the same design characteristics as those basic models covered under the waiver in Case Number EPS–001 such that the test procedure evaluates that basic model in a manner that is unrepresentative of its actual energy use. DOE also determined that the alternate procedure specified in Case Number EPS–001 will allow for the accurate measurement of the energy use of the external power supply basic model identified by Apple in its waiver extension request.

III. Order

After careful consideration of all the material submitted by Apple in this matter, it is *ordered* that:

(1) Apple must, as of the date of publication of this Extension of Waiver in the **Federal Register**, test and rate the following basic models as set forth in paragraph (2) of this Extension of Waiver:

A1947 and A1720

(2) The alternate test procedure for the Apple brand basic models referenced in paragraph (1) of this section is the test procedure for EPSs prescribed by DOE at 10 CFR part 430, subpart B, appendix Z, except that under section 4(a)(i)(E) and Table 1 of Appendix Z, the adaptive EPSs must be tested such that when testing at the lowest achievable output voltage (*i.e.,* 5V), the Nameplate Output Current shall be 2A (which corresponds to an output power of 10W at the 100% loading condition). The 75%, 50%, and 25% loading conditions shall be scaled accordingly and the nameplate output power of such an EPS, at the lowest output voltage, shall be equal to 10W.

(3) *Representations.* Apple may not make representations about the efficiency of the basic models referenced in paragraph (1) of this section for compliance, marketing, or other purposes unless the basic model has been tested in accordance with the provisions set forth above and such

[3] An adaptive EPS is an EPS that can alter its output voltage during active-mode based on an established digital communication protocol with the end-use application without user-generated action. 10 CFR 430.2.

representations fairly disclose the results of such testing.

(4) This Extension of Waiver shall remain in effect consistent with the provisions of 10 CFR 430.27.

(5) This Extension of Waiver is issued on the condition that the statements, representations, and documents provided by Apple are valid. If Apple makes any modifications to the controls or configurations of these basic models, the waiver will no longer be valid and Apple will either be required to use the current Federal test method or submit a new application for a test procedure waiver. DOE may rescind or modify this Extension of Waiver at any time if it determines the factual basis underlying the petition for Extension of Waiver is incorrect, or the results from the alternate test procedure are unrepresentative of the basic model's true energy consumption characteristics. 10 CFR 430.27(k)(1). Likewise, Apple may request that DOE rescind or modify the Extension of Waiver if Apple discovers an error in the information provided to DOE as part of its petition, determines that the waiver is no longer needed, or for other appropriate reasons. 10 CFR 430.27(k)(2).

(6) Granting of this Extension of Waiver does not release Apple from the certification requirements set forth at 10 CFR part 429.

Signed in Washington, DC, on November 15, 2018.

Kathleen B. Hogan,
Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2018–25837 Filed 11–26–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–357–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization: KCE NY 1, LLC

This is a supplemental notice in the above-referenced proceeding of KCE NY 1, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is December 10, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 19, 2018.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2018–25759 Filed 11–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–359–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization: Springfield Power, LLC

This is a supplemental notice in the above-referenced proceeding of Springfield Power, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is December 10, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 19, 2018.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2018–25757 Filed 11–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–367–000]

Pixelle Specialty Solutions LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Pixelle Specialty Solutions LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is December 10, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 20, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–25782 Filed 11–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–358–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization: DG Whitefield LLC

This is a supplemental notice in the above-referenced proceeding of DG Whitefield LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is December 10, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 19, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–25758 Filed 11–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–1933–009; ER12–1934–008.

Applicants: Interstate Power and Light Company, Wisconsin Power and Light Company.

Description: Supplement to June 29, 2018 Updated Triennial Market Power analysis for the Central region of Interstate Power and Light Company, *et. al.*

Filed Date: 11/20/18.

Accession Number: 20181120–5053.

Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: ER19–273–001.

Applicants: Alabama Power Company.

Description: Tariff Amendment: Errata to Twiggs County Solar (Twiggs Solar) LGIA Amendment Filing to be effective 10/26/2018.

Filed Date: 11/20/18.

Accession Number: 20181120–5089.

Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: ER19–367–000.

Applicants: Pixelle Specialty Solutions LLC.

Description: Baseline eTariff Filing: MBRA Tariff to be effective 11/20/2018.

Filed Date: 11/19/18.

Accession Number: 20181119–5207.

Comments Due: 5 p.m. ET 12/10/18.

Docket Numbers: ER19–368–000.

Applicants: Yasmin Partners LLC.

Description: Notice of Cancellation of Market-Based Rate Tariff of Yasmin Partners LLC.

Filed Date: 11/19/18.

Accession Number: 20181119–5216.
Comments Due: 5 p.m. ET 12/10/18.

Docket Numbers: ER19–369–000.
Applicants: Midcontinent Independent System Operator, Inc., ALLETE, Inc.
Description: § 205(d) Rate Filing: 2018–11–20_SA 3213 MP–GRE ICA (Stinson) to be effective 11/21/2018.
Filed Date: 11/20/18.
Accession Number: 20181120–5030.
Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: ER19–370–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA SA No. 5235; Queue No. AB2–068 to be effective 10/23/2018.
Filed Date: 11/20/18.
Accession Number: 20181120–5081.
Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: ER19–371–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1884R8 Westar Energy, Inc. NITSA NOA to be effective 11/1/2018.
Filed Date: 11/20/18.
Accession Number: 20181120–5084.
Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: ER19–372–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1885R8 Westar Energy, Inc. NITSA NOA to be effective 11/1/2018.
Filed Date: 11/20/18.
Accession Number: 20181120–5087.
Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: ER19–373–000.
Applicants: Paulding Wind Farm II LLC.
Description: Baseline eTariff Filing: Reactive Power Compensation Filing to be effective 1/19/2019.
Filed Date: 11/20/18.
Accession Number: 20181120–5094.
Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: ER19–374–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: Revised Formula Rate TO Tariff—Retail Rate Revisions to be effective 1/21/2019.
Filed Date: 11/20/18.
Accession Number: 20181120–5099.
Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: ER19–375–000.
Applicants: Duke Energy Florida, LLC.
Description: § 205(d) Rate Filing: DEF–Florida Power & Light (RS–81) Amendment to be effective 11/30/2018.
Filed Date: 11/20/18.
Accession Number: 20181120–5117.
Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: ER19–376–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: First Revised ISA, SA No. 4592; Queue No. AC1–182 to be effective 10/23/2018.
Filed Date: 11/20/18.
Accession Number: 20181120–5118.
Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: ER19–377–000.
Applicants: Arizona Public Service Company.
Description: § 205(d) Rate Filing: Service Agreement No. 216—Amendment No. 5 to be effective 11/1/2018.
Filed Date: 11/20/18.
Accession Number: 20181120–5125.
Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: ER19–378–000.
Applicants: Montour, LLC.
Description: § 205(d) Rate Filing: Reactive Service Rate Schedule Filing to be effective 2/17/2019.
Filed Date: 11/20/18.
Accession Number: 20181120–5126.
Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: ER19–379–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA SA No. 5244; Queue No. AD1–085 to be effective 11/14/2018.
Filed Date: 11/20/18.
Accession Number: 20181120–5138.
Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: ER19–380–000.
Applicants: Arizona Public Service Company.
Description: § 205(d) Rate Filing: Service Agreement No. 362 NITS with City of Williams to be effective 11/1/2018.
Filed Date: 11/20/18.
Accession Number: 20181120–5155.
Comments Due: 5 p.m. ET 12/11/18.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR19–2–000.
Applicants: North American Electric Reliability Corporation.
Description: Petition of the North American Electric Reliability Corporation for Approval of Proposed Revisions to the Standard Processes Manual, Appendix 3A to the NERC Rules of Procedure.
Filed Date: 11/19/18.
Accession Number: 20181119–5222.
Comments Due: 5 p.m. ET 12/10/18.

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 20, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–25781 Filed 11–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR19–6–000]

Saddle Butte Pipeline III, LLC; Notice of Request for Temporary Waiver

Take notice that on November 14, 2018, Saddle Butte Pipeline III, LLC (Saddle Butte) filed a petition seeking a temporary waiver of the tariff filing and reporting requirements of sections 6 and 20 of the Interstate Commerce Act, 49 U.S.C. App. 6 and 20, and parts 341 and 357 of the Federal Energy Regulatory Commission's regulations, 18 CFR parts 341 and 357 (2018), with respect to its Powder Flats System, which is a crude petroleum gathering system located in Wyoming, all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies

of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern time on December 7, 2018.

Dated: November 20, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–25810 Filed 11–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL19–18–000]

American Electric Power Service Corporation v. PJM Interconnection L.L.C.; Notice of Complaint

Take notice that on November 16, 2018, pursuant to sections 206 and 306 of the Federal Power Act, 16 U.S.C. 824e and 825e, and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 (2018), American Electric Power Service Corporation, on behalf of its PJM transmission owners (Complainant) filed a formal complaint against PJM Interconnection L.L.C. (PJM or Respondent), alleging that PJM's Open Access Transmission Tariff is unjust and unreasonable because it does not include indemnifications provisions that are consistent with the Commission's *pro forma* Large Generator Interconnection Agreement, as more fully explained in the complaint.

The Complainant certifies that copies of the complaint were served on the contacts for Respondent, as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on December 6, 2018.

Dated: November 20, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–25808 Filed 11–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14655–001]

Cat Creek Energy, LLC; Notice of Successive Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On November 9, 2018, Cat Creek Energy, LLC (Cat Creek) filed an application for a successive preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), to study the feasibility of the proposed Cat Creek Energy Generation Facility Pumped Storage Hydroelectric Project (project) to be located at the U.S. Bureau of Reclamation's (Reclamation) Anderson Ranch Reservoir on the South Fork of the Boise River near Mountain Home in Elmore County, Idaho. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

As stated in the original permit for the project, Reclamation retains jurisdiction over hydropower development at the Anderson Ranch dam, reservoir, and powerhouse, which are part of Reclamation's Boise Project. However, the Commission retains jurisdiction for hydropower facilities that would be located outside of Reclamation's development. Thus, an entity seeking to build a hydropower project that would use Reclamation's Boise Project facilities would need to obtain a lease of power privilege from Reclamation, but it also would need to obtain a license from the Commission for those facilities of the hydropower project that are not under Reclamation's jurisdiction.

The proposed project would utilize Reclamation's existing Anderson Ranch Reservoir as a lower reservoir and would consist of the following new facilities: (1) A 4.3-mile-long, 80-foot-high earthen dam; (2) a 63,500-acre-foot impoundment as an upper reservoir; (3) six 2,500-foot-long, 14- to 16-foot-diameter steel penstocks; (4) two 100-foot-diameter concrete silos; (5) twelve 60-megawatt (MW) ternary turbine/generator units, for a total capacity of 720 MW; (6) an 8.1-mile-long, 230-kilovolt transmission line interconnecting with the existing Bonneville Power Administration Dixie Substation; (7) an approximately 2-mile-long access road; and (8) appurtenant facilities. The estimated annual generation of the project would be 1,965.4 gigawatt-hours.

Applicant Contact: James T. Carkulis, Cat Creek Energy, LLC, 398 S 9th Street Suite 240, Boise, ID 83702; phone: (208) 954–5090.

FERC Contact: Karen Sughrue; phone: (202) 502–8556.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://*

www.ferc.gov/docs-filing/efiling.asp. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–14655–001.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14655) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: November 20, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–25813 Filed 11–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[EG18–117–000, EG18–119–000, EG18–120–000, EG18–121–000, EG18–122–000, EG18–123–000]

Notice of Effectiveness of Exempt Wholesale Generator Status: Persimmon Creek Wind Farm 1, LLC; Stillwater Wind, LLC; Crazy Mountain Wind LLC; Blue Cloud Wind Energy, LLC; Green River Wind Farm Phase 1, LLC; Santa Rita East Wind Energy LLC

Take notice that during the month of October 2018, the status of the above-captioned entities as Exempt Wholesale Generators became effective by operation of the Commission's regulations. 18 CFR 366.7(a) (2018).

Dated: November 16, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–25755 Filed 11–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL19–17–000]

Kansas Electric Power Cooperative, Inc. v. Westar Energy, Inc.; Notice of Complaint

Take notice that on November 16, 2018, pursuant to sections 206, 306, and 309 of the Federal Power Act, 16 U.S.C. 824e, 825e, and 825h, and section 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 (2018), Kansas Electric Power Cooperative, Inc. (Complainant) filed a formal complaint (complaint) against Westar Energy, Inc. (Westar or Respondent), alleging that Westar is violating its generation formula rate, Commission orders, regulations, and generally applicable ratemaking policies, as more fully explained in the complaint.

The Complainant certifies that copies of the complaint were served on the contacts for Respondent and the Kansas Corporation Commission as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on December 6, 2018.

Dated: November 20, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–25807 Filed 11–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP19–300–000.
Applicants: Eastern Shore Natural Gas Company.
Description: § 4(d) Rate Filing: Negotiated Rate—DCRC to be effective 1/1/2019.
Filed Date: 11/19/18.
Accession Number: 20181119–5182.
Comments Due: 5 p.m. ET 12/3/18.

Docket Numbers: RP19–301–000.
Applicants: Western Gas Interstate Company.
Description: eTariff filing per 1430: Western Gas Interstate Company Extension of Time Request Filing FERC Form 501–G.
Filed Date: 11/20/18.
Accession Number: 20181120–5000.
Comments Due: 5 p.m. ET 11/26/18.

Docket Numbers: RP19–302–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated rate—Amended Boston Gas 510807 eff 1–1–2019 to be effective 1/1/2019.
Filed Date: 11/20/18.
Accession Number: 20181120–5034.
Comments Due: 5 p.m. ET 12/3/18.

Docket Numbers: RP19–303–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: Compliance filing Annual Cash-Out Activity Report 2018.
Filed Date: 11/20/18.
Accession Number: 20181120–5036.
Comments Due: 5 p.m. ET 12/3/18.

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 20, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–25773 Filed 11–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR19–9–000]

Iron Horse Pipeline, LLC; Notice of Petition for Declaratory Order

Take notice that on November 16, 2018, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2017), Iron Horse Pipeline, LLC (Iron Horse or Petitioner) filed a petition for declaratory order requesting that the Commission approve Iron Horse's proposed rate structures, Committed Shipper Rights, and certain prorationing provisions for shippers and the Transportation Service Agreement, all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern time on December 14, 2018.

Dated: November 20, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–25812 Filed 11–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ17–19–000]

Buckeye Power, Inc.; Notice of Filing

Take notice that on October 31, 2018, Buckeye Power, Inc. submitted its tariff filing: Refund Report NJ17–19 and NJ18–9 to be effective N/A.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on December 11, 2018.

Dated: November 20, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–25809 Filed 11–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–548–000]

Eastern Shore Natural Gas Company; Notice of Schedule for Environmental Review of the Del-Mar Energy Pathway Project

On September 14, 2018, Eastern Shore Natural Gas Company (Eastern Shore) filed an application in Docket No. CP18–548–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities. The proposed project is known as the Del-Mar Energy Pathway Project (Project), and would provide about 11.8 million cubic feet per day of additional natural gas firm transportation and 2.5 million cubic feet per day of off-peak transportation service to three local distribution companies and one industrial shipper.

On September 27, 2018, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's

planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA—April 1, 2019.

90-day Federal Authorization Decision Deadline—June 30, 2019.

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

Eastern Shore proposes to construct and operate new natural gas pipelines and meter and delivery stations in Kent and Sussex Counties, Delaware, and Wicomico and Somerset Counties, Maryland.

The Project would consist of construction and operation of the following facilities:

Woodside Loop [1] *Kent County, Delaware*

- 4.9 miles of new 16-inch-diameter pipeline looping its existing pipeline.

East Sussex Extension Sussex County, Delaware

- 7.39 miles of new 8-inch-diameter mainline extension to the existing Milford Line;
- one aboveground pig launcher and one pig receiver,[2] and aboveground mainline valve; and
- one new delivery metering and regulation (M&R) station.

Millsboro Pressure Control Station Upgrade Millsboro, Sussex County, Delaware

- 0.35 mile of 10-inch-diameter pipeline extension between the existing Millsboro Pressure Control Station and the existing Milford Line; and
- a dual run pressure control addition to the existing Millsboro Pressure Control Station with modifications to the existing piping, valves, and associated electronic transmitters.

Somerset Extension Wicomico and Somerset Counties, Maryland

- 6.83 miles of new 10-inch-diameter pipeline extension to the existing Parkesburg Line;
- one aboveground pig launcher and one pig receiver, and aboveground mainline valve; and
- one new delivery M&R station at the Somerset Extension terminus.

[1] A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

[2] A ''pig'' is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

Background

On November 2, 2018 the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Del-Mar Energy Pathway Project, Request for Comments on Environmental Issues, Notice of Public Scoping Session, and Notice of Onsite Review* (NOI). The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. Comments on the NOI should be received by the Commission in Washington, DC on or before 5:00 p.m. Eastern Time on December 3, 2018. All substantive comments received at the scoping session or filed in the Commission's public record will be addressed in the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP18–548), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: November 20, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–25804 Filed 11–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC19–27–000.
Applicants: IIF US Holding LP, IIF US Holding 2 LP.
Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of IIF US Holding LP, et al.
Filed Date: 11/16/18.
Accession Number: 20181116–5234.
Comments Due: 5 p.m. ET 12/7/18.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG19–23–000.
Applicants: Antelope DSR 3, LLC.
Description: Notice of Self-Certification of EWG Status of Antelope DSR 3, LLC.
Filed Date: 11/19/18.
Accession Number: 20181119–5112.
Comments Due: 5 p.m. ET 12/10/18.

Docket Numbers: EG19–24–000.
Applicants: San Pablo Raceway, LLC.
Description: Notice of Self-Certification of EWG Status of San Pablo Raceway, LLC.
Filed Date: 11/19/18.
Accession Number: 20181119–5113.
Comments Due: 5 p.m. ET 12/10/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2630–002; ER16–1914–002.
Applicants: NGP Blue Mountain I LLC, Patua Acquisition Company, LLC.
Description: Supplement to September 27, 2018 Notice of Non-Material Change in Status of NGP Blue Mountain I LLC, et al.
Filed Date: 11/16/18.
Accession Number: 20181116–5239.
Comments Due: 5 p.m. ET 12/7/18.

Docket Numbers: ER10–2738–006.
Applicants: The Empire District Electric Company.
Description: Supplement to June 29, 2018 Updated Market Power Analysis of The Empire District Electric Company.
Filed Date: 11/16/18.
Accession Number: 20181116–5264.
Comments Due: 5 p.m. ET 12/7/18.

Docket Numbers: ER19–360–000.
Applicants: American Transmission Company LLC.
Description: Application for Authorization for Abandoned Plant Incentive Rate Treatment of American Transmission Company LLC.

Filed Date: 11/16/18.
Accession Number: 20181116–5232.
Comments Due: 5 p.m. ET 12/7/18.

Docket Numbers: ER19–361–000.
Applicants: Midcontinent Independent System Operator, Inc., International Transmission Company, Michigan Electric Transmission Company, LLC, ITC Midwest LLC.
Description: Compliance filing: 2018–11–19_Attachment O Compliance for ITC Companies re Transco Adder (EL18–140) to be effective 4/20/2018.
Filed Date: 11/19/18.
Accession Number: 20181119–5051.
Comments Due: 5 p.m. ET 12/10/18.

Docket Numbers: ER19–362–000.
Applicants: Midcontinent Independent System Operator, Inc., ALLETE, Inc.
Description: § 205(d) Rate Filing: 2018–11–19_SA 3211 MP–GRE IA (Birch Lake) to be effective 11/20/2018.
Filed Date: 11/19/18.
Accession Number: 20181119–5076.
Comments Due: 5 p.m. ET 12/10/18.

Docket Numbers: ER19–363–000.
Applicants: Midcontinent Independent System Operator, Inc., ALLETE, Inc.
Description: § 205(d) Rate Filing: 2018–11–19_SA 3212 MP–GRE ICA (Bergen Lake) to be effective 11/20/2018.
Filed Date: 11/19/18.
Accession Number: 20181119–5078.
Comments Due: 5 p.m. ET 12/10/18.

Docket Numbers: ER19–364–000.
Applicants: Alabama Power Company.
Description: § 205(d) Rate Filing: Happy Hollow Solar Center LGIA Filing to be effective 11/5/2018.
Filed Date: 11/19/18.
Accession Number: 20181119–5116.
Comments Due: 5 p.m. ET 12/10/18.

Docket Numbers: ER19–365–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: PSCo–WAPA–TSGT Inter–Entitle–O&M–367–Exh O–0.1.0 to be effective 11/20/2018.
Filed Date: 11/19/18.
Accession Number: 20181119–5124.
Comments Due: 5 p.m. ET 12/10/18.

Docket Numbers: ER19–366–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: 2018–11–19 Att N–LGIP—Xcel Queue Reform to be effective 2/1/2019.
Filed Date: 11/19/18.
Accession Number: 20181119–5152.
Comments Due: 5 p.m. ET 12/10/18.

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 19, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–25756 Filed 11–26–18; 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: PR19–14–000.
Applicants: Louisville Gas and Electric Company.
Description: Tariff filing per 284.123(b),(e)/: Revised Statement of Operating Conditions DDC and LAUFG to be effective 11/1/2018.
Filed Date: 11/13/18.
Accession Number: 201811135011.
Comments/Protests Due: 5 p.m. ET 12/4/18.

Docket Number: PR19–15–000.
Applicants: Alpine High Pipeline LP.
Description: Tariff filing per 284.123(b),(e)+(g): Revised Statement of Operating Conditions to be effective 11/1/2018.
Filed Date: 11/13/18.
Accession Number: 201811135267.
Comments Due: 5 p.m. ET 12/4/18.
284.123(g) Protests Due: 5 p.m. ET 1/14/19.

Docket Number: PR19–16–000.
Applicants: Lee 8 Storage Partnership.
Description: Tariff filing per 284.123(b)(2)+(g): Petition for Rate Approval to be effective 11/14/2018.
Filed Date: 11/14/18.
Accession Number: 201811145042.
Comments Due: 5 p.m. ET 12/5/18.
284.123(g) Protests Due: 5 p.m. ET 1/14/19.

Docket Number: PR19–17–000.
Applicants: Black Hills Energy Arkansas, Inc.
Description: Tariff filing per 284.123(b),(e)/: BHEA SOC Filing to be effective 11/15/2018.
Filed Date: 11/15/18.
Accession Number: 201811155052.
Comments/Protests Due: 5 p.m. ET 12/6/18.

Docket Number: PR19–18–000.
Applicants: Rocky Mountain Natural Gas LLC.
Description: Tariff filing per 284.123(b),(e)/: RMNG Revised SOC Filing to be effective 11/1/2018.
Filed Date: 11/15/18.
Accession Number: 201811155053.
Comments/Protests Due: 5 p.m. ET 12/6/18.

Docket Numbers: RP19–297–000.
Applicants: Texas Eastern Transmission, LP.
Description: eTariff filing per 1430: TETLP Extension to file Form 501–G.
Filed Date: 11/16/18.
Accession Number: 20181116–5177.
Comments Due: 5 p.m. ET 11/21/18.

Docket Numbers: RP19–298–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) Rate Filing: WBX East Amendments Filing to be effective 11/16/2018.
Filed Date: 11/16/18.
Accession Number: 20181116–5179.
Comments Due: 5 p.m. ET 11/28/18.

Docket Numbers: RP19–299–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: Gulf Connector Initial Rate Filing—REV to be effective 12/1/2018.
Filed Date: 11/19/18.
Accession Number: 20181119–5000.
Comments Due: 5 p.m. ET 12/3/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/*

docs-filing/efiling/filing-req.pdf. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 19, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–25760 Filed 11–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC19–23–000.
Applicants: sPower OpCo A, LLC.
Description: Errata to November 6, 2018 Application for Authorization Under Section 203 of the Federal Power Act, et al. of sPower OpCo A, LLC.
Filed Date: 11/14/18.
Accession Number: 20181114–5155.
Comments Due: 5 p.m. ET 11/27/18.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG19–20–000.
Applicants: KCE NY 1, LLC.
Description: Notice of Self Certification of EWG Status for KCE NY 1, LLC.
Filed Date: 11/16/18.
Accession Number: 20181116–5154.
Comments Due: 5 p.m. ET 12/7/18.

Docket Numbers: EG19–21–000.
Applicants: DG Whitefield LLC.
Description: Notice of Exempt Wholesale Generator Status of DG Whitefield LLC.
Filed Date: 11/16/18.
Accession Number: 20181116–5180.
Comments Due: 5 p.m. ET 12/7/18.

Docket Numbers: EG19–22–000.
Applicants: Springfield Power, LLC.
Description: Notice of Exempt Wholesale Generator Status of Springfield Power, LLC.
Filed Date: 11/16/18.
Accession Number: 20181116–5185.
Comments Due: 5 p.m. ET 12/7/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1580–017.
Applicants: Saguaro Power Company, A Limited Partnership.
Description: Notice of Non-Material Change in Status of Saguaro Power Company, A Limited Partnership.
Filed Date: 11/15/18.
Accession Number: 20181115–5195.
Comments Due: 5 p.m. ET 12/6/18.

Docket Numbers: ER17–2059–002; *ER12–672–011; ER12–673–011.*
Applicants: Puget Sound Energy, Inc., Brea Generation LLC, Brea Power II, LLC.
Description: Notice of Non-Material Change in Status of Puget Sound Energy, Inc., et al.
Filed Date: 11/15/18.
Accession Number: 20181115–5225.
Comments Due: 5 p.m. ET 12/6/18.

Docket Numbers: ER18–1169–004.
Applicants: California Independent System Operator Corporation.
Description: Compliance filing: 2018–11–16 Commitment Cost Enhancements Phase 3 Effective Date Compliance to be effective 4/1/2019.
Filed Date: 11/16/18.
Accession Number: 20181116–5031.
Comments Due: 5 p.m. ET 12/7/18.

Docket Numbers: ER19–350–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: Avista Exchange Service Agreement for Nichols Pumping Load to be effective 11/1/2018.
Filed Date: 11/15/18.
Accession Number: 20181115–5168.
Comments Due: 5 p.m. ET 12/6/18.

Docket Numbers: ER19–351–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1518R16 Arkansas Electric Cooperative Corp NITSA NOA to be effective 12/1/2018.
Filed Date: 11/16/18.
Accession Number: 20181116–5059.
Comments Due: 5 p.m. ET 12/7/18.

Docket Numbers: ER19–352–000.
Applicants: Alabama Power Company.
Description: § 205(d) Rate Filing: Quitman Solar LGIA Filing to be effective 11/1/2018.
Filed Date: 11/16/18.
Accession Number: 20181116–5060.
Comments Due: 5 p.m. ET 12/7/18.

Docket Numbers: ER19–353–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: Letter Agreement ORNI 34 LLC Vallecito Energy Storage SA No. 1045 to be effective 11/9/2018.
Filed Date: 11/16/18.
Accession Number: 20181116–5085.
Comments Due: 5 p.m. ET 12/7/18.

Docket Numbers: ER19–354–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2018–11–16 Generator Contingency and Remedial Action Scheme Amendment to be effective 3/1/2019.
Filed Date: 11/16/18.
Accession Number: 20181116–5087.
Comments Due: 5 p.m. ET 12/7/18.

Docket Numbers: ER19–355–000.
Applicants: ITC Midwest LLC.
Description: Application for Authorization for Abandoned Plant Incentive of ITC Midwest LLC.
Filed Date: 11/16/18.
Accession Number: 20181116–5130.
Comments Due: 5 p.m. ET 12/7/18.

Docket Numbers: ER19–356–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Revisions to Require All VERs to Register and Convert to DVERs to be effective 1/16/2019.
Filed Date: 11/16/18.
Accession Number: 20181116–5137.
Comments Due: 5 p.m. ET 12/7/18.

Docket Numbers: ER19–357–000.
Applicants: KCE NY 1, LLC.
Description: Baseline eTariff Filing: KCE NY 1, LLC Market Based Rate Filing to be effective 1/15/2019.
Filed Date: 11/16/18.
Accession Number: 20181116–5153.
Comments Due: 5 p.m. ET 12/7/18.

Docket Numbers: ER19–358–000.
Applicants: DG Whitefield LLC.
Description: Baseline eTariff Filing: Baseline new to be effective 1/16/2019.
Filed Date: 11/16/18.
Accession Number: 20181116–5181.
Comments Due: 5 p.m. ET 12/7/18.

Docket Numbers: ER19–359–000.
Applicants: Springfield Power, LLC.
Description: Baseline eTariff Filing: Baseline new to be effective 1/16/2019.
Filed Date: 11/16/18.
Accession Number: 20181116–5183.
Comments Due: 5 p.m. ET 12/7/18.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR17–6–000.
Applicants: North American Electric Reliability Corporation.
Description: Compliance Filing of the North American Electric Reliability Corporation in Response to Order Approving in Part and Denying in Part Amendments to the Electric Reliability Organizations's Rules of Procedure.
Filed Date: 11/16/18.
Accession Number: 20181116–5083.
Comments Due: 5 p.m. ET 12/7/18.

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 16, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–25754 Filed 11–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–13–000]

Algonquin Gas Transmission, LLC; Notice of Application

Take notice that on November 5, 2018, Algonquin Gas Transmission, LLC (Algonquin), 5400 Westheimer Court, Houston, Texas 77056, filed an application pursuant to section 7(b) and 7(c) of the Natural Gas Act (NGA) and the Commission's regulations seeking authorization to replace its existing Yorktown metering and regulation (M&R) station located in Westchester County, New York, with upgraded facilities for additional operation flexibility and reliability on its system. Algonquin states the project will be fully reimbursed by Consolidated Edison Company of New York, Inc., all as more fully described in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Lisa A. Connolly, Director, Rates and Certificates, Algonquin Gas Transmission, LLC, P.O. Box 1642, Houston, Texas 77251, by telephone at (713) 627–4102, by fax at (713) 627–5947, or by email at *lisa.connolly@enbridge.com.*

Specifically, Algonquin states that the proposed construction will include the (i) installation and subsequent removal of temporary bypass facilities, (ii) removal and replacement of the station building and housed facilities including two ultrasonic meters, one low flow meter, a flow control valve, and regulation facilities, (iii) replacement of the existing gas-fired heater. The proposed project will increase capacity on Algonquin's system to 31,200 Dekatherms per day. Algonquin states the replacement and upgrade of the metering facilities is anticipated to begin in the spring of 2020, with the completion of the meter replacement and facility upgrade by the fall of 2020.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 3 copies of filings made in the proceeding with the Commission and must provide a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list and will be notified of any meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

As of the February 27, 2018 date of the Commission's order in Docket No. CP16–4–001, the Commission will apply its revised practice concerning out-of-time motions to intervene in any new Natural Gas Act section 3 or section 7 proceeding.[1] Persons desiring to become a party to a certificate proceeding are to intervene in a timely manner. If seeking to intervene out-of-time, the movant is required to ''show good cause why the time limitation should be waived,'' and should provide justification by reference to factors set forth in Rule 214(d)(1) (18 CFR 385.214(d)(1)) of the Commission's Rules and Regulations.

The Commission strongly encourages electronic filings of comments, protests, and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 3 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern time on December 11, 2018.

[1] *Tennessee Gas Pipeline Company, L.L.C.,* 162 FERC ¶ 61,167 at P 50 (2018).

Dated: November 20, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–25806 Filed 11–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP19–286–000.
Applicants: Rager Mountain Storage Company LLC.
Description: § 4(d) Rate Filing: RMSC's Clean-Up Filing—November 2018 to be effective 12/15/2018.
Filed Date: 11/14/18.
Accession Number: 20181114–5025.
Comments Due: 5 p.m. ET 11/26/18.

Docket Numbers: RP19–287–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Equitrans' Clean-Up Filing—November 2018 to be effective 10/1/2018.
Filed Date: 11/14/18.
Accession Number: 20181114–5032.
Comments Due: 5 p.m. ET 11/26/18.

Docket Numbers: RP19–288–000.
Applicants: Elba Express Company, L.L.C.
Description: § 4(d) Rate Filing: Shell Negotiated Rate 11/28/18 to be effective 11/28/2018.
Filed Date: 11/14/18.
Accession Number: 20181114–5096.
Comments Due: 5 p.m. ET 11/26/18.

Docket Numbers: RP19–289–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: § 4(d) Rate Filing: Offer and Petition for Approval of Settlement to be effective 1/1/2019.
Filed Date: 11/14/18.
Accession Number: 20181114–5130.
Comments Due: 5 p.m. ET 11/26/18.

Docket Numbers: RP19–290–000.
Applicants: Southern Natural Gas Company, L.L.C.
Description: Compliance filing Annual Report on Operational Transactions 2018.
Filed Date: 11/15/18.
Accession Number: 20181115–5012.
Comments Due: 5 p.m. ET 11/27/18.

Docket Numbers: RP19–291–000.
Applicants: Discovery Gas Transmission LLC.
Description: § 4(d) Rate Filing: 2019 HMRE Surcharge Filing to be effective 1/1/2019.
Filed Date: 11/15/18.
Accession Number: 20181115–5047.
Comments Due: 5 p.m. ET 11/27/18.

Docket Numbers: RP19–292–000.
Applicants: Midwestern Gas Transmission Company.
Description: § 4(d) Rate Filing: Gas Quality and Pressure to be effective 12/15/2018.
Filed Date: 11/15/18.
Accession Number: 20181115–5069.
Comments Due: 5 p.m. ET 11/27/18.

Docket Numbers: RP19–293–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20181115 Negotiated Rates to be effective 11/1/2018.
Filed Date: 11/15/18.
Accession Number: 20181115–5102.
Comments Due: 5 p.m. ET 11/27/18.

Docket Numbers: RP19–294–000.
Applicants: Centra Pipelines Minnesota Inc.
Description: eTariff filing per 1430: Extension of time to be effective 12/31/9998.
Filed Date: 11/15/18.
Accession Number: 20181115–5109.
Comments Due: 5 p.m. ET 11/19/18.

Docket Numbers: RP19–295–000.
Applicants: EOG Resources, Inc., EOG Y Resources, Inc., EOG A Resources, Inc., EOG M Resources, Inc.
Description: Request for Temporary Waiver, et al. of EOG Resources, Inc., et al. under RP19–295.
Filed Date: 11/15/18.
Accession Number: 20181115–5131.
Comments Due: 5 p.m. ET 11/23/18.

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 16, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–25753 Filed 11–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–3–000]

Gulf South Pipeline, LP; Notice of Intent To Prepare an Environmental Assessment for the Proposed Petal III Compression Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Petal III Compression Project involving construction and operation of facilities by Gulf South Pipeline Company, LP (Gulf South) in Forrest County, Mississippi. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies about issues regarding the project. The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires the Commission to discover concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on December 20, 2018.

You can make a difference by submitting your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Commission staff will consider all filed comments during the preparation of the EA.

If you sent comments on this project to the Commission before the opening of this docket on October 9, 2018, you will need to file those comments in Docket

No. CP19–3–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law.

Gulf South provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC website (*www.ferc.gov*) at *https://www.ferc.gov/resources/guides/gas/gas.pdf.*

Public Participation

The Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. To sign up go to *www.ferc.gov/docs-filing/esubscription.asp.*

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (CP19–3–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Summary of the Proposed Project

Gulf South proposes to construct, operate, and maintain two new electric-driven 5,000 horsepower compressor units, one dehydration unit, one thermal oxidizer, and other auxiliary appurtenant facilities within the existing Petal III Compressor Station in Forrest County, Mississippi. The project would increase the injection capability from 1,488 million standard cubic feet per day (MMscf/d) to 1,738 MMscf/d, and modify the withdrawal capability from 1,945 to 2,495 MMscf/d.

According to Gulf South, the project would enhance operational flexibility, allow for the continued provision of reliable natural gas storage service, and increase the number of injection and withdrawal cycles to satisfy the needs of new customers desiring service from the Petal Gas Storage facilities (Petal Complex). The Petal Complex includes eight salt caverns and four compressor stations.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

Construction of the proposed facilities would disturb about 18.8 acres of land for the workspaces, access roads, and aboveground facilities. However, 6.6 acres of this disturbed land during construction would occur within the Petal III Compressor Station. Following construction, Gulf South would maintain about 5.5 acres for the permanent storage yard and dehydration unit; the remaining acreage would be restored and revert to former uses.

The EA Process

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- air quality and noise;
- public safety; and
- cumulative impacts

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present Commission staffs' independent analysis of the issues. The EA will be available in electronic format in the public record through eLibrary[2] and the Commission's website (*https://www.ferc.gov/industries/gas/enviro/eis.asp*). If eSubscribed, you will receive instant email notification when the EA is issued. The EA may be issued for an allotted public comment period. Commission staff will consider all comments on the EA before making recommendations to the Commission. To ensure Commission staff have the opportunity to address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE, Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] Commission staff will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). The EA for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If the Commission issues the EA for an allotted public comment period, a *Notice of Availability* of the EA will be sent to the environmental mailing list and will provide instructions to access the electronic document on the FERC's website (*www.ferc.gov*). If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please return the attached ''Mailing List Update Form'' (appendix 2).

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP19–3). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: November 20, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–25805 Filed 11–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR19–8–000]

TransMontaigne Product Services LLC v. Colonial Pipeline Company; Notice of Complaint

Take notice that on November 16, 2018, pursuant to Rule 206 of the Rules of the Practice and Procedure of the Federal Energy Regulatory Commission (Commission), 18 CFR 385.206 (2018), Part 343 of the Commission's Rules and Regulations, 18 CFR 343.2 (2018), and sections 1(5), 6 and 13 of the Interstate Commerce Act, 49 U.S.C. App. 1(5), 6 and 13, TransMontaigne Product Services LLC (Complainant) filed a formal complaint (complaint) against Colonial Pipeline Company (Respondent) alleging that the Respondent attempted to increase charges related to product volume losses without stating the charges in its tariff, explaining the derivation of such charges, or providing shippers with an opportunity to evaluate and challenge such charges, as more fully explained in the complaint.

The Complainant certifies that copies of the complaint were served on the contacts for the Respondent as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on December 6, 2018.

Dated: November 20, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–25811 Filed 11–26–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0647; FRL–9986–78–OEI]

Agency Information Collection Activities; Renewal Request Submitted to OMB for Review and Approval; Comment Request; PCBs, Consolidated Reporting and Record Keeping Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA): ''PCBs, Consolidated Reporting and Record Keeping Requirements'' and identified by EPA ICR Number 1446.12 and OMB Control Number 2070–0112. The ICR, which is available in the docket along with other related materials provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized in this document. This is a request to renew the approval of an existing ICR, which is currently approved through November 30, 2018. EPA previously provided a 60-day public review opportunity via the **Federal Register** on August 27, 2018. With this submission, EPA is providing an additional 30-days for public review.

DATES: Comments must be received on or before December 27, 2018.

ADDRESSES: Submit your comments, identified by docket identification (ID) number [EPA–HQ–OPP–2017–0647, to both EPA and OMB as follows: To (1) EPA online using *http://www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460 and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Peter Gimlin, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–0515; email address: *Gimlin.Peter@epa.gov.*

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

SUPPLEMENTARY INFORMATION:

Docket: Supporting documents, including the ICR that explains in detail the information collection activities and the related burden and cost estimates that are summarized in this document, are available in the docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is (202) 566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

ICR status: This is a request to renew the approval of an existing ICR, which is currently approved through November 30, 2018. EPA did not receive any comments in response to the previously provided 60-day public review opportunity (83 FR 43675, August 27, 2018) (FRL–9982–52). Under the PRA, 44 U.S.C. 3501 *et seq.,* an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This ICR covers the information collection activities that implement the statutory mandates in section 6(e) of the Toxic Substances Control Act (TSCA) related to polychlorinated biphenyls (PCBs), 15 U.S.C. 2605(e). Specifically, TSCA section 6(e)(1) directs EPA to regulate the marking and disposal of PCBs. Section 6(e)(2) bans the manufacturing, processing, distribution in commerce, and use of PCBs in other than a totally enclosed manner. Section 6(e)(3) establishes a process for obtaining exemptions from the prohibitions on the manufacture, processing, and distribution in commerce of PCBs. Implementing regulations have been codified in 40 CFR part 761, and include approximately 100 specific reporting, third-party reporting, and recordkeeping requirements. The regulations are intended to prevent the improper handling and disposal of PCBs and to minimize the exposure of human beings or the environment to PCBs.

Responses to the collection of information are mandatory (see 40 CFR part 761). Respondents may claim all or part of a response confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Form numbers: 7720–12 and 7710–53.

Respondents/affected entities: Entities potentially affected by this ICR are persons who currently possess PCB items, PCB-contaminated equipment or other PCB waste.

Respondent's obligation to respond: Mandatory.

Estimated number of respondents: 87,190 (total).

Frequency of response: On occasion.

Total estimated burden: 681,407 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $30,374,118 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the estimates: This request reflects a decrease of 64,519 hours in the total estimated respondent burden from that currently in the OMB inventory. The changes in the total annual respondent reporting and recordkeeping burdens and costs are due to updates to the most current wage rate data and to revisions to the total number of respondents. The revisions to total number of respondents are the result of new data gathered for this ICR effort, updated Agency data regarding total numbers of regulated entities, and the overlapping coverage of the recently revised Universal Hazardous Waste Manifest ICR (OMB Control No. 2050–0039). The ICR supporting statement provides a detailed analysis of the change in burden estimate. This change is an adjustment.

Dated: November 16, 2018.

Courtney Kerwin,

Director, Collection Strategies Division.

[FR Doc. 2018–25775 Filed 11–26–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0645; FRL–9986–96–OEI]

Agency Information Collection Activities; Renewal Request Submitted to OMB for Review and Approval; Comment Request; Premanufacture Review Reporting and Exemption Requirements for New Chemical Substances and Significant New Use Reporting Requirements for Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted the

following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA): Premanufacture Review Reporting and Exemption Requirements for New Chemical Substances and Significant New Use Reporting Requirements for Chemical Substances (EPA ICR No. 0574.18, OMB Control No. 2070–0012). The ICR, which is available in the docket, is only briefly summarized in this document. This is a request to renew the approval of an existing ICR, currently approved through November 30, 2018. EPA previously provided a 60-day public review opportunity via the **Federal Register** on July 25, 2018. With this submission, EPA is providing an additional 30-days for public review. Under the PRA, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number.

DATES: Comments must be received on or before December 27, 2018.

ADDRESSES: Submit your comments, identified by docket identification (ID) number [EPA–HQ–OPP–2017–0645, to: (1) EPA online using *http://www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460 and (2) via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA. EPA's policy is that all comments received will be included in the docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Adam Ross, Chemical Control Division (7404M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone: (202) 564–1625; email address: *ross.adam@epa.gov.*

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

SUPPLEMENTARY INFORMATION: Supporting documents, including the ICR that explains in detail the information collection activities and the related burden and cost estimates that are summarized in this document, are available in the docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is (202) 566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: This ICR covers the information collection activities that implement the statutory mandates in section 5 of the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act of 2016, related to new chemical substances, 15 U.S.C. 2604, and the implementing regulations codified in 40 CFR parts 700, 720, 721, 723, and 725. Specifically, TSCA section 5 requires that any person who proposes to manufacture (which includes import) a new chemical substance (*i.e.,* a chemical substance not listed on the TSCA section 8(b) Inventory) or a significant new use of a chemical substance (as identified by EPA rule) must provide a notice to EPA at least 90 days prior to commencing the manufacture of that chemical substance. EPA must review the section 5 notice, make an affirmative determination on the safety of the new chemical substance or significant new use, and, if appropriate, regulate the chemical substance to address any unreasonable risks identified before it can proceed to the marketplace. TSCA section 5 authorizes EPA to determine by rule that a use of a chemical substance is a significant new use requiring notice to and review and determination by the Agency through a significant new use rule (SNUR) that requires any person who proposes to manufacture or process a chemical substance for a designated new use to submit a Significant New Use Notice (SNUN) to the Agency. EPA must review the SNUN, make a determination on the chemical substance, and take appropriate action pursuant to TSCA section 5. The submitter of a premanufacture notice (PMN), significant new use notice (SNUN), or microbial commercial activity notice (MCAN) is also required to inform EPA when non-exempt commercial manufacture of the substance in question actually begins by submitting a Notice of Commencement (NOC). Under TSCA section 5, EPA must make one of five possible regulatory determinations with respect to the new chemical substance or significant new use and take action, as appropriate, to ensure adequate protection of human health and the environment. If EPA takes no action within the 90-day review period for PMNs (or 30 or 45 days for PMN exemption applications), TSCA section 5 states that the PMN submitter is entitled to receive a refund of fees paid. Respondents may claim all or part of a response confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Form numbers: Premanufacture Notice (EPA Form No. 7710–25) and Notice of Commencement of Manufacture or Import (EPA Form No. 7710–56).

Respondents/affected entities: Companies that manufacture, process or import chemical substances.

Respondent's obligation to respond: Mandatory.

Frequency of response: On occasion.

Estimated total number of respondents: 234.

Estimated total burden: 135,230 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Estimated total cost: $49,979,150 (per year), includes $0 annualized capital or operation and maintenance costs.

Changes in the estimates: There is an increase of 18,054 hours in the total estimated respondent burden compared with that currently approved by OMB. This increase reflects an adjustment in EPA's estimated number of each type of notice; the estimated number of annual CDX registrants; and EPA corrected some discrepancies in estimating burden from the previous ICR. This increase also reflects a program change from incorporating burden associated with new CBI substantiation requirements resulting from the 2016 amendment to TSCA and the inclusion of burden associated with the ''*Points to Consider When Preparing TSCA New Chemical Notifications*'' guidance document.

Dated: November 19, 2018.

Courtney Kerwin,

Director, Collection Strategies Division.

[FR Doc. 2018–25778 Filed 11–26–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0654; FRL–9986–50–OEI]

Agency Information Collection Activities; Submitted to OMB for Review and Approval; Comment Request; Certification of Pesticide Applicators (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA): ''Certification of Pesticide Applicators (Renewal)'' and identified by EPA ICR No. 0155.13 and OMB Control No. 2070–0029. This is a request to renew the approval of an existing ICR, which is currently approved through November 30, 2018. EPA did not receive any comments in response to the previously provided public review opportunity issued in the **Federal Register** on April 27, 2018. With this submission, EPA is providing an additional 30 days for public review and comment.

DATES: Comments must be received on or before December 27, 2018.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2017–0654, to: (1) EPA online using *http://www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460 and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Ryne Yarger, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 605–1193; email address: *yarger.ryne@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket: Supporting documents, including the ICR that explains in detail the information collection activities and the related burden and cost estimates that are summarized in this document, are available in the docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is (202) 566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

ICR status: This ICR is currently scheduled to expire on November 30, 2018. EPA announced its intended renewal of this ICR and provided an opportunity for public review and comment in the **Federal Register** on April 27, 2018 (83 FR 18553). Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Under PRA, 44 U.S.C. 3501 *et seq.,* an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: EPA administers certification programs for pesticide applicators under section 11 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and EPA regulations in 40 CFR part 171. FIFRA allows EPA to classify a pesticide as ''restricted use'' if the pesticide meets certain toxicity or risk criteria. This ICR addresses the paperwork activities performed by businesses, individuals and regulators to comply with training and certification requirements associated with applicators of restricted use pesticides (RUPs). Because of the potential of improperly applied RUPs to harm human health or the environment, pesticides under this classification may be purchased and applied only by ''certified applicators'' or by persons under the direct supervision of certified applicators. This ICR addresses instances in which registrants of certain pesticide products are required to perform specific paperwork activities, such as training and recordkeeping, as a condition of the pesticide registration (*e.g.,* registrants of pesticide products that assert claims to inactivate *Bacillus anthracis* (anthrax) spores).

To become a certified applicator, a person must meet certain standards of competency through completion of a certification program or test. Authorized agencies administer certified applicator programs within their jurisdictions, but each agency's certification plan must be approved by EPA before it can be implemented. In areas where no authorized agency has jurisdiction, EPA may administer a certification program directly.

This ICR also addresses how registrants of certain pesticide products are expected to perform specific, special paperwork activities, such as training and recordkeeping, in order to comply with the terms and conditions of the pesticide registration (*e.g.,* registrants of anthrax-related pesticide products that assert claims to inactivate *Bacillus anthracis* spores). Paperwork activities associated with the use of such products are conveyed specifically as a condition of the registration.

Respondents/Affected Entities: Pesticide applicators, administration of certification programs by States/Tribal lead agencies (authorized agencies), individuals or entities engaged in activities related to the registration of a pesticide product, and RUP dealers (only for EPA administered programs).

Form Numbers: EPA Form 8500–17 and EPA Form 8500–17–N.

Respondent's Obligation To Respond: Mandatory (FIFRA sections 3 and 11).

Estimated Total Number of Potential Respondents: 444,639 (total).

Frequency of Response: On occasion.

Estimated Total Burden: 1,379,444 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Estimated Total Costs: $53,046, 591 (per year), includes $0 annualized capital investment or maintenance and operational costs.

Changes in the Estimates: There is an increase of 58,661 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This increase reflects an EPA update of the number of respondents and the wage rates, and a change in the number of entities whose certification programs are directly overseen by EPA. The changes are the result of adjustments.

Courtney Kerwin,

Director, Collection Strategies Division.

[FR Doc. 2018–25713 Filed 11–26–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2050–0154; FRL–9986–22–OEI]

Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Criteria for Classification of Solid Waste Disposal Facilities and Practices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Criteria for Classification of Solid Waste Disposal Facilities and Practices (EPA ICR Number 1745.09, OMB Control Number 2050–0154) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2018. Public comments were previously requested via the **Federal Register** (83 FR 38141) on August 03, 2018 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before December 27, 2018.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OLEM–2018–0317, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *rcra-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Craig Dufficy, Materials Recovery and Waste Management Division, Office of Resource Conservation and Recovery, mailcode 5304P, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 703–308–9037; fax number: 703–308–8686; email address: *Dufficy.craig@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: 40 Part 257, Subpart B established specific standards and reporting and recordkeeping requirements for owners and operators of new, existing, and lateral expansions of existing non-municipal non-hazardous waste disposal units that receive conditionally exempt small quantity generator (CESQG) hazardous wastes. In order to effectively implement and enforce 40 CFR part 257 Subpart B on a State level, owners/operators of construction and demolition waste landfills that receive CESQG hazardous wastes have to comply with the reporting and recordkeeping requirements.

Form numbers: None.

Respondents/affected entities: Entities potentially affected by this action are the private sector, as well as State, Local, or Tribal Governments.

Respondent's obligation to respond: Mandatory under Section 4010(c) and 3001(d)(4) of the Resource Conservation and Recovery Act (RCRA) of 1976.

Estimated number of respondents: 152.

Frequency of response: On occasion.

Total estimated burden: 11,219 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $1,951,843 per year, includes $374,184 annualized labor and $1,577,659 annualized capital or operation & maintenance costs.

Changes in the estimates: There is no change of hours in the total estimated respondent burden compared with the ICR currently approved by OMB.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018–25776 Filed 11–26–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–SFUND–2015–0100; FRL–9985–48–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Continuous Release Reporting Requirement Including Analysis for Use of Continuous Release Reporting Forms (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Continuous Release Reporting Requirement Including Analysis for Use of Continuous Release Reporting Forms (EPA ICR No. 1445.14, OMB Control No. 2050–0086) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2018. Public comments were previously requested via the **Federal Register** on May 30, 2018 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before December 27, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–SFUND–2015–0100, online using *www.regulations.gov* (our preferred method), by email to *superfund.docket@epa.gov* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Wendy Hoffman, Regulations Implementation Division, Office of

Emergency Management, (5104A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–8794; email address: *hoffman.wendy@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: Continuous Release Reporting Requirements (CRRR) under Section 103(a) of CERCLA, as amended, requires the person in charge of a vessel or facility immediately to notify the National Response Center (NRC) of a hazardous substance release into the environment if the amount of the release equals or exceeds the substance's reportable quantity (RQ). If the source and chemical composition of the continuous release do not change and the level of the continuous release does not significantly increase, a follow-up written report to the EPA Region one year after submission of the initial written report is also required. The person in charge must notify the NRC and EPA Region of a change in the source or composition of the release, and under section 103(a) of CERCLA, a significant increase must be reported immediately to the NRC. Finally, any change in information submitted in support of a continuous release notification must be reported to the EPA Region. Section 103(f)(2) of CERCLA provides facilities relief from per-occurrence notification release requirements if the subject release is continuous and stable in quantity and rate.

CRR allows the Federal government to determine whether a Federal response action is required to control or mitigate any potential adverse effects to public health, welfare or the environment. The release information is also available to EPA program offices and other Federal agencies who evaluate the potential need for additional regulations, new permitting requirements for specific substances or sources, or improved emergency response planning. State and local government authorities and facilities subject to the CRRR use release information for local emergency response planning. The public, which has access to release information through the Freedom of Information Act, may request release information on what types of releases are occurring in different localities and what actions, if any, are being taken to protect public health, welfare and the environment.

Form numbers: EPA Form 6100–10, Continuous Release Reporting Form.

Respondents/affected entities: Entities potentially affected by this action are not defined. The use and release of hazardous substances are pervasive throughout industry. EPA expects many different industrial categories to report hazardous substance releases under the provisions of the CRRR. No one industry sector or group of sectors is disproportionately affected by the information collection burden.

Respondent's obligation to respond: Mandatory if respondents want reduced reporting for continuous releases.

Estimated number of respondents: 4,192.

Frequency of response: On occasion.

Total estimated burden: 334,472 hours (average per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $19,797,899 (average per year), including $243,200 annualized capital or operation & maintenance costs (average per year).

Changes in estimates: There is an increase of 8,890 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase in burden results primarily from use of data on the actual number of continuous release reports from several regions and applying a growth rate consistent with prior years reporting. The average annual percent increase in facilities in the previous ICR was approximately 7.5%. The same percent increase was assumed for this ICR. The unit burden hours per respondent information collection activity remains the same as the previous ICR. In addition, this ICR includes the requirements under EPCRA section 304, which were inadvertently omitted in the previous renewal.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018–25777 Filed 11–26–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OARM–2018–0229; FRL–9985–08–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Monthly Progress Reports (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Monthly Progress Reports (EPA ICR Number 1039.15, OMB Control Number 2030–0005) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through December 31, 2018. Public comments were previously requested via the **Federal Register** on June 13, 2018, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before December 27, 2018.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OARM–2018–0229, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *oei.docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Thomas Valentino, Policy, Training and Oversight Division, Office of Acquisition Management (3802R), Environmental Protection Agency, 1200

Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–4522; email address: *valentino.thomas@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: Appropriate Government surveillance of contractor performance is required to give reasonable assurance that efficient methods and effective cost controls are being used for various cost-reimbursable and fixed-rate contracts. Per 48 CFR 1552.211 regulations, on a monthly basis the Agency requires contractors to provide the Contracting Officer's Representative (COR) with a report detailing: (a) What was accomplished on the contract for that period; (b) expenditures for the same period of time; and (c) what is expected to be accomplished on the contract for the next month. Responses to the information collection are mandatory for contractors and are required for the contractors to receive monthly payments.

Form numbers: None.

Respondents/affected entities: Private sector.

Respondent's obligation to respond: Mandatory per 48 CFR 1552.211.

Estimated number of respondents: 337 (total).

Frequency of response: Monthly.

Total estimated burden: 97,056 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $9,074,736 (per year), includes $50,550 annualized capital or operation & maintenance costs.

Changes in the estimates: There is an increase of 19,650 hours (97,056–77,406) in the total estimated respondent burden compared with the ICR currently approved by OMB because there are approximately 337 contracts and orders requiring response in 2018 instead of only 266 in 2014. This figure has increased to 337 due in part to shorter-value and shorter-length contracts being awarded due to budget uncertainty; *e.g.,* continuing funding resolutions, sequestration budget cuts.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018–25769 Filed 11–26–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–SFUND–2005–0007, FRL–9987–04–OLEM]

Agency Information Collection Activities; Proposed Collection; Comment Request; EPA Worker Protection Standards for Hazardous Waste Operations and Emergency Response (Renewal); EPA ICR Number 1426.12, OMB Control Number 2050–0105

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on February 28, 2019. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before January 28, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–SFUND–2005–0007 by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: superfund.docket@epa.gov.*
- *Mail:* EPA Docket Center, Environmental Protection Agency, Mail Code: 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Sella M. Burchette, U.S. Environmental Response Team, MS 101, Building 205, Edison, NJ 08837, telephone number: 732–321–6726; fax number: 732–321–6724; email address: *burchette.sella@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Section 126(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) requires EPA to set worker protection standards for State and local employees engaged in hazardous waste operations and emergency response in the 27 States that do not have Occupational Safety and Health Administration approved State plans. The EPA coverage, as cited in 40 CRF 311, required to be identical to the OSHA standards, extends to three categories of employees: Those engaged in clean-ups at uncontrolled hazardous waste sites, including corrective actions at Treatment, Storage and Disposal (TSD) facilities regulated under the Resource Conservation and Recovery Act (RCRA); employees working on routine hazardous waste operations at RCRA TSD facilities, and employees

involved in emergency response operations without regard to location. This ICR renews existing mandatory record keeping collection of ongoing activities including monitoring of any potential employee exposure at uncontrolled hazardous waste sites, maintaining records of employee training, refresher training, medical exams and reviewing emergency response plans.

Form numbers: None.

Respondents/affected entities: Entities potentially affected by this action are those State and local employees engaged in hazardous waste operations and emergency response in the 27 States that do not have Occupational Health & Safety Administration (OSHA) approved State plans.

Respondent's obligation to respond: 40 CFR 311 has no reporting requirements. There are record keeping requirements by inference in Section (e) and by statue in Section (f)[8] of OSHA's 29 CFR 1910.120.

Estimated total number of respondents: 24,000.

Frequency of response: Annually recordkeeping. No response required to Agency.

Estimated total annual burden hours: 255,427 hours.

Estimated total annual costs: $3,528,888, which is entirely for labor. There are no capital investment or maintenance and operational costs.

Changes in estimates: These burden estimates reflect what is currently approved by OMB, without change. EPA will provide revised burden estimates when the second comment period for this ICR is opened. However, as the universe and regulations have not changed, EPA does not anticipate any substantive changes to the burden figures.

Dated: November 15, 2018.

James E. Woolford,

Director, Office of Superfund Remediation and Technology Innovation.

[FR Doc. 2018–25890 Filed 11–26–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–SFUND–2012–0578; FRL–9986–38–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Technical Assistance Needs Assessments (TANAs) at Superfund Remedial or Removal Sites (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Technical Assistance Needs Assessments (TANAs) at Superfund Remedial or Removal Sites (EPA ICR No. 2470.02, OMB Control No. 2050–0211), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2018. Public comments were previously requested via the **Federal Register** on September 19, 2018 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before December 27, 2018.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–SFUND–2012–0578, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *shewack.robert@epa.gov* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Robert Shewack, Office of Site Remediation and Restoration, (OSRR01–5), Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Boston, MA 02109–3912; telephone number: (617) 918–1428; fax number: (617) 918–0428; email address: *shewack.robert@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: This ICR covers the usage of TANAs with members of the impacted community in order to determine how the community is receiving technical information about a Superfund remedial or removal site; whether the community needs additional assistance in order to understand and respond to site-related technical information; and whether there are organizations in the community that are interested or involved in site-related issues and capable of acting as an appropriate conduit for technical assistance services to the affected community. Given the specific nature of the TANA, 8 to 10 persons are expected be interviewed per site, with an estimated total of 250 persons being interviewed per year (25 sites). Responses to the collection of information are voluntary and the names of respondents will be protected by the Privacy Act. The TANA will help ensure the community's needs for technical assistance are defined as early in the remedial/removal process as possible and enable meaningful community involvement in the Superfund decision-making process. Additionally, the TANA process produces a blueprint for designing a coordinated effort to meet the community's needs for additional technical assistance while minimizing the overlap of services provided.

Form numbers: None.

Respondents/affected entities: Local/state government officials and individual community members who may be impacted by a Superfund site or a removal action lasting 120 days or longer. These community members voluntarily participate in community involvement activities throughout the remedial phase of the Superfund process.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 250 (total).

Frequency of response: Once during the remediation of the Site. Each TANA interview is expected to last approximately one hour in duration.

Total estimated burden: 250 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $5,812 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the estimates: No change in the total estimated respondent burden is expected when compared with the ICR currently approved by OMB.

Courtney Kerwin,

Director, Collection Strategies Division.

[FR Doc. 2018–25779 Filed 11–26–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0094; FRL—9986–02–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Other Solid Waste Incineration Units (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Other Solid Waste Incineration Units (EPA ICR Number 2163.06, OMB Control Number 2060–0563), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2018. Public comments were previously requested, via the **Federal Register** on June 29, 2017, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before December 27, 2018.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0094, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The New Source Performance Standards (NSPS) for Other Solid Waste Incineration (OSWI) Units (40 CFR part 60, subpart EEEE) apply to very small municipal waste combustion units and institutional waste incineration units. A new incineration unit subject to this subpart should meet either one of two criteria: (1) Commenced construction after December 9, 2004; or (2) commenced reconstruction or modification either on or after June 16, 2006. A very small municipal waste combustion unit is any municipal waste combustion unit that has the capacity to combust less than 35 tons per day of municipal solid waste or refuse-derived fuel. An institutional waste incineration unit is any combustion unit that combusts institutional waste and is a distinct operating unit of the institutional facility that generated the waste. Institutional waste is solid waste that is combusted at any institutional facility using controlled flame combustion in an enclosed, distinct operating unit: Whose design does not provide for energy recovery; operated without energy recovery; or operated with only waste heat recovery. Institutional waste also means solid waste combusted on site in an air curtain incinerator that is a distinct operating unit of any institutional facility. In general, all NSPS standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance with 40 CFR part 60, subpart EEEE.

Form numbers: None.

Respondents/affected entities: OSWI units, which include two subcategories: VSMWC units that combust less than 35 tons per day of waste and IWI units.

Respondent's obligation to respond: Mandatory (40 CFR part 60 Subpart EEEE).

Estimated number of respondents: 110 (total).

Frequency of response: Initially, semiannually and annually.

Total estimated burden: 80,800 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $11,900,000 (per year), which includes $2,720,000 in annualized capital/startup and/or operation & maintenance costs.

Changes in the estimates: There is an increase in the labor hours or cost in this ICR compared to the previous ICR. The adjustment increase in burden from the most-recently approved ICR is due to an increase in the number of new or modified sources anticipated to be subject to the standard over the three-year period. The adjustment increase in burden is due to more accurate estimates of anticipated new sources: Based on Agency review, knowledge, and experience with the NSPS program and source category, and the growth rate for the industry should account for conservative growth and minimal burden. The overall result is an increase in burden hours and costs.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018–25770 Filed 11–26–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0646; FRL–9986–84–OEI]

Agency Information Collection Activities; Renewal Request Submitted to OMB for Review and Approval; Comment Request; Health and Safety Data Reporting, Submission of Lists and Copies of Health and Safety Studies (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA): ''Health and Safety Data Reporting, Submission of Lists and Copies of Health and Safety Studies'' and identified by EPA ICR No. 0575.16 and OMB Control No. 2070–0004. The ICR, which is available in the docket, is only briefly summarized in this document. This is a request to renew the approval of an existing ICR, which is currently approved through November 30, 2018. EPA previously provided a 60-day public review opportunity via the **Federal Register** on July 25, 2018. With this submission, EPA is providing an additional 30-days for public review.

DATES: Comments must be received on or before December 27, 2018.

ADDRESSES: Submit your comments, identified by docket identification (ID) number [EPA–HQ–OPP–2017–0646, to: (1) EPA online using *http://www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460 and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Andrea Mojica, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone: (202) 564–0599; email address: *Mojica.andrea@epa.gov.*

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

SUPPLEMENTARY INFORMATION:

Docket: Supporting documents, including the ICR that explains in detail the information collection activities and the related burden and cost estimates that are summarized in this document, are available in the docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. For additional information, visit *http://www.epa.gov/dockets.*

ICR status: This is a request to renew the approval of an existing ICR, which is currently approved through November 30, 2018. EPA received one comment in response to the previously provided 60-day public review opportunity (83 FR 35271, July 25, 2018), and has addressed that comment in the ICR submitted to OMB. Under the PRA, 44 U.S.C. 3501 *et seq.,* an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This ICR covers the information collection activities that implement the statutory mandates in section 8(d) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2607(d). Specifically, TSCA section 8(d) authorizes EPA to promulgate rules requiring certain persons who manufacture, process or distribute in commerce (or propose to manufacture, process or distribute in commerce) chemical substances and mixtures, to submit to EPA lists and copies of health and safety studies in their possession with respect to such chemical substances and mixtures. These rules, which are codified in 40 CFR part 716, require the manufacturers and processors of the chemical substances and mixtures subject to a TSCA section 8(d) rulemaking to submit lists and copies of health and safety studies relating to the health and/or environmental effects of the chemical substances and mixtures. To comply, respondents must search their records to identify any health and safety studies in their possession, copy and process relevant studies, list studies that are currently in progress, and submit this information to EPA. The collection schedule under this ICR is chemical-specific in nature and occurs once in an established timeframe between 60 days and 2 years. Reporting of information is only required when the subject matter information (*i.e.,* the lists of studies and final study reports) is available. Availability of study reports on the list may occur after the established reporting period for the list and must still be submitted when they become available. Studies previously submitted to EPA are exempt.

EPA uses this information to construct a complete picture of the known effects of the chemical substance in question, leading to determinations by EPA of whether additional testing of the chemical substance should be required. The information enables EPA to base its testing decisions on the most complete information available and to avoid requiring testing that may be duplicative. EPA will use information obtained via this collection to support its investigation of the risks posed by the chemical substance and, in particular, to support its decisions on whether to require additional test data be submitted under TSCA section 4. Respondents may claim all or part of a response confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Form numbers: None.

Respondents/affected entities: Persons who manufacture, or process chemical substances or mixtures, or who propose to do so.

Respondent's obligation to respond: Mandatory (see 40 CFR part 716).

Frequency of response: On occasion.

Estimated total number of respondents: 21.

Estimated total burden: 302 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Estimated total cost: $24,435 (per year), includes $0 annualized capital or operation and maintenance costs.

Changes in the estimates: There is a decrease of 1,303 hours in the total estimated respondent burden compared with that currently approved by OMB. This adjustment reflects the realization that the methodology used in the

previous ICR overestimated the burden resulting from the addition of chemicals to the TSCA section 8(d) rule.

Courtney Kerwin,

Director, Collection Strategies Division.

[FR Doc. 2018–25774 Filed 11–26–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0980]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before December 27, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0980.

Title: Implementation of the Satellite Home Viewer Improvement Act of 1999: Local Broadcast Signal Carriage Issues and Retransmission Consent Issues, 47 CFR Section 76.66.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 10,300 respondents; 11,978 responses.

Estimated Time per Response: 1 hour to 5 hours.

Frequency of Response: Third party disclosure requirement; On occasion reporting requirement; Once every three years reporting requirement; Recordkeeping requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 325, 338, 339 and 340.

Total Annual Burden: 12,186 hours.

Total Annual Cost: $24,000.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The following information collection requirements are approved under this collection: 47 CFR 76.66(d)(6) addresses satellite carriage after a market modification is granted by the Commission. The rule states that television broadcast stations that become eligible for mandatory carriage with respect to a satellite carrier (pursuant to § 76.66) due to a change in the market definition (by operation of a market modification pursuant to § 76.59) may, within 30 days of the effective date of the new definition, elect retransmission consent or mandatory carriage with respect to such carrier. A satellite carrier shall commence carriage within 90 days of receiving the carriage election from the television broadcast station. The election must be made in accordance with the requirements of 47 CFR 76.66(d)(1).

47 CFR 76.66(b)(1) states each satellite carrier providing, under section 122 of title 17, United States Code, secondary transmissions to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, shall carry upon request the signals of all television broadcast stations located within that local market, subject to section 325(b) of title 47, United States Code, and other paragraphs in this section. Satellite carriers are required to carry digital-only stations upon request in markets in which the satellite carrier is providing any local-into-local service pursuant to the statutory copyright license.

47 CFR 76.66(b)(2) requires a satellite carrier that offers multichannel video programming distribution service in the United States to more than 5,000,000 subscribers shall, no later than

December 8, 2005, carry upon request the signal originating as an analog signal of each television broadcast station that is located in a local market in Alaska or Hawaii; and shall, no later than June 8, 2007, carry upon request the signals originating as digital signals of each television broadcast station that is located in a local market in Alaska or Hawaii. Such satellite carrier is not required to carry the signal originating as analog after commencing carriage of digital signals on June 8, 2007.

Carriage of signals originating as digital signals of each television broadcast station that is located in a local market in Alaska or Hawaii shall include the entire free over-the-air signal, including multicast and high definition digital signals.

47 CFR 76.66(c)(3)–(4) requires that a commercial television station notify a satellite carrier in writing whether it elects to be carried pursuant to retransmission consent or mandatory consent in accordance with the established election cycle. 47 CFR 76.66(c)(5) requires that a noncommercial television station must request carriage by notifying a satellite carrier in writing in accordance with the established election cycle.

47 CFR 76.66(c)(6) requires a commercial television broadcast station located in a local market in a noncontiguous state to make its retransmission consent-mandatory carriage election by October 1, 2005, for carriage of its signals that originate as analog signals for carriage commencing on December 8, 2005 and ending on December 31, 2008, and by April 1, 2007 for its signals that originate as digital signals for carriage commencing on June 8, 2007 and ending on December 31, 2008. For analog and digital signal carriage cycles commencing after December 31, 2008, such stations shall follow the election cycle in 47 CFR 76.66(c)(2) and 47 CFR 76.66(c)(4). A noncommercial television broadcast station located in a local market in Alaska or Hawaii must request carriage by October 1, 2005, for carriage of its signals that originate as an analog signal for carriage commencing on December 8, 2005 and ending on December 31, 2008, and by April 1, 2007 for its signals that originate as digital signals for carriage commencing on June 8, 2007 and ending on December 31, 2008. Moreover, Section 76.66(c) requires a commercial television station located in a local market in a noncontiguous state to provide notification to a satellite carrier whether it elects to be carried pursuant to retransmission consent or mandatory consent.

47 CFR 76.66(d)(1)(ii) states an election request made by a television station must be in writing and sent to the satellite carrier's principal place of business, by certified mail, return receipt requested.

47 CFR 76.66(d)(1)(iii) states a television station's written notification shall include the: (A) Station's call sign; (B) Name of the appropriate station contact person; (C) Station's address for purposes of receiving official correspondence; (D) Station's community of license; (E) Station's DMA assignment; and (F) For commercial television stations, its election of mandatory carriage or retransmission consent.

47 CFR 76.66(d)(1)(iv) Within 30 days of receiving a television station's carriage request, a satellite carrier shall notify in writing: (A) Those local television stations it will not carry, along with the reasons for such a decision; and (B) those local television stations it intends to carry.

47 CFR 76.66(d)(2)(i) states a new satellite carrier or a satellite carrier providing local service in a market for the first time after July 1, 2001, shall inform each television broadcast station licensee within any local market in which a satellite carrier proposes to commence carriage of signals of stations from that market, not later than 60 days prior to the commencement of such carriage (A) Of the carrier's intention to launch local-into-local service under this section in a local market, the identity of that local market, and the location of the carrier's proposed local receive facility for that local market; (B) Of the right of such licensee to elect carriage under this section or grant retransmission consent under section 325(b); (C) That such licensee has 30 days from the date of the receipt of such notice to make such election; and (D) That failure to make such election will result in the loss of the right to demand carriage under this section for the remainder of the 3-year cycle of carriage under section 325.

47 CFR 76.66(d)(2)(ii) states satellite carriers shall transmit the notices required by paragraph (d)(2)(i) of this section via certified mail to the address for such television station licensee listed in the consolidated database system maintained by the Commission.

47 CFR 76.66(d)(2)(iii) requires a satellite carrier with more than five million subscribers to provide a notice as required by 47 CFR 76.66(d)(2)(i) and 47 CFR 76.66(d)(2)(ii) to each television broadcast station located in a local market in a noncontiguous state, not later than September 1, 2005 with respect to analog signals and a notice not later than April 1, 2007 with respect to digital signals; provided, however, that the notice shall also describe the carriage requirements pursuant to Section 338(a)(4) of Title 47, United States Code, and 47 CFR 76.66(b)(2).

47 CFR 76.66(d)(2)(iv) requires that a satellite carrier shall commence carriage of a local station by the later of 90 days from receipt of an election of mandatory carriage or upon commencing local-into-local service in the new television market.

47 CFR 76.66(d)(2)(v) states within 30 days of receiving a local television station's election of mandatory carriage in a new television market, a satellite carrier shall notify in writing: Those local television stations it will not carry, along with the reasons for such decision, and those local television stations it intends to carry.

47 CFR 76.66(d)(2)(vi) requires satellite carriers to notify all local stations in a market of their intent to launch HD carry-one, carry-all in that market at least 60 days before commencing such carriage.

47 CFR 76.66(d)(3)(ii) states a new television station shall make its election request, in writing, sent to the satellite carrier's principal place of business by certified mail, return receipt requested, between 60 days prior to commencing broadcasting and 30 days after commencing broadcasting. This written notification shall include the information required by paragraph (d)(1)(iii) of this section.

47 CFR 76.66(d)(3)(iv) states within 30 days of receiving a new television station's election of mandatory carriage, a satellite carrier shall notify the station in writing that it will not carry the station, along with the reasons for such decision, or that it intends to carry the station.

47 CFR 76.66(d)(5)(i) states beginning with the election cycle described in § 76.66(c)(2), the retransmission of significantly viewed signals pursuant to § 76.54 by a satellite carrier that provides local-into-local service is subject to providing the notifications to stations in the market pursuant to paragraphs (d)(5)(i)(A) and (B) of this section, unless the satellite carrier was retransmitting such signals as of the date these notifications were due. (A) In any local market in which a satellite carrier provided local-into-local service on December 8, 2004, at least 60 days prior to any date on which a station must make an election under paragraph (c) of this section, identify each affiliate of the same television network that the carrier reserves the right to retransmit into that station's local market during the next election cycle and the

communities into which the satellite carrier reserves the right to make such retransmissions; (B) In any local market in which a satellite carrier commences local-into-local service after December 8, 2004, at least 60 days prior to the commencement of service in that market, and thereafter at least 60 days prior to any date on which the station must thereafter make an election under § 76.66(c) or (d)(2), identify each affiliate of the same television network that the carrier reserves the right to retransmit into that station's local market during the next election cycle.

47 CFR 76.66(f)(3) states except as provided in 76.66(d)(2), a satellite carrier providing local-into-local service must notify local television stations of the location of the receive facility by June 1, 2001 for the first election cycle and at least 120 days prior to the commencement of all election cycles thereafter.

47 CFR 76.66(f)(4) states a satellite carrier may relocate its local receive facility at the commencement of each election cycle. A satellite carrier is also permitted to relocate its local receive facility during the course of an election cycle, if it bears the signal delivery costs of the television stations affected by such a move. A satellite carrier relocating its local receive facility must provide 60 days notice to all local television stations carried in the affected television market.

47 CFR 76.66(h)(5) states a satellite carrier shall provide notice to its subscribers, and to the affected television station, whenever it adds or deletes a station's signal in a particular local market pursuant to this paragraph.

47 CFR 76.66(m)(1) states whenever a local television broadcast station believes that a satellite carrier has failed to meet its obligations under this section, such station shall notify the carrier, in writing, of the alleged failure and identify its reasons for believing that the satellite carrier failed to comply with such obligations.

47 CFR 76.66(m)(2) states the satellite carrier shall, within 30 days after such written notification, respond in writing to such notification and comply with such obligations or state its reasons for believing that it is in compliance with such obligations.

47 CFR 76.66(m)(3) states a local television broadcast station that disputes a response by a satellite carrier that it is in compliance with such obligations may obtain review of such denial or response by filing a complaint with the Commission, in accordance with § 76.7 of title 47, Code of Federal Regulations. Such complaint shall allege the manner in which such satellite carrier has failed to meet its obligations and the basis for such allegations.

47 CFR 76.66(m)(4) states the satellite carrier against which a complaint is filed is permitted to present data and arguments to establish that there has been no failure to meet its obligations under this section.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2018–25801 Filed 11–26–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0678]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before December 27, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control No.: 3060–0678.

Title: Part 25 of the Federal Communications Commission's Rules

Governing the Licensing of, and Spectrum Usage by, Commercial Earth Stations and Space Stations.

Form Nos.: FCC Form 312; Schedule A; Schedule B; Schedule S; FCC Form 312–EZ; FCC Form 312–R.

Type of Review: Revision of a currently approved information collection.

Respondents: Business or other for-profit entities; not-for-profit entities.

Number of Respondents: 7,170 respondents; 7,219 responses.

Estimated Time per Response: 0.5–80 hours per response.

Frequency of Response: On occasion, one time, and annual reporting requirements; third-party disclosure requirement; recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 154, 301, 302, 303, 307, 309, 310, 319, 332, 605, and 721.

Total Annual Burden: 42,014 hours.

Annual Cost Burden: $12,411,120.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general, there is no need for confidentiality with this collection of information. Certain information collected regarding international coordination of satellite systems is not routinely available for public inspection pursuant to 5 U.S.C. 552(b) and 47 CFR 0.457(d)(vii).

Needs and Uses: The Federal Communications Commission requests that the Office of Management and Budget (OMB) approve a revision of the information collection titled ''Part 25 of the Federal Communications Commission's Rules Governing the Licensing of, and Spectrum Usage By, Commercial Earth Stations and Space Stations'' under OMB Control No. 3060–0678, as a result of a recent rulemaking discussed below.

On July 13, 2018, the Federal Communications Commission (''Commission'') released an Order titled, ''In the Matter of Expanding Flexible Use of the 3.7 to 4.2 GHz Band; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz; Petition for Rulemaking to Amend and Modernize Parts 25 and 101 of the Commission's Rules to Authorize and Facilitate the Deployment of Licensed Point-to-Multipoint Fixed Wireless Broadband Service in the 3.7–4.2 GHz Band; Fixed Wireless Communications Coalition, Inc., Request for Modified Coordination Procedures in Band Shared Between the Fixed Service and the Fixed Satellite Service,'' GN Docket No. 18–122, GN Docket No. 17–183, RM–11791, RM–11778 (FCC 18–91). The Order has been published in the **Federal Register**. 83 FR 42043 (Aug. 20, 2018).

In this proceeding, the Commission seeks to identify potential opportunities for additional terrestrial use for wireless broadband services of 500 megahertz of mid-band spectrum between 3.7–4.2 GHz. In response to concerns that the Commission's information regarding current use of the band is inaccurate and/or incomplete, the Commission adopted an Order requesting additional information from operators in the fixed-satellite service (FSS). Specifically, for FSS operators in the 3.7–4.2 GHz band, the Order (1) requests additional information on the operations of temporary-fixed earth station licensees, and (2) requests additional information on the operations of space stations. This information collection will provide the Commission and the public with additional information about existing FSS operators that will be used to consider potential new terrestrial services in the 3.7–4.2 GHz band while protecting the interests of those FSS operators. The Order also requires certain earth station operators to file certifications that information on file with the Commission remains accurate.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2018–25800 Filed 11–26–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1151]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before January 28, 2019. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1151.

Title: Sections 1.1411, 1.1412, 1.1413, and 1.1415 Pole Attachment Access Requirements.

Form Number: N/A.

Type of Review: Revision of a currently-approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 1,142 respondents; 145,538 responses.

Estimated Time per Response: 0.5–6 hours.

Frequency of Response: On-occasion reporting requirement, recordkeeping requirement, and third-party disclosure requirement.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 224.

Total Annual Burden: 554,410 hours.

Total Annual Cost: $6,750,000.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: No questions of a confidential nature are asked.

Needs and Uses: The Commission is requesting Office of Management and Budget (OMB) approval for revisions to,

and a three-year extension of, this information collection. In *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment,* WC Docket No. 17–84, WT Docket No. 17–70, Third Report and Order and Declaratory Ruling, FCC 18–111 (2018) (Order), the Commission adopted rules that implement the pole attachment requirements in section 224 of the Communications Act of 1934, as amended. The Order substantially revised 47 CFR 1.1411, 1.1412, and 1.1413. It also added new 47 CFR 1.1415.

Section 1.1411. In the Order, the Commission adopted a new one-touch, make-ready (OTMR) process for when a telecommunications carrier or cable television system (new attacher) elects to do the work itself to prepare a utility pole for a simple wireline attachment in the communications space. As part of the OTMR process, the new attacher typically first conducts a survey of the affected poles, giving the utility and existing attachers a chance to be present for the survey. New attachers must elect the OTMR process in their pole attachment application and must demonstrate to the utility that the planned work qualifies for OTMR. The utility then must determine whether the pole attachment application is complete and whether the work qualifies for OTMR, and then must either grant or deny pole access and explain its decision in writing. The utility also can object to the new attacher's determination that the work qualifies for OTMR, and that objection is final and determinative so long as it is specific and in writing, includes all relevant evidence and information supporting its decision, made in good faith, and explains how such evidence and information relates to a determination that the make-ready is not simple. If the new attacher's OTMR application is approved, then it can proceed with OTMR work by giving advance notice to the utility and existing attachers and allowing them an opportunity to be present when OTMR work is being done. New attachers must provide immediate notice to affected utilities and existing attachers if outages or equipment damage is caused by their OTMR work. Finally, new attachers must provide notice to affected utilities and existing attachers after OTMR work is completed, allowing them to inspect the work and request remediation, if necessary.

The Commission also adopted changes to its existing pole attachment timeline, which still will be used for complex work, work above the communications space on a utility pole, and in situations where new attachers do not want to elect OTMR. The Commission largely kept the existing pole attachment timeline intact, except for the following changes: (1) Revising the definition of a complete pole attachment application and establishing a timeline for a utility's determination whether an application is complete; (2) requiring utilities to provide at least three business days' advance notice of any surveys to attachers; (3) establishing a 30-day deadline for completion of all make-ready work in the communications space; (4) eliminating the 15-day utility make-ready period for communications space attachments; (5) streamlining the utility's notice requirements; (6) enhancing the new attacher's self-help remedy by making the remedy available for surveys and make-ready work for all attachments anywhere on the pole in the event that the utility or the existing attachers fail to meet the required deadlines; (7) providing notice requirements when new attachers elect self-help, such notices to be given when new attachers perform self-help surveys and make-ready work, when outages or equipment damage results from self-help work, and upon completion of self-help work to allow for inspection; (8) allowing utilities to meet the survey requirement by electing to use surveys previously prepared on the affected poles by new attachers; and (9) requiring utilities to provide detailed make-ready cost estimates and final invoices on a pole-by-pole basis if requested by new attachers. Both utilities and existing attachers can deviate from the existing pole attachment make-ready timeline for reasons of safety or service interruption by giving written notice to the affected parties that includes a detailed explanation of the need for the deviation and a new completion date. The deviation shall be for a period no longer than necessary to complete make-ready on the affected poles, and the deviating party shall resume make-ready without discrimination when it returns to routine operations.

Section 1.1412. The Commission required utilities to make available, and keep up-to-date, a reasonably sufficient list of contractors that they authorize to perform surveys and make-ready work that are complex or involve self-help work above the communications space of a utility pole. Attachers can request to add to the list any contractor that meets certain minimum qualifications, subject to the utility's ability to reasonably object. For simple work, a utility may, but is not required, to keep an up-to-date, reasonably sufficient list of contractors that they authorize to perform surveys and simple make-ready work. For any utility-supplied contractor list, the utility must ensure that the contractors meet certain minimum requirements. Attachers can request to add to the list any contractor that meets the minimum qualifications, subject to the utility's ability to reasonably object. If the utility does not provide a list of approved contractors for surveys or simple make-ready, or no utility-approved contractor is available within a reasonable time period, then the new attacher may choose its own qualified contractor that meets the minimum requirements, subject to notice and the utility's ability to disqualify the chosen contractor for reasonable safety or reliability concerns.

Section 1.1413. The Commission established a presumption that in a complaint proceeding challenging a utility's rates, terms, or conditions of pole attachment, an incumbent local exchange carrier (LEC) is similarly situated to an attacher that is a telecommunications carrier or a cable television system providing telecommunications services for purposes of obtaining comparable pole attachment rates, terms, or conditions. To rebut the presumption, the utility must demonstrate by clear and convincing evidence that the incumbent LEC receives benefits under its pole attachment agreement with a utility that materially advantages the incumbent LEC over other telecommunications carriers or cable television systems providing telecommunications service on the same poles. Such a presumption applies only to pole attachment agreements entered into, or renewed after, the effective date of the Order, The Commission addressed the paperwork burdens for changes to Section 1.1413 in a separate collection—OMB Control No. 3060–0392, 47 CFR part 1 Subpart J—Pole Attachment Complaint Procedures.

Section 1.1415. The Commission adopted a new rule codifying its policy that utilities may not require an attacher to obtain prior approval for overlashing on an attacher's existing wires or for third-party overlashing of an existing attachment when such overlashing is conducted with the permission of the existing attacher. In addition, the Commission adopted a rule that allows utilities to establish reasonable advance notice requirements for overlashing (up to 15 days' advance notice). If a utility requires advance notice for overlashing, then the utility must provide existing attachers with advance written notice of the notice requirement or include the notice requirement in the attachment agreement with the existing attacher. If,

after receiving advance notice, the utility determines that an overlash would create a capacity, safety, reliability, or engineering issue, then it must provide specific documentation of the issue to the party seeking to overlash within the 15-day advance notice period, and the party seeking to overlash must address any identified issues before continuing with the overlash either by modifying its proposal or by explaining why, in the party's view, a modification is unnecessary. An overlashing party must notify the affected utility within 15 days of completion of the overlash and provide the affected utility at least 90 days to inspect the overlash. If damage or code violations are discovered by the utility during the inspection, then it must notify the overlashing party, provide adequate documentation of the problem, and elect to either fix the problem itself at the overlashing party's expense or require remediation by the overlashing party.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2018–25794 Filed 11–26–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before December 27, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page, *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection.

Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–XXXX.

Title: Intermediate Provider Registry, WC Docket No. 13–39.

Form Number: N/A.

Type of Review: New information collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 168 respondents; 168 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: Third-party disclosure; one-time reporting requirement; on occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection is contained in sections 1, 4(i), 201(b), 202(a), 217, and 262 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 201(b), 202(a), 217, and 262.

Total Annual Burden: 168 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No impact(s).

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

Needs and Uses: The Improving Rural Call Quality and Reliability Act of 2017 (RCC Act), Public Law 115–129, requires the Commission establish a registry for intermediate providers and requires intermediate providers register with the Commission before offering to transmit covered voice communications. The information collected through this information collection will be used to implement Congress's direction to the Commission to establish an intermediate provider registry.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2018–25797 Filed 11–26–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1217]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before January 28, 2019. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–1217.

Title: Ensuring Continuity of 911 Communications Report and Order, PS Docket No. 14–174, FCC 15–98.

Form No.: N/A (Disclosure required to be made to subscribers).

Type of Review: Extension of a currently approved collection.

Respondents: Business or for-profit.

Number of Respondents and Reponses: 570 respondents; 570 responses.

Estimated Time per Response: 12 hours (on average) per initial notification, varies by respondent.

Frequency of Response: Annual reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in sections 1, 4(i), and 251(e)(3) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 251(e)(3); section 101 of the NET 911 Improvement Act of 2008, Public Law 110–283, 47 U.S.C. 615a–1; and section 106 of the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 47 U.S.C. 615c.

Total Annual Burden: 1,888 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No impact.

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit confidential information to the Commission.

Needs and Uses: Section 12.5 of our rules places limited backup power obligations on providers of facilities-based fixed, residential voice services that are not line-powered to ensure that such service providers meet their obligation to provide access to 911 service during a power outage, and to provide clarity for the role of consumers and their communities should they elect not to purchase backup power. Specifically, we require providers to disclose to subscribers the following information: (1) Availability of backup power sources; (2) service limitations with and without backup power during a power outage; (3) purchase and replacement options; (4) expected backup power duration; (5) proper usage and storage conditions for the backup power source; (6) subscriber backup power self-testing and monitoring instructions; and (7) backup power warranty details, if any. Each element of this information must be given to subscribers both at the point of sale and annually thereafter, as described in the rule.

The disclosure requirements are intended to equip subscribers with necessary information to purchase and maintain a source of backup power to enhance their ability to maintain access to reliable 911 service from their homes.

We permit providers to convey both the initial and annual disclosures and information described above by any means reasonably calculated to reach the individual subscriber. For example, a provider may meet this obligation through a combination of disclosures via email, an online billing statement, or other digital or electronic means for subscribers that communicate with the provider through these means. For a subscriber that does not communicate with the provider through email and/or online billing statements—such as someone who ordered service on the phone or in a physical store and receives a paper bill by regular mail—email would not be a means reasonably calculated to reach that subscriber.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2018–25802 Filed 11–26–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0075, 3060–0261, 3060–0332 and 3060–0998]

Information Collections Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to

further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before January 28, 2019. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email: *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0075.

Title: Application for Transfer of Control of a Corporate Licensee or Permittee, or Assignment of License or Permit, for an FM or TV Translator Station, or a Low Power Television Station, FCC Form 345.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not for profit institutions; Local or Tribal Government.

Number of Respondents and Responses: 1,700 respondents; 2,700 responses.

Estimated Time per Response: 0.084–1.25 hours.

Frequency of Response: Third party disclosure requirement and on occasion reporting requirement.

Total Annual Burden: 2,667 hours.

Total Annual Cost: $3,910,525.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i) and 310 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: Filing of the FCC Form 345 is required when applying for authority for assignment of license or permit, or for consent to transfer of control of a corporate licensee or permittee for an FM or TV translator station, or low power TV station. This collection also includes the third party disclosure requirement of 47 CFR 73.3580 (OMB approval was received for Section 73.3580 under OMB Control Number 3060–0031). 47 CFR 73.3580 requires local public notice in a newspaper of general circulation in the community in which the station is located or providing notice over the air of the filing of all applications for assignment of license/permit. This notice must be completed within 30 days of the tendering of the application. A copy of the newspaper notice or a record of the broadcast notice and the application must be placed in the public inspection file.

OMB Control Number: 3060–0261.

Title: Section 90.215, Transmitter Measurements.

Form No.: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions and state, local or tribal Government.

Number of Respondents: 18,251 respondents; 24,778 responses.

Estimated Time per Response: .033 hours.

Frequency of Response: Recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 303(f) of the Communications Act of 1934, as amended.

Total Annual Burden: 818 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The information collection requirements contained in Section 90.215 require station licensees to measure the carrier frequency, output power, and modulation of each transmitter authorized to operate with power in excel of two watts when the transmitter is initially installed and when any changes are made which would likely affect the modulation characteristics. Such measurements, which help ensure proper operation of transmitters, are to be made by a qualified engineering measurement service, and are required to be retained in the station records, along with the name and address of the engineering measurement service, and the name of the person making the measurements. The information is normally used by the licensee to ensure that equipment is operating within prescribed tolerances. Prior technical operation of transmitters helps limit interference to other users and provides the licensee with the maximum possible utilization of equipment.

OMB Control Number: 3060–0332.

Title: Section 76.614, Cable Television System Regular Monitoring, and Section 76.1706, Signal Leakage Logs and Repair Records.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 5,800 respondents and 4,062 responses.

Estimated Hours per Response: .0167–0.5 hours.

Frequency of Response: Recordkeeping requirement; On occasion reporting requirement.

Total Annual Burden: 4,062 hours.

Total Annual Cost: None.

Nature of Response: Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 302 and 303 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment: No impact(s).

Needs and Uses: The information collection requirements contained in 47 CFR 76.1706 require cable operators shall maintain a log showing the date and location of each leakage source identified pursuant to 47 CFR 76.614, the date on which the leakage was repaired, and the probable cause of the leakage. The log shall be kept on file for a period of two years and shall be made available to authorized representatives of the Commission upon request.

OMB Control No.: 3060–0998.

Title: Section 87.109, Station logs.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 5 respondents and 5 responses.

Estimated Time per Response: 100 hours.

Frequency of Response: Recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in 47 U.S.C. 154, 303 and 307(e) unless otherwise noted.

Total Annual Burden: 500 hours.

Annual Cost Burden: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The information collection requirements contained in Section 87.109 of the Commission's rules require that a station at a fixed location in the international aeronautical mobile service (IAMS) must maintain a log (written or automatic log) in accordance with the Annex 10 provisions of the International Civil Aviation Organization (ICAO) Convention. This log is necessary to document the quality of service provided by fixed stations, including the harmful interference, equipment failure, and logging of distress and safety calls where applicable. This information is used by the Commission to ensure that particular stations are licensed and operated in compliance with applicable rules, statutes, and treaties.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2018–25796 Filed 11–26–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request (OMB No. 3064–0161)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collection described below (3064–0161).

DATES: Comments must be submitted on or before January 28, 2019.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *https://www.FDIC.gov/regulations/laws/federal.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Jennifer Jones (202–898–6768), Counsel, MB–3105, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jennifer Jones, Counsel, 202–898–6768, *jennjones@fdic.gov,* MB–3105, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Proposal to renew the following currently approved collection of information:

1. *Title:* Furnisher Information Accuracy and Integrity (FACTA 312).

OMB Number: 3064–0161.

Form Number: None.

Affected Public: State nonmember banks.

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency of responses	Estimated time per response	Frequency of response	Total annual estimated burden (hours)
Procedures to Enhance the Accuracy and Integrity of Information furnished to Consumer Reporting Agencies Under Section 312 of the Fair and Accurate Credit Transaction Act.	Reporting	Mandatory	3,533	1	40 hours	Annually	141,320
Distribution of Notices in Response to Direct Disputes.	Third-Party Disclosure.	Mandatory	3,533	1	14 minutes ...	On Occasion	16,487
Total Hourly Burden	.....	.....	.....	.....	.....	.....	157,807

General Description of Collection: Sec. 312 of the Fair and Accurate Credit Transaction Act of 2003 (FACT Act) requires the FDIC to: Issue guidelines for furnishers regarding the accuracy and integrity of the information about consumers furnished to consumer reporting agencies; prescribe regulations requiring furnishers to establish reasonable policies/procedures to implement the guidelines; and issue regulations identifying the circumstances where a furnisher must reinvestigate a dispute about the accuracy of information in a consumer report based on a direct request from a consumer.

There is no change in the method or substance of the collection. The overall reduction in burden hours is the result of economic fluctuation. In particular, the number of respondents has decreased while the hours per response and frequency of responses have remained the same.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the

burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, on November 21, 2018. Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2018–25762 Filed 11–26–18; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 21, 2018.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23219. Comments can also be sent electronically to or *Comments.applications@rich.frb.org:*

1. *Union Bankshares Corporation, Richmond, Virginia;* to acquire 100 percent of the voting shares of Access National Corporation, and indirectly acquire voting shares of Access National Bank, both of Reston, Virginia.

B. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Blackhawk Bancorp, Inc., Beloit, Wisconsin;* to acquire 100 percent of the voting shares First McHenry Corporation and thereby indirectly acquire voting shares of The First National Bank of McHenry, both of McHenry, Illinois.

Board of Governors of the Federal Reserve System, November 21, 2018.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2018–25816 Filed 11–26–18; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission (FTC).

ACTION: Notice and request for comment.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, the FTC is seeking public comments on its request to OMB to extend for three years the current PRA clearances for information collection requirements contained in the agency's shared enforcement with the Consumer Financial Protection Bureau (''CFPB'') of subpart N of the CFPB's Regulation V (''Rule''). That clearance expires on November 30, 2018.

DATES: Comments must be received by December 27, 2018.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Paperwork Reduction Act: FTC File No. P072108'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/regulationVsubpartNpra2* by 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 J), 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 J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements should be addressed to Ryan Mehm, Attorney, Bureau of Consumer Protection, (202) 326–2918, Federal Trade Commission, 600 Pennsylvania Ave. NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Title: Regulation V, Subpart N (12 CFR 1022.130–1022.138).

OMB Control Number: 3084–0128.

Type of Review: Extension of a currently approved collection.

Abstract: The FTC shares enforcement authority with the CFPB for subpart N of Regulation V. Subpart N requires nationwide consumer reporting agencies and nationwide consumer specialty reporting agencies to provide to consumers, upon request, one free file disclosure within any 12-month period. Generally, it requires the nationwide consumer reporting agencies, as defined in Section 603(p) of the Fair Credit Reporting Act (''FCRA''), 15 U.S.C. 1681a(p), to create and operate a centralized source that provides consumers with the ability to request their free annual file disclosures from each of the nationwide consumer reporting agencies through a centralized internet website, toll-free telephone number, and postal address. Subpart N also requires the nationwide consumer reporting agencies to establish a standardized form for internet and mail requests for annual file disclosures, and provides a model standardized form that may be used to comply with that requirement. It additionally requires nationwide specialty consumer reporting agencies, as defined in Section 603(w) of the FCRA, 15 U.S.C. 1681a(w), to establish a streamlined process for consumers to request annual file disclosures. This streamlined process must include a toll-free telephone number for consumers to make such requests.

On August 27, 2018, the FTC sought public comment on the information collection requirements associated with subpart N (83 FR 43683). No relevant public comments were received. Since the FTC sought public comment on August 27, 2018, the Consumer Data Industry Association provided an updated estimate regarding the number of free annual file disclosures requested by consumers through the centralized internet website required to be established by the FACT Act and subpart N. Accordingly, the FTC updated the PRA burden analysis based on this data.

Pursuant to the OMB regulations, 5 CFR part 1320, that implement the PRA,

44 U.S.C. 3501 *et seq.,* the FTC is providing a second opportunity for the public to comment on: (1) Whether the disclosure requirements are necessary, including whether the information will be practically useful; (2) the accuracy of our burden estimates, including whether the methodology and assumptions used are valid; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information.

Burden Statement

Because the FTC shares enforcement authority with the CFPB for subpart N, the two agencies split between them the related estimate of PRA burden for firms under their co-enforcement jurisdiction. The overall burden calculations attributable to the CFPB and the FTC, are set out below. In summary after splitting between the two agencies, the estimated annual burden solely for FTC would be 176,360 hours, $3,560,755 in associated labor costs, and $5,677,650 in non-labor/capital costs.

A. Requests per Year From Consumers for Free Annual File Disclosures

The Consumer Data Industry Association (''CDIA'') estimated that in 2016 and 2017, the nationwide consumer reporting agencies provided on average approximately 25 million free annual file disclosures through the centralized internet website required to be established by the FACT Act and subpart N. Based on its knowledge of the industry, FTC staff believes that the consumer reporting agencies provided no more than 6 million free annual file disclosures through the centralized toll-free telephone number and postal address required to be established by the FACT Act and subpart N. Accordingly, we are now estimating 31 million requests per year as a representative average year to estimate PRA burden for purposes of the instant analysis. When it last sought clearance renewal for the Rule, the FTC had been unable to obtain, through public comment or otherwise, updated information on request volume. As a proxy, it then assumed a volume of 35 million requests per year. The CDIA attributes this decrease to the many new and alternative channels where consumers can access credit reports.

B. Annual File Disclosures Provided Through the Internet

Both nationwide and nationwide specialty consumer reporting agencies will likely handle the overwhelming majority of consumer requests through internet websites. The annual file disclosure requests processed through the internet will not impose any hours burden per request on the nationwide and nationwide specialty consumer reporting agencies. However, consumer reporting agencies periodically will be required to adjust the internet capacity needed to handle the changing request volume. Consumer reporting agencies likely will make such adjustments by negotiating or renegotiating outsourcing service contracts annually or as conditions change. Trained personnel will need to spend time negotiating and renegotiating such contracts. Commission staff estimates that negotiating such contracts will require a cumulative total of 8,320 hours and $598,957 in labor costs. Based on the time necessary for similar activity in the federal government (including at the FTC), staff estimates that such contracting and administration will require approximately four full-time equivalent employees (''FTE'') for the web service contracts. Thus, staff estimates that administering the contract will require four FTE, which is 8,320 hours per year (four FTE × 2,080 hours/year). The cost is based on the reported May 2017 Bureau of Labor Statistics (BLS) rate ($71.99) for computer and information systems managers. *See Occupational Employment and Wages—May 2017,* Table 1, *available at https://www.bls.gov/news.release/ocwage.t01.htm.* Thus, the estimated setup and maintenance cost for an internet system is $598,957 per year (8,320 hours × $71.99/hour).[1] Such activity is treated as an annual burden of maintaining and adjusting the changing internet capacity requirements.

C. Annual File Disclosures Requested Over the Telephone

Most of the telephone requests for annual file disclosures will also be handled in an automated fashion, without any additional personnel needed to process the requests. As with the internet, consumer reporting agencies will require additional time and investment to increase and administer the automated telephone capacity for the expected increase in request volume. The nationwide and nationwide specialty consumer reporting agencies will likely make such adjustments by negotiating or renegotiating outsourcing service contracts annually or as conditions change. Staff estimates that this will require a total of 6,240 hours at a cost of $449,218 in labor costs.[2] This activity also is treated as an annual recurring burden necessary to obtain, maintain, and adjust automated call center capacity.

D. Annual File Disclosures Requiring Processing by Mail

Based on their knowledge of the industry, staff believes that no more than 1% of consumers (1% × 31 million, or 310,000) will request an annual file disclosure through U.S. postal service mail. Staff estimates that clerical personnel will require 10 minutes per request to handle these requests, thereby totaling 51,667 hours of time. [(310,000 × 10 minutes)/60 minutes per hour = 51,667 hours]

In addition, whenever the requesting consumer cannot be identified using an automated method (a website or automated telephone service), it will be necessary to redirect that consumer to send identifying material along with the request by mail. Staff estimates that this will occur in about 5% of the new requests (or 1,534,500)[3] that were originally placed over the internet or telephone. Staff estimates that clerical personnel will require approximately 10 minutes per request to input and process those redirected requests for a cumulative total of 255,750 clerical hours. [(1,534,500 × 10 minutes)/60 minutes per hour = 255,750 hours]

E. Instructions to Consumers

The Rule also requires that certain instructions be provided to consumers. *See* Rule sections 1022.136(b)(2)(iv)(A–B), 1022.137(a)(2)(iii)(A–B). Minimal associated time or cost is involved, however. Internet instructions to consumers are embedded in the centralized source website and do not require additional time or cost for the nationwide consumer reporting

[1] Based on the time necessary for similar activity in the federal government (including at the FTC), staff estimates that such contracting and administration will require approximately four full-time equivalent employees (''FTE'') for the web service contracts. Thus, staff estimates that administering the contract will require four FTE, which is 8,320 hours per year (four FTE × 2,080 hours/year). The cost is based on the reported May 2017 Bureau of Labor Statistics (BLS) rate ($71.99) for computer and information systems managers. See Occupational Employment and Wages—May 2017, Table 1, available at *https://www.bls.gov/news.release/ocwage.t01.htm.* Thus, the estimated setup and maintenance cost for an internet system is $598,957 per year (8,320 hours × $71.99/hour).

[2] Staff estimates that recurring contracting for automated telephone capacity will require approximately three FTE, a total of 6,240 hours (3 × 2,080 hours). Applying an hourly wage rate of $71.99 (*see* supra note 1), estimated setup and maintenance cost is $449,218 (6,240 × $71.99) per year.

[3] This figure reflects five percent of all requests, net of the estimated one percent of all requests expected to have initially been made by mail. That is, 0.05 × (31,000,000 − 310,000) = 1,534,500.

agencies. Similarly, for telephone requests, the automated phone systems provide the requisite instructions when consumers select certain options. Some consumers who request their credit reports by mail might additionally request printed instructions from the nationwide and nationwide specialty consumer reporting agencies. Staff estimates that there will be a total of 1,844,500 requests each year for free annual file disclosures by mail.[4] Based on their knowledge of the industry, staff estimates that, of the predicted 1,844,500 mail requests, 10% (or 184,450) will request instructions by mail. If printed instructions are sent to each of these consumers by mail, requiring 10 minutes of clerical time per consumer, this will total 30,742 hours. [(184,450 instructions × 10 minutes)/60 minutes per hour = 30,742 hours]

F. Labor Costs

Labor costs are derived by applying hourly cost figures to the burden hours described above. Staff anticipates that processing of requests for annual file disclosures and instructions will be performed by clerical personnel, and estimates that the processing will require 338,159 hours at a cost of $6,073,336. [(51,667 hours for handling initial mail request + 255,750 hours for handling requests redirected to mail + 30,742 hours for handling instructions mailed to consumers) × $17.96 per hour.[5]]

As elaborated on above, staff estimates that a total of 14,560 labor hours will be needed to negotiate or renegotiate outsourced service contracts annually (or as conditions otherwise change) to increase internet (8,320 hours) and telephone (6,240 hours) capacity requirements for internet web services and the automated telephone call center. This will result in approximately $1,048,174 per year in labor costs. [14,560 hours × $71.99 per hour [6]] Thus, estimated cumulative labor will costs are $7,121,510.

G. Net Burden for FTC

176,360 hours and $3,560,755 in associated labor costs.

After halving the updated estimates to split the PRA burden with the CFPB regarding the Rule, the FTC's burden totals are 176,360 hours and $3,560,755 in associated labor costs.

H. Estimated Capital and Other Non-Labor Costs

As in the previous PRA clearance analysis, FTC staff believes it is likely that consumer reporting agencies will use third-party contractors (instead of their own employees) to increase the capacity of their systems. Because of the way these contracts are typically established, these costs will likely be incurred on a continuing basis, and will be calculated based on the number of requests handled by the systems. Staff estimates that the total annual amount to be paid for services delivered under these contracts is $11,355,300.[7] After halving the updated estimates to split the PRA burden with the CFPB regarding the Rule, the FTC's burden total is $5,677,650 in non-labor/capital costs.

Request for Comment

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before December 27, 2018. Write ''Paperwork Reduction Act: FTC File No. P072108'' on your 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 Commission website, at *http://www.ftc.gov/os/publiccomments.shtm.*

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, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/regulationVsubpartNpra2* by following the instructions on the web-based form. When this Notice appears at *http://www.regulations.gov,* you also may file a comment through that website.

If you file your comment on paper, write ''Paperwork Reduction Act: FTC File No. P072108'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), 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, submit your paper comment to the Commission by courier or overnight service.

Comments on the information collection requirements subject to review under the PRA should additionally be submitted to OMB. If sent by U.S. mail, they should be addressed to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503. Comments sent to OMB by U.S. postal mail are subject to delays due to heightened security precautions. Thus, comments can also be sent via email to *Wendy_L._Liberante@omb.eop.gov.*

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

[4] This figure includes both the estimated 1% of 31 million requests that will be made by mail each year (310,000), and the estimated 1,534,500 requests initially made over the internet or telephone that will be redirected to the mail process (see *supra* note 3).

[5] *See Occupational Employment and Wages—May 2017,* Table 1, *available at https://www.bls.gov/news.release/ocwage.t01.htm* (Office and administrative support workers, general).

[6] *See supra* notes 1 and 2.

[7] This consists of an estimated $7,588,800 for automated telephone cost ($1.36 per request × 5.58 million requests) and an estimated $3,766,500 ($0.15 per request × 25.11 million requests) for internet web service cost. Per unit cost, estimates are based on staff's knowledge of the industry.

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.

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 December 27, 2018. 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.*

Heather Hippsley,

Deputy General Counsel.

[FR Doc. 2018–25730 Filed 11–26–18; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–PBS–2018–13; Docket No. 2018–0002; Sequence No. 33]

Notice of Availability for the Record of Decision of the Environmental Impact Statement for the Proposed Master Plan for the Consolidation of the U.S. Food and Drug Administration Headquarters at the Federal Research Center at White Oak, located in Silver Spring, MD

AGENCY: Public Buildings Service, National Capital Region, General Services Administration (GSA).

ACTION: Notice of availability for the Record of Decision of the FDA Headquarters Master Plan Environmental Impact Statement.

SUMMARY: GSA issued a Record of Decision (ROD) for the 2018 Master Plan for the Consolidation of the U.S. Food and Drug Administration (FDA) at the Federal Research Center at White Oak, located in Silver Spring, Maryland, on November 14, 2018. The ROD was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality Regulations, and the GSA Public Buildings Service NEPA Desk Guide.

DATES: *Applicable:* Friday, November 30, 2018.

FOR FURTHER INFORMATION CONTACT: Paul Gyamfi, GSA, National Capital Region, Public Buildings Service, Office of Planning and Design Quality, at 202–440–3405. Please contact this number if special assistance is needed to attend and participate in the scoping meeting.

Background

GSA, in cooperation with the U.S. Food and Drug Administration (FDA), has prepared a Master Plan for the consolidation of the FDA headquarters facilities at the Federal Research Center at White Oak (FRC) in Silver Spring, Maryland. The FDA headquarters currently encompasses a 130-acre piece of the FRC, now known as the FDA Campus.

In the fiscal year 2016, Congress provided funding ''for FDA to complete a feasibility study and Master Plan for land inside and contiguous to the White Oak campus to address its expanded workforce and the facilities needed to accommodate them.'' On August 3, 2017, Congress passed the FDA Reauthorization Act (FDARA) of 2017. This new legislation reauthorized the user fee programs necessary for continued support of the agency's pre-market evaluation of prescription drugs, medical devices, generic drugs, and biosimilar products.

Due to these Congressional mandates, FDA is projecting that there will need to be an increase in employees and campus support staff at the FDA Campus. Therefore, GSA has prepared a Master Plan to accommodate future growth and further consolidate FDA operations. The Master Plan will provide a framework for development at the FRC to accommodate up to approximately 18,000 FDA employees and support staff. GSA completed an Environmental Impact Statement (EIS) that assessed the impacts of the population increase and additional growth needed on the FRC to support the increased population.

Preferred Alternative

GSA has chosen to implement Alternative C: Two Large Tower Buildings, as defined in the Final Environmental Impact Statement (EIS) (GSA, September 2018). This decision is based on analyses contained in the 2018 FDA Master Plan Draft EIS issued in March 2018, the 2018 FDA Master Plan Final EIS issued in September 2018, the Memorandum of Agreement (MOA) executed on November 7, 2018, and the comments of Federal and State agencies, stakeholder organizations, members of the public, and elected officials, and other information in the Administrative Record.

Alternative C includes an additional 1,602,371 gross square feet (gsf) of office space and 318,253 gsf of special/shared use space that will be added to the FDA Campus to support FDA's mission for a total of up to 5,687,229 gsf of office, shared, and special use spaces. The East Loop Road will be reconfigured to allow for ease of circulation and access into and out of the FDA Campus. The reconfigured East Loop Road will circle around the new office buildings proposed on the east side of the FDA Campus and will connect with Dalghren Road. At Blandy Road and FDA Boulevard, a new traffic circle will be constructed that will connect it with the Southeast Loop Road. The Southeast Loop Road will circle around the southeast parking garage and connect to the existing Southwest Loop Road that will be reconfigured for the connection.

GSA has chosen to implement Alternative C. Alternative C will also consist of the following:

- Three new office buildings ranging from 8 to 16 stories, placed on the eastern end of the FDA Campus, and one new office building, placed on the western part of the FDA Campus adjacent to Building 22;
- 7,342 additional parking spaces within three new parking garages;
- A Distribution Center will be constructed adjacent to the northeast parking garage;
- A Truck Screening Facility will be constructed at the entrance to the FDA Campus on Michelson Road:
- A new Transit Center will be located on the existing northwest surface lots;
- A free-standing dining facility will be constructed on the plaza near the new buildings:
- A Communications Center will be placed with the new buildings on the eastern end of the campus;
- The plaza will be extended to facilitate a walkable campus; and
- A Conference Center will be placed on the northwest quadrant and existing main campus.

Location of Record of Decision

The ROD can be found on GSA's project website at *www.gsa.gov/ncrnepa.*

Dated: November 20, 2018.

Mina Wright,

Director, Office of Planning and Design Quality, Public Buildings Service, National Capital Region, General Services Administration.

[FR Doc. 2018–25887 Filed 11–26–18; 8:45 am]

BILLING CODE 6820–Y1–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[30Day–19–18AJK]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Agency for Toxic Substances and Disease Registry (ATSDR) has submitted the information collection request titled ''Per- or Polyfluoroalkyl Substances Exposure Assessments (PFAS EAs)'' to the Office of Management and Budget (OMB) for review and approval. ATSDR previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on July 19, 2018 to obtain comments from the public and affected agencies. ATSDR received eight comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

ATSDR will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Per- or Polyfluoroalkyl Substances Exposure Assessments (PFAS EAs)—New—Agency for Toxic Substances and Disease Registry and the National Center for Environmental Health (ATSDR/NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Per- and polyfluoroalkyl substances (PFAS) are a large group of man-made chemicals that have been used in industry and consumer products worldwide since the 1950s. Although some PFAS are no longer produced in the United States, they many remain in the environment and may impact people's health. Thus, PFAS are contaminants that have gained national prominence over the last decade.

Under Section 8006 of the Consolidated Appropriations Act, 2018, the Agency for Toxic Substances and Disease Registry and CDC National Center for Environmental Health (ATSDR/NCEH) are requesting a three-year Paperwork Reduction Act clearance for a new information collection request (ICR). ATSDR/NCEH will conduct exposure assessments (EAs) at current or former domestic military installations known to have PFAS in drinking water, groundwater, or any other sources of water. The annualized number of EAs assumes the following. ATSDR/NCEH will conduct a minimum of eight EAs, but ATSDR/NCEH may complete an additional seven for a total of 15 EAs. Therefore, ATSDR/NCEH anticipates conducting five PFAS EAs each year for three years.

Public health professionals, environmental risk managers, and other decision makers can use EA results to make informed decisions about the sources and impact of PFAS contamination in environmental media within their own community and jurisdiction. The data will support their recommendations for public health actions to reduce or eliminate harmful levels of PFAS in the local environment. These EAs are not intended to yield information about PFAS exposure that will be generalized beyond the defined boundaries of each investigation; however, ATSDR/NCEH will also use these EA findings to inform a future national PFAS health study.

Community Event Evaluation Survey: ATSDR/NCEH will hold a public meeting prior to the start of the EA at each EA location. A Community Event Evaluation Survey will be used as a way for the EA team to receive feedback from prospective EA participants about ATSDR's PFAS public health messaging, the enrollment process and to gauge local feelings toward the ATSDR PFAS EA project. It is assumed that approximately 250 community members will attend the public meeting that will be held to inform the community about the EA effort. Using a response rate of 65 percent, it is assumed that 163 community members will fill out the community event evaluation survey at each EA location and the survey will take approximately 5 minutes (815 members for 5 EAs). The resultant time burden is 68 hours annually for 5 EAs.

Household Eligibility Screener: ATSDR/NCEH will recruit a desired sample size of 379 respondents per EA (1,895 total per year) using statistical household sampling methods. Eligibility criteria for individuals include specific age intervals (*i.e.,* children older than three years given the lack of NHANES comparison data for younger children), lack of bleeding disorders that would prevent a blood draw, and time of residency (*i.e.,* at least one year in the home).

Applying an average U.S. household size of 2.5 members, per EA, ATSDR/NCEH will enroll respondents from 152 eligible households (379/2.5). To identify the 152 eligible households, we further assume a 65 percent household eligibility rate. This will require administering a 5-minute household eligibility phone script to 234 heads-of-households per EA (152 * 100/65), or to 1,170 heads-of-households per year (234 × 5). The annual time burden requested for eligibility screening is 98 hours.

Consents: All eligible respondents will be consented before being included in each EA. The consent forms will include adult consent, and parental permission and child assent forms, as appropriate. Each consented respondent will provide a serum and a urine sample. In addition, heads of households from ten percent of households using tap water for their drinking water will consent to provide tap water and indoor dust samples. The consent forms will include permission to store some biospecimens and environmental samples for future analysis and will include permission to recontact respondents for potential investigations or studies in the future. ATSDR will also collect contact information to provide respondents with their individual sampling results. The time associated with administering the consent forms is approximately 10 minutes for 1,440 adults (240 hours); 10 minutes for 455 parents providing permission for their children aged 3–17

years old (76 hours); and 10 minutes for 191 children aged 12–17 years old who assent for themselves (32 hours).

Exposure Assessment Questionnaires for Biological and Environmental Testing for Adults, Parents, or Children: ATSDR/NCEH will administer an exposure questionnaire to all consented respondents that includes questions associated with potential exposure to PFAS both inside and outside the home (*e.g.,* work or school). The adult questionnaire also includes several questions associated with water use and flooring type while the child questionnaire includes questions regarding playing in soil; these questions are intended to evaluate potential exposure and to support the environmental testing. The time associated with administering the questionnaire and completing the biological sampling is approximately 30 minutes for 1,440 adults (720 hours); 15 minutes for 264 parents responding for their children, 3–11 years old (66 hours); and 15 minutes for 191 children, 12–17 years old, who respond for themselves (48 hours).

Household Recruitment Script for Environmental Sampling: The households providing environmental samples (tap water and indoor dust) will be a random 10 percent subset of households that report using tap water for drinking water. Assuming a 65 percent response rate, ATSDR/NCEH will administer a five-minute recruitment script to 23 heads-of households who are eligible to take part in each EA (152/10 * 100/65). This will result in annual recruitment from 117 heads-of-households and 10 hours for five EAs.

Consent for Environmental Testing: ATSDR/NCEH will consent a 10 percent subset of households deemed eligible for the EA for testing of tap water and indoor dust samples; therefore, the desired number of households is 15 per EA, or 76 per year (152 * 10/100 * 5). The time associated with consenting to the environmental sampling is 10 minutes, resulting in a burden of 13 hours annually for five EAs.

Environmental Sample Collection Form: ATSDR will collect samples from approximately 15 households per EA or 76 households annually (152*10/100*5) and fill out a sample collection form. The average time burden is estimated as 15 minutes per response for the sample collection forms (19 hours annually).

ATSDR estimates the total annualized time burden is 1,390 hours. Participation is voluntary, and there are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
EA Community Members	Community Event Evaluation Survey	815	1	5/60
EA Adults	Household Eligibility Screener	1,170	1	5/60
	Consent	1,440	1	10/60
	Exposure Questionnaire (Adult)for Biological and Environmental Testing.	1,440	1	30/60
EA Parents	Parental Permission	455	1	10/60
	Exposure Questionnaire (Child)for Biological Testing (Parent Proxy).	264	1	15/60
EA Children	Assent	191	1	10/60
	Exposure Questionnaire (Child)for Biological Testing (Child completed).	191	1	15/60
EA Heads-of-Households	Household Recruitment Script for Environmental Sampling	117	1	5/60
	Environmental Sampling Consent Form	76	1	10/60
	Environmental Sample Collection Form	76	1	15/60

Jeffrey M. Zirger,

Acting Team Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2018–25626 Filed 11–26–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–19–19BN; Docket No. CDC–2018–0104]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''Emergency Cruise Ship Outbreak Investigations (CSOIs)''. The purpose of this study is to allow the CDC Vessel Sanitation Program (VSP) to prevent the introduction, transmission, or spread of acute gastroenteritis (AGE) via cruise ships entering the United States from foreign countries.

DATES: CDC must receive written comments on or before January 28, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0104 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.
5. Assess information collection costs.

Proposed Project

Emergency Cruise Ship Outbreak Investigations (COIs)—Existing Collection in Use without an OMB Control Number—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Established in 1975 as a cooperative activity with the cruise ship industry, the Centers for Disease Control and Prevention (CDC) Vessel Sanitation Program (VSP) develops and implements comprehensive sanitation programs to minimize the risk of gastrointestinal diseases, by coordinating and conducting operational inspections, ongoing surveillance of gastrointestinal illness, and outbreak investigations on vessels.

Under the authority of the Public Health Service Act (42 U.S.C. Sections 264 and 269), the VSP is requesting a three-year approval for a new generic clearance information collection request (ICR). This ICR will provide the quick turn-around necessary to conduct emergency cruise ship outbreak investigations (CSOIs) in response to acute gastroenteritis (AGE) outbreaks. CSOIs are used to determine the causative agents and their sources, modes of transmission, or risk factors. The VSP's jurisdiction includes passenger vessels carrying 13 or more people sailing from foreign ports and within 15 days of arriving at a U.S. port.

VSP uses its syndromic surveillance system called the Maritime Illness and Death Reporting System (MIDRS) (approved under ''Foreign Quarantine Regulations'' [OMB Control No. 0920–0134, expiration date 05/31/2019]) to collect aggregate data about the number of people onboard ships in VSP's jurisdiction who are experiencing AGE symptoms. When the levels of illness meet VSP's alert threshold (*i.e.,* at least 2% in either the passenger or crew populations), a special report is made to VSP via MIDRS and remote environmental health and epidemiologic assistance is provided. VSP considers an outbreak to be ≥3% of reportable AGE cases in either guest or crew populations. When assistance is needed due to AGE outbreaks on cruise ships, this often requires VSP to deploy a response team to meet the ship in port within 24 hours of reaching the outbreak threshold, and in some cases deploying the response team to board the ship before its U.S. arrival and sail back to the U.S. port of disembarkation to conduct a more detailed and comprehensive epidemiologic and environmental health evaluation of the outbreak.

Causative agent, sources of exposure, modes of transmission, and risk factors can be ascertained by gathering the following types of information from both the affected and (seemingly) unaffected populations:

- Demographic information,
- Pre-embarkation travel information,
- Symptoms, including type, onset, duration,
- Contact with people who were sick or their body fluids,
- Participation in ship and shore activities,
- Locations of eating and drinking, and
- Foods and beverages consumed both on the ship and on shore.

Rapid and flexible data collection is imperative given the mobile environment, the remaining duration of the voyage left for investigation, and the loss to follow-up if delays allow passengers to disembark and leave the ship, including those returning to locations outside of the U.S.

This new generic clearance will cover investigations that meet all of the following criteria:

- The investigation is urgent in nature (*i.e.,* timely data are needed to inform rapid public health action to prevent or reduce morbidity or mortality).
- The investigation is characterized by undetermined agents, undetermined sources, undetermined modes of transmission, or undetermined risk factors.
- One or more CDC staff (including trainees and fellows) will be deployed to the field.
- Most CSOIs involve two to five days of data collection; data collection is completed in 30 days or less.

This new generic clearance excludes each of the following:

- Investigations related to non-urgent outbreaks or events.
- Investigations conducted for the primary purpose of program evaluation, surveillance, needs assessment, or research (*e.g.,* to contribute to generalizable knowledge).
- Investigations with data collection expected for greater than 30 days.

The VSP estimates 10 CSOIs annually in response to cruise ship AGE outbreaks. The estimated number of respondents is 2,500 per CSOI, for a total of 25,000 respondents per year. The average time burden is 15 minutes for each respondent. Therefore, the total estimated annual burden in hours is 6,250. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Cruise Ship Passengers or Crew	Questionnaire	24,750	1	15/60	6,188
Cruise Ship Passengers or Crew	Interview	250	1	15/60	62
Total					6,250

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2018–25752 Filed 11–26–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–19–0134]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Foreign Quarantine Regulations (42 CFR 71) to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on September 7, 2018 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Foreign Quarantine Regulations (42 CFR 71) (OMB Control No. 0920–0134) (Exp 5/31/2019)—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 361 of the Public Health Service Act (PHSA) (42 U.S.C. 264) authorizes the Secretary of Health and Human Services to make and enforce regulations necessary to prevent the introduction, transmission or spread of communicable diseases from foreign countries into the United States. Statute and the existing regulations governing foreign quarantine activities (42 CFR 71) authorize quarantine officers and other personnel to inspect and undertake necessary control measures with respect to conveyances, persons, and shipments of animals and etiologic agents in order to protect the public's health. Other inspection agencies, such as Customs and Border Protection (CBP), assist quarantine officers in public health screening of persons, pets, and other importations of public health importance and make referrals to quarantine station staff when indicated. These practices and procedures ensure protection against the introduction and spread of communicable diseases into and within the United States with a minimum of recordkeeping and reporting procedures, as well as a minimum of interference with trade and travel.

U.S. Quarantine Stations are located at 20 ports of entry and land-border crossings where international travelers arrive. The jurisdiction of each station includes air, maritime, and/or land-border ports of entry. Quarantine Station staff work in partnership with international, federal, state, and local agencies and organizations to fulfill their mission to reduce morbidity and mortality among globally mobile populations. This work is performed to prevent the introduction, transmission, and spread of communicable diseases from foreign countries into the United States or from one State or possession to another State or possession. When an illness suggestive of a communicable disease is reported by conveyance operators or port partners (*e.g.* Customs and Border Protection), Quarantine Officers respond to carry out an onsite public health assessment and collect data from the individual. This response may occur jointly with port partners. The collection of comprehensive, pertinent public health information during these responses enables Quarantine Officers to make an accurate public health assessment and identify appropriate next steps. For this reason, quarantine station staff need to systematically interview ill travelers and collect relevant health and epidemiologic information.

CDC is making a number of changes and adjustments to this information collection. The changes are as follows:

- CDC is merging this information collection with another, 0920–0821 Illness Response Forms: Airline, Maritime, and Land/Border Crossing.
- CDC is disaggregating the information collection 42 CFR 71.21(a) report of illness or death from ships so that the influenza like illness (ILI) report, which is voluntary, is separate

from the required report of ill person or death.

• CDC is removing the information collection pertaining to Partner Government Agency Message Sets, because CDC will not collect information using these tools.

• CDC is removing the acute gastroenteritis reports from ships and removal of medical logs information collection from this information collection request, because CDC's Vessel Sanitation Program will submit a separate information collection request for these tools.

CDC is requesting the following adjustments:

• As described above, CDC is requesting a separation of the maritime (ILI) and other maritime illness or death reports. CDC is also requesting an increase in the total number of maritime reports of illness of each type, ILI and others.

• For fall 2018, CDC is considering a policy change related to requirements for rabies vaccination documentation for dogs coming from certain countries; therefore, CDC is providing estimates of burden and respondents related to importation of dogs into the United States

• Revised estimates of under 42 CFR 71.55, 42 CFR 71.32 Dead Bodies—Death certificates

• Revised estimate of the number of requests for exemptions for importation of African rodents

Respondents for this information collection request are any pilot in command of an aircraft or maritime vessel operator with an ill person meeting certain criteria, or death aboard; any individual who is subject to federal quarantine or isolation; any ill traveler who is reported by the airlines, Customs and Border Protection, or EMS to CDC or the local public health authority that meets the definition of ill person; and any importer or filer who seeks to bring certain animals, animal products, or other CDC-regulated item into the United States.

For all except one of these collections, there are no costs to respondents other than their time. Examinations of imported animals is only required if the pet is ill on arrival or if it has died during transport. These exams are not routine. Depending on the time of arrival, the initial exam fee may be between $100 and $200. Rabies testing on a dog that dies may be between $50 and $100. The expected number of ill or dead dogs arriving into the United States for which CDC may require an examination is estimated at less than 30 per year. The total annualized burden hours is estimated to be 268,493.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Regulatory provision or form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Maritime Vessel Operator	42 CFR 71.21(a) report of illness or death from ships – Maritime Conveyance Illness or Death Investigation Form sections 1–4.	500	1	5/60
Maritime Vessel Operator	42 CFR 71.21(a) report of illness or death from ships – Maritime Conveyance Illness or Death Investigation Form section 5.	100	1	2/60
Maritime Vessel Operator	Cumulative Influenza/Influenza-Like Illness (ILI)	3000	1	2/60
Pilot in command	42 CFR 71.21 (b) Death/Illness reports from aircrafts	1,700	1	2/60
Traveler	Airline Travel Illness or Death Investigation Form	1,700	1	5/60
Traveler	Land Travel Illness or Death Investigation Form	100	1	5/60
Isolated or Quarantined individuals.	42 CFR 71.33 Report by persons in isolation or surveillance	11	1	3/60
Maritime Vessel Operator	42 CFR 71.35 Report of death/illness during stay in port	5	1	30/60
Importer	42 CFR 71.51(c)(1), (d)—Valid Rabies Vaccination Certificates.	113,500	1	15/60
Importer	CDC Form 75.37 Notice To Owners And Importers Of Dogs: Requirement for Dog Confinement.	14	1	10/60
Importer	42 CFR 71.51(c)(i), (ii), and (iii) exemption criteria for the importation of a dog without a rabies vaccination certificate.	958,000	1	15/60
Importer	42 CFR 71.51(c)(2), (d) Application For Permission To Import A Dog Inadequately Against Rabies.	50	1	45/60
Importer	42 CFR 71.51(b) (3) Dogs/cats: Record of sickness or deaths.	20	1	15/60
Importer	42 CFR 71.52(d) Turtle Importation Permits	5	1	30/60
Importers	42 CFR 71.55 Dead Bodies, 42 CFR 71.32—Death certificates.	20	1	1
Importer	42 CFR 71.56 (a)(2) African Rodents -Request for exemption.	25	1	1
Importer	42 CFR 71.56(a)(iii) Appeal	2	1	1
Importer	42 CFR 71.32 Statements or documentation of non-infectiousness.	2000	1	5/60

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2018–25751 Filed 11–26–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–19–18ATK]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Understanding multi-sectoral collaboration for strengthening public health capacities in Ethiopia to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on August 23, 2018 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Understanding multi-sectoral collaboration for strengthening public health capacities in Ethiopia—New—Center for Preparedness and Response (CPR), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Countries with poor public health infrastructure are more vulnerable to adverse health outcomes caused by disease outbreaks, natural disasters, and other public health events. The 2013 Ebola outbreak in West Africa highlighted the shortcomings of infrastructure and preparedness plans in the region, and prompted Ministries of Health in affected countries to reexamine capabilities and identify approaches for strengthening them. More recently, the spread of the Zika virus in 2015 through more than 20 countries in the Americas demonstrated that prioritizing efforts to strengthen public health systems and capacities is imperative to mitigating the impact of public health events and improving global health security.

Capacities refer to the abilities and resources of countries to identify and address problems, and carry out functions for public health. Public health emergency preparedness (PHEP) related capacities focus acutely on the resources and infrastructure required for communities and countries to effectively respond to incidents. Zoonotic disease (ZD) related capacities center on minimizing the spread of diseases from animals to humans in domestic, agricultural and wildlife settings.

PHEP and ZD are regarded as cross-cutting technical areas of public health, spanning numerous fields of practice and knowledge necessary to successfully mitigate the impacts of public health events. As a result, multi-sectoral collaboration—a cornerstone of many public health initiatives and programs—is a prominent feature of efforts and plans to strengthen PHEP and ZD capacities. While the importance of multi-sectoral collaboration for health strategies is widely recognized by global health experts and leaders, the evidence base on demonstrated benefits and advantages in public health capacity building is limited. Some research has been carried out to understand aspects of public health capacity strengthening efforts and their impact on global health security; however, it often focuses on high-income countries, such as the United States (US). More research is needed, particularly in low- and middle-income country settings, to understand how collaboration occurs across sectors to implement efforts to strengthen PHEP and ZD capacities and systems, and to gain a deeper understanding of the perspectives of partners involved in the collaboration.

The purpose of the proposed research is to explore how multi-sectoral collaboration occurs for PHEP and ZD related activities implemented under the Global Health Security Agenda (GHSA). The research will employ a multiple-case study design in Ethiopia, focusing on the GHSA technical areas of PHEP and ZD as the cases. The study seeks to understand the landscape of stakeholders engaged in PHEP and ZD related capacity development, and their perspectives on one another's roles and contributions to efforts. This research will also examine stakeholder perceptions on barriers and facilitators to collaboration under GHSA, overall and in each technical area via in-depth interviews. Finally, this study will utilize an adapted questionnaire that measures collaboration across five key domains to foster dialogue between partners on the strength of multi-sectoral collaboration in Ethiopia for GHSA related ZD and PHEP activities. Participants will be able to provide feedback to these questionnaires through a workshop. Research findings will be compared across the two technical areas to understand similarities and differences in stakeholder environments and partner perspectives on collaboration under GHSA; they can also be used to identify opportunities to amplify successes and overcome challenges for stakeholders to collaborate across sectors—in Ethiopia and other countries—to achieve ZD and PHEP goals under GHSA. CDC will disseminate information and findings through presentations, publications, and summary reports to stakeholders and interested members of the public. This research can enrich understanding among stakeholders of one another's perspectives on collaborative efforts, and encourage further dialogue on how to best facilitate multi-sectoral collaboration for broad global agendas such as GHSA, and improved health

outcomes overall. CDC is requesting a two year approval for this information collection. Information collection activities will begin approximately one month after OMB approval. The total annual estimated burden to respondents is 320 hours. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Emergency Management Directors	In-depth interviews	80	1	1
Emergency Management Directors	Questionnaire	80	1	1
Emergency Management Directors	Questionnaire Feedback	40	1	4

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2018–25750 Filed 11–26–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–179 and CMS–10280]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by January 28, 2019.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–179 Medicaid State Plan Base Plan Pages

CMS–10280 Home Health Change of Care Notice

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Medicaid State Plan Base Plan Pages; *Use:* State Medicaid agencies complete the plan pages while we review the information to determine if the state has met all of the requirements of the provisions the states choose to implement. If the requirements are met, we will approve the amendments to the state's Medicaid plan giving the state the authority to implement the flexibilities. For a state to receive Medicaid Title XIX funding, there must be an approved Title XIX state plan.

On October 1, 2018, we published a 60-day information collection request (83 FR 49389) which we are withdrawing—due to technical difficulties—as indicated in a partial withdrawal notice published elsewhere in today's **Federal Register**. While the October 1, 2018, notice was an extension, this replacement is being published as a reinstatement. Otherwise, there are no other changes.

Form Number: CMS–179 (OMB control number 0938–0193); *Frequency:* Occasionally; *Affected Public:* State, Local, and Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 1,120; *Total Annual Hours:* 22,400. (For policy questions regarding this collection contact Annette Pearson at 410–786–6958.)

2. *Type of Information Collection Request:* Extension; *Title of Information Collection:* Home Health Change of Care Notice; *Use:* The purpose of the Home Health Change of Care Notice (HHCCN) is to notify original Medicare beneficiaries receiving home health care benefits of plan of care changes. Home health agencies (HHAs) are required to provide written notice to Original Medicare beneficiaries under various circumstances involving the reduction or termination of items and/or services consistent with Home Health Agencies Conditions of Participation (COPs).

The home health COP requirements are set forth in § 1891[42 U.S.C. 1395bbb] of the Social Security Act (the Act). The implementing regulations under 42 CFR 484.10(c) specify that Medicare patients receiving HHA services have rights. The patient has the right to be informed, in advance about the care to be furnished, and of any changes in the care to be furnished. The HHA must advise the patient in advance of the disciplines that will furnish care, and the frequency of visits proposed to be furnished. The HHA must advise the patient in advance of any change in the plan of care before the change is made.''

Notification is required for covered and non-covered services listed in the plan of care (POC). The beneficiary will use the information provided to decide whether or not to pursue alternative options to continue receiving the care noted on the HHCCN. *Form Number:* CMS–10280 (OMB control number: 0938–1196); *Frequency:* Yearly; *Affected Public:* Private Sector (Business or other for-profits, Not-for-Profit Institutions); *Number of Respondents:* 12,149; *Total Annual Responses:* 13,640,524; *Total Annual Hours:* 908,459. (For policy questions regarding this collection contact Jennifer McCormick at 410–786–2852.)

Dated: November 21, 2018.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2018–25858 Filed 11–26–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–179]

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice; partial withdrawal.

SUMMARY: On October 1, 2018 (83 FR 49389), the Centers for Medicare & Medicaid Services (CMS) published a notice entitled, ''Agency Information Collection Activities: Proposed Collection; Comment Request.'' That notice invited public comments on three separate information collection requests specific to document identifiers: CMS–10142, CMS–R–262, and CMS–179. Due to technical difficulties associated with CMS–179 (OMB control number: 0938–0193) titled ''Medicaid State Plan Base Plan Pages,'' through the publication of this document we are withdrawing CMS–179 from our October 1, 2018, information collection request. While the technical issues associated with CMS–179 have recently been resolved, because of the delay we are publishing a new 60-day information collection request elsewhere in today's **Federal Register**. The November 30, 2018, comment due date for the remaining two collections [CMS–10142 (OMB control number: 0938–0944) titled, ''Bid Pricing Tool (BPT) for Medicare Advantage (MA) Plans and Prescription Drug Plans (PDP)'' and CMS–R–262 (OMB control number: 0938–0763), titled ''Contract Year 2020 Plan Benefit Package (PBP) Software and Formulary Submission''] remains in effect without change.

Dated: November 21, 2018.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2018–25840 Filed 11–26–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Statewide Data Indicators for Child and Family Services Reviews: Request for Public Comment

AGENCY: Children's Bureau (CB), Administration for Children and Families (ACF), Administration on Children, Youth and Families (ACYF), Department of Health and Human Services (HHS).

ACTION: Request for public comment on revised syntax used to calculate Statewide Data Indicators for Child and Family Services Reviews (CFSRs).

SUMMARY: In October 2014, the Administration for Children and Families (ACF) published a notice in the **Federal Register** (79 FR 61241) with the final plan to replace the statewide data indicators used to determine a state's substantial conformity with titles IV–B and IV–E of the Social Security Act through the Child and Family Services Reviews (CFSRs). In May 2015, ACF published a notice in the **Federal Register** (80 FR 27263) to correct some of the calculations and language used in the October 2014 notice. After the May 2015 notice, additional technical errors in the syntax and formulation of the statewide data indicators were identified. Some of those errors were discovered by states and other interested parties that operationalized the indicators for continuous quality improvement. Based on the amount of time required to complete a comprehensive review of the syntax, make revisions and validate the accuracy of the calculations; the Children's Bureau (CB) decided to suspend use of the indicators in determinations of substantial conformity during the third round of CFSRs. In October 2016, CB published CFSR Technical Bulletin #9 to inform states of the decision to limit use of the CFSR statewide data indicators and national performance to context information for round three of CFSRs. Since then, CB has thoroughly reviewed, revised, tested, and obtained independent review and validation of the syntax used to perform data quality checks and calculate state performance on the statewide data indicators. Before CB finalizes the revised syntax, and publishes revised performance results for all states and revised national standards, we invite state child welfare agencies, partner organizations, and the public to review, test, and provide comments on the revised syntax used to perform data quality checks and calculate observed performance on the statewide data indicators.

DATES: Comments are due by February 25, 2019.

ADDRESSES: You may send comments, identified by Docket Number ACF–2018–0007, by one of the following methods:

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

• *Email: CBComments@acf.hhs.gov.* Include Docket Number ACF–2018–0007 in subject line of the message.

FOR FURTHER INFORMATION CONTACT: James Gregory, (202) 260–4668, *James.Gregory@acf.hhs.gov.*

SUPPLEMENTARY INFORMATION: This **Federal Register** announcement has four sections: *Background* describes the purpose, history, and authority for the CFSRs and the use of statewide data indicators; *Overview of Review and Validation of Syntax to Calculate CFSR 3 Statewide Data Indicator Performance* describes the internal and independent review and validation process and findings; *Supporting Documents* provides a brief description of five resources available to aid interested parties in the syntax review process; and *Invitation to Comment* wherein we solicit public comment on the revised syntax that is pending finalization.

Background

CB implemented the CFSRs in 2001 in response to a mandate in the Social Security Amendments of 1994. The reviews are required for CB to determine if such programs are in substantial conformity with title IV–B and IV–E plan requirements. The review process, as regulated at 45 CFR 1355.31–37, grew out of extensive consultation with interested groups, individuals, and experts in the field of child welfare and related areas.

The CFSRs enable CB to: (1) Ensure conformity with federal child welfare requirements; (2) determine what is actually happening to children and families as they are engaged in child welfare services; and (3) assist states to enhance their capacity to help children and families achieve positive outcomes. CB conducts the reviews in partnership with state child welfare agency staff and other partners and stakeholders involved in the provision of child welfare services. We have structured the reviews to help states identify strengths as well as areas needing improvement within their agencies and programs.

We use the CFSR to assess state performance on seven outcomes and seven systemic factors. The seven outcomes focus on key items measuring safety, permanency, and well-being. The seven systemic factors focus on key state plan requirements of titles IV–B and IV–E that provide a foundation for child outcomes. If we determine a state has not achieved substantial conformity in one or more of the areas assessed in the review, the state is required to develop and implement a program improvement plan addressing the areas of nonconformity within 2 years. CB supports the states with technical assistance and monitors implementation of their program improvement plans. If the state is unable to complete its program improvement plan successfully, a portion of the state's federal title IV–B and IV–E funds is withheld.

In the April 23, 2014, **Federal Register** (79 FR 22604), we provided a detailed review of the consultation with the field and information considered in developing the third round of CFSRs, and proposed a set of statewide data indicators for public comment. We considered all public comments and issued a final plan in the October 10, 2014, **Federal Register** (79 FR 61241) that included national standards for state performance on statewide data indicators and criteria CB would use to determine whether a state is in substantial conformity with certain child welfare outcomes. Simultaneously, CB released CFSR Technical Bulletin #8 which provided more details on calculation methods, and a workbook that showed individual state performance on the indicators and preliminary findings of whether the state met national standards. In responding to state and other stakeholder questions after the release of those publications, we discovered errors in our descriptions and calculations. As a result, on May 13, 2015, we released a notice in the **Federal Register** (80 FR 27263) to correct some calculations and language used in the October 2014 final notice. We also amended Technical Bulletin #8 that provided technical detail on calculations, how CB determined whether a state met national standards, and how program improvement goals relative to the statewide data indicators would be established for states not meeting national standards.

After the May 2015 notice, we discovered additional technical errors in the syntax and formulation of the statewide data indicators. Some of the changes were identified by states and other interested parties that operationalized the indicators for continuous quality improvement. CB determined additional time was necessary to review, correct, and thoroughly test revised syntax used to calculate national and state performance on the data indicators. Recognizing challenges associated with the delay and implementation of revised indicators, especially for states already involved in the CFSR and program improvement planning process, CB decided to suspend use of the indicators in determinations of substantial conformity and as a basis for potentially imposing financial penalties during the third round of CFSRs. We are authorized by the regulations at 45 CFR 1355.34(b)(4) and (5) to add, amend, or suspend any of the statewide data indicators and to adjust the national standards when appropriate. CB issued Technical Bulletin #9 on October 11, 2016, to notify states of the change in the use of the statewide data indicators. Technical Bulletin #9, which rescinded Technical Bulletin #8A, provided guidance on how state performance on the CFSR 3 statewide data indicators would be used as context, revised related program improvement plan requirements, and re-issued the description of program improvement measurement methods.

We recently completed the comprehensive syntax review, revision, and validation process for calculating statewide data indicator performance information. The revisions do not change the statewide data indicator measures as defined in prior **Federal Register** notices. Revisions are limited to operationalizing the measures and calculation methods contained in the statistical syntax used to generate performance information.

Following the commencement of this **Federal Register** Announcement, we will review public comments to determine readiness to finalize the revised syntax or the potential need for additional revisions. We will issue a **Federal Register** to provide notice when the revised syntax is finalized. The notification will address applicable revisions and clarifications necessary to the **Federal Register** document from May 2015, and include a summary of, and our responses to, public comments we received. We will also publish revised performance results for all states, revised national standards, and the final revised syntax and supporting files to calculate data quality, observed performance, and risk-standardized performance for the CFSR 3 statewide data indicators.

Overview of Review and Validation of Syntax To Calculate CFSR 3 Statewide Data Indicator Performance

After the discovery of technical errors in the syntax and formulation of the statewide data indicators, federal staff completed a comprehensive internal review to identify and make syntax revisions. The internal in-depth line-level review of all syntax related to computing performance on the statewide indicators was completed in May 2017. Staff verified each step of

indicator computation to determine whether the syntax was functioning accurately and as designed. Additional data quality tests were performed to confirm the integrity of the population of child records eligible for analysis, and syntax functioned correctly across a variety of scenarios, including outlier cases with high error risk. The comprehensive review resulted in the identification of additional syntax revisions, changes to how measurement methods are operationalized, and new methods to screen and address data quality problems in AFCARS and NCANDS submissions.

In addition to our internal review, we contracted for an independent review and validation of the syntax used to complete data quality checks and calculate observed and risk-standardized performance on the seven statewide data indicators. The independent reviewers used the following multi-step process to systematically review and verify all of the syntax:

1. Reviewed syntax for completeness, functionality on systems external to the Children's Bureau
2. Performed reliability checks against performance indicators and state data profiles
3. Performed line-level validity checks of SPSS and STATA syntax files for accurate task execution, data quality verification
   a. Reviewed the syntax and assessed its function/purpose
   b. Selected and applied the appropriate validity check(s)
   c. Ran all syntax and inspected dataset(s) and output
   d. Debriefed on similar code segments across syntax files

The independent reviewers determined the syntax can validly and reliably develop source data files, perform data quality checks, and calculate state observed performance and risk-standardized performance on the seven statewide data indicators according to the definitions set forth in the **Federal Register** Notices and associated CB guidance documents. The reviewers also verified there are no errors in the revised syntax for observed performance and data quality checks, or the original syntax for risk-standardized performance that would cause inaccuracies in the calculations. The independent review also helped demonstrate the feasibility for states and partner agencies to replicate the syntax with several additional steps to calculate data quality and observed performance on their own. Additional information about the independent review and verification process and associated findings are detailed in the 2018 report, *Review and Validation of the Analytic Syntax Used to Produce CFSR Statewide Data Indicators* (*https://www.acf.hhs.gov/cb/resource/cfsr-round3-sdi-syntax-validation*).

Supporting Documents

The documents identified below are provided to assist states and other interested parties with the independent syntax review process:

A. *List of CFSR Round 3 Statewide Data Indicator Syntax Revisions:* Provides a summary of errors, corrections, and changes made to the syntax used to calculate performance on the statewide data indicator(s) and data quality checks. (*https://www.acf.hhs.gov/cb/resource/cfsr-round3-sdi-syntax*).

B. *CFSR Round 3 Statewide Data Indicator Data Dictionary:* Provides a description of each statewide data indicator and data quality check, including the numerators, denominators, risk adjustments, exclusions, and corresponding data notes. (*https://www.acf.hhs.gov/cb/resource/cfsr-round3-sdi-data-dictionary*).

C. *Statewide Data Indicators—PDF Version of Syntax:* Provides the syntax used to perform data quality checks, calculate observed performance, and calculate risk-standardized performance on the seven statewide data indicators. This document may help individuals develop a better understanding of the statistical calculations or provide assistance for individuals who do not have SPSS and/or STATA statistical software to run the syntax files. (*https://www.acf.hhs.gov/cb/resource/cfsr-round3-sdi-syntax-pdf*).

D. *CFSR Round 3 Statewide Data Indicator Syntax Zip File:* Provides syntax and supporting files in SPSS format that are used to calculate data quality and observed performance. Note: Syntax to calculate risk-standardized performance (RSP) for each state uses a national, risk-adjusted model that requires child-level data from all states (*i.e.,* national datasets) and thus cannot be replicated by states and interested parties. (*https://www.acf.hhs.gov/cb/resource/cfsr-round3-sdi-syntax-zip*).

E. *Instructions to Run Data Quality (DQ) Checks and Observed Performance Syntax for Statewide Data Indicators:* Provides an overview and brief description of the folders, files, and syntax included in the CFSR round 3 zip file; considerations and steps for running the syntax; and software requirements. (*https://www.acf.hhs.gov/cb/resource/cfsr-round3-sdi-dq-instructions*).

Invitation To Comment

We are inviting state child welfare agencies, partner organizations, and the public to review, test, and provide comments on the revised syntax to perform data quality checks and calculate observed performance on the statewide data indicators. The purpose of this invitation is to provide an opportunity for additional independent review prior to finalizing the revised syntax. Interested parties may choose to review a written version of the statistical syntax and supporting documents, and/or follow the instructions to replicate the syntax files to generate CFSR data indicator performance information using state-generated AFCARS and NCANDS files.

We are interested in receiving comments on the revised syntax and related considerations and recommendations to strengthen our statistical calculations for generating CFSR statewide data indicator performance information. We encourage states and interested parties to share the outcome of their review and/or results from running the revised syntax files. Please be specific in identifying the corresponding statewide data indicator or data quality check being referenced in the comment; the syntax revision, question, or recommendation; and the rationale for considerations or recommendation(s), as applicable.

Comments containing suggested revisions should be limited to operationalizing the measures and calculation methods contained in the statistical syntax used to generate performance data. We are not making changes or requesting comments at this time pertaining to the statewide data indicator measures as defined in prior **Federal Register** notices and the Data Dictionary available with this invitation.

Lynn A. Johnson,

Assistant Secretary for Children and Families.

[FR Doc. 2018–25835 Filed 11–26–18; 8:45 am]

BILLING CODE 4184–25–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Solicitation for Written Comments on Proposed Objectives for Healthy People 2030

AGENCY: Office of Disease Prevention and Health Promotion, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Office of Disease Prevention and Health Promotion (ODPHP), Office of the Assistant Secretary for Health, U.S. Department of Health and Human Services (HHS), is soliciting written comments on the proposed Healthy People 2030 objectives, including proposed core, developmental, and research objectives. The public is also invited to propose new objectives to be considered for inclusion in Healthy People 2030.

ODPHP manages the Health People initiative, which provides science-based, 10-year national objectives for promoting health and preventing disease. Every 10 years, through the Healthy People initiative, HHS leverages scientific insights and lessons from the past decade along with new knowledge of current data, trends, and innovations to develop the next iteration of national health promotion and disease prevention objectives. For four decades, Healthy People has set and monitored national health objectives to meet a broad range of health needs, encouraged collaborations across sectors, guided individuals toward making informed health decisions, and measured the impact of our prevention and health promotion activities. The proposed objectives for Healthy People 2030 represent a streamlined set of objectives, representing important public health issues facing our nation.

DATES: Written comments must be submitted by January 11, 2019.

ADDRESSES: Written comments will be accepted via an online public comment database on *http://www.healthypeople.gov* and via email at *HP2030@hhs.gov.* Instructions for submitting comments can be found on *http://www.healthypeople.gov.*

FOR FURTHER INFORMATION CONTACT: Ayanna Johnson, Public Health Advisor, U.S. Department of Health and Human Services, Office of the Assistant Secretary for Health, Office of Disease Prevention and Health Promotion, 1101 Wootton Parkway, Suite LL100, Rockville, MD 2085. Email: *HP2030@hhs.gov.*

SUPPLEMENTARY INFORMATION: *Background:* For four decades, Healthy People has provided a comprehensive set of national 10-year health promotion and disease prevention objectives aimed at improving the health of all Americans. The Healthy People development process strives to maximize transparency, public input, and stakeholder dialogue to ensure that Healthy People 2030 is relevant to diverse public health needs and seizes opportunities to achieve its goals. Since its inception, Healthy People has been the product of an extensive collaborative process that relies on input from a diverse array of individuals and organizations, both within and outside the federal government, with a common interest in improving the nation's health. During the first phase of planning for Healthy People 2030, HHS asked for the public's comments on the Healthy People 2030 framework, including the vision, mission, foundational principles, overarching goals, and plan of action. Those comments helped shape the framework for Healthy People 2030, which can be found here: *https://www.healthypeople.gov/2020/About-Healthy-People/Development-Healthy-People-2030/Framework.*

Public participation will shape the objectives included in Healthy People 2030. Healthy People 2030 will provide a picture of the nation's health at the beginning of the decade, establish national goals and targets to be achieved by the year 2030, and monitor progress over time. As a national initiative, Healthy People's success depends on a coordinated commitment to improve the health of the nation.

Authority: 42 U.S.C. 200u.

Dated: November 13, 2018.

Don Wright,

Deputy Assistant Secretary for Health, Disease Prevention and Health Promotion.

[FR Doc. 2018–25836 Filed 11–26–18; 8:45 am]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

[OMB NO. 0917–0028]

Request for Public Comment: 30-Day Proposed Information Collection: Addendum to Declaration for Federal Employment, Child Care and Indian Child Care Worker Positions

AGENCY: Indian Health Service, HHS.

ACTION: Notice and request for comments. Request for extension of approval.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Indian Health Service (IHS) has submitted to the Office of Management and Budget (OMB) a request for extension of approval of the information collection titled, ''Addendum to Declaration for Federal Employment, Child Care and Indian Child Care Worker Positions,'' Office of Management and Budget (OMB) Control Number 0917–0028.

DATES: December 27, 2018. Your comments regarding this information collection are best assured of having full effect if received within 30 days of the date of this publication.

DIRECT YOUR COMMENTS TO OMB: Send your comments and suggestions regarding the proposed information collection contained in this notice, especially regarding the estimated public burden and associated response time to: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for IHS.

FOR FURTHER INFORMATION CONTACT: Send requests for more information on the proposed collection, or requests to obtain a copy of the data collection instrument and instructions to Evonne Bennett-Barnes by one of the following methods:

- *Mail:* Evonne Bennett-Barnes, Information Collection Clearance Officer, 5600 Fishers Lane, Mail stop: 09E21B, Rockville, MD 20857.
- *Email: Evonne.Bennett-Barnes@ihs.gov.*
- *Phone:* 301–443–4750.

SUPPLEMENTARY INFORMATION: This previously approved information collection expires November 30, 2018. Notice regarding the information collection was last published in the **Federal Register** (83 FR 48831) on September 27, 2018, and allowed 60 days for public comment. No comments were received in response to the previous notice. The purpose of this notice is to allow an additional 30 days for public comment.

A copy of the supporting statement is available at *www.regulations.gov* (see Docket ID IHS_FRDOC_0001).

OMB is particularly interested in comments that: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques of other forms of information technology, *e.g.,* permitting electronic submission of responses.

Proposed Collection Title: Addendum to Declaration for Federal Employment,

Child Care and Indian Child Care Worker Positions (OMB No. 0917–0028). *Type of Information Collection Request:* Extension, without revision, of currently approved information collection, 0917–0028, Addendum to Declaration for Federal Employment, Child Care and Indian Child Care Worker Positions. There are no program changes or adjustments in burden hours. *Form(s):* Addendum to Declaration for Federal Employment, Child Care and Indian Child Care Worker Positions. *Need and Use of Information Collection:* This is a request for approval of the collection of information as required by section 408 of the Indian Child Protection and Family Violence Prevention Act, Public Law (Pub. L.) 101–630, 104 Stat. 4544, and 25 United States Code (U.S.C.) §§ 3201–3210.

The IHS is required to compile a list of all authorized positions within the IHS where the duties and responsibilities involve regular contact with, or control over, Indian children; and to conduct an investigation of the character of each individual who is employed, or is being considered for employment, in a position having regular contact with, or control over, Indian children. 25 U.S.C. 3207(a)(1) and (2). Title 25 U.S.C. 3207(a)(3) requires regulations prescribing the minimum standards of character for individuals appointed to positions involving regular contact with, or control over, Indian children, and section 3207(b) provides that such standards shall ensure that no such individuals have been found guilty of, or entered a plea of nolo contendere or guilty to any felonious offense, or any two or more misdemeanor offenses, under Federal, State, or Tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or offenses committed against children.

In addition, 34 U.S.C. 20351 (formerly codified at 42 U.S.C. 13041, which was transferred to 34 U.S.C. 20351) requires each agency of the Federal Government, and every facility operated by the Federal Government (or operated under contract with the Federal Government), that hires (or contracts for hire) individuals involved with the provision of child care services to children under the age of 18 to assure that all existing and newly hired employees undergo a criminal history background check. The background investigation is to be initiated through the personnel program of the applicable Federal agency. This section requires employment applications for individuals who are seeking work for an agency of the Federal Government, or for a facility or program operated by (or through contract with) the Federal Government, in positions involved with the provision of child care services to children under the age of 18, to contain a question asking whether the individual has ever been arrested for or charged with a crime involving a child, and if so, requiring a description of the disposition of the arrest or charge.

Affected Public: Individuals and households. *Type of Respondents:* Individuals.

The table below provides: Types of data collection instruments, Estimated number of respondents, Number of responses per respondent, Average burden hour per response, and Total annual burden hour(s).

ESTIMATED ANNUAL BURDEN HOURS

Data collection instrument(s)	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden responses (in hours)
Addendum to Declaration for Federal Employment (OMB 0917–0028)	3,000	1	12/60	600
Total	3,000			600

There are no Capital Costs, Operating Costs, and/or Maintenance Costs to report.

Dated: November 19, 2018.

Michael D. Weahkee,

Assistant Surgeon General, U.S. Public Health Service, Principal Deputy Director, Indian Health Service.

[FR Doc. 2018–25819 Filed 11–26–18; 8:45 am]

BILLING CODE 4165–16–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; Centers for AIDS Research and Developmental Centers for AIDS Research (P30).

Date: December 11–12, 2018.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Audrey O. Lau, Ph.D., MPH, Acting Senior Scientific Review Officer, AIDS Review Branch, SRP, Rm. 3E70, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9834, Rockville, MD 20852–9834, 240–669–2081, *audrey.lau@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01).

Date: December 19, 2018.

Time: 12:30 p.m. to 4:30 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: Frank S. De Silva, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room #3E72A, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Rockville, MD 20892–9823, (240) 669–5023, *fdesilva@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01).

Date: December 20, 2018.

Time: 9:00 a.m. to 1:00 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: Frank S. De Silva, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room #3E72A, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Rockville, MD 20892–9823, (240) 669–5023, *fdesilva@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 20, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–25789 Filed 11–26–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Barry Buchbinder, Ph.D., 240–627–3678; *barry.buchbinder@nih.gov.* Licensing information and copies of the U.S. patent application listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD 20852; tel. 301–496–2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished patent applications.

SUPPLEMENTARY INFORMATION: Technology description follows.

Recombinant HIV–1 Envelope Proteins and Their Use

Description of Technology

An effective human immunodeficiency virus type 1 (HIV–1) vaccine has long been sought to contend with the Acquired Immunodeficiency Syndrome (AIDS) pandemic.

One approach researchers have taken to elicit broadly neutralizing antibodies against HIV–1 is to stabilize the structurally flexible HIV–1 envelope (Env) trimer. Researchers stabilized the Env trimer in a conformation that displays predominantly broadly neutralizing epitopes and few non-neutralizing epitopes. Currently, BG505 DS–SOSIP is a leading vaccine candidate with the desired conformation and antigenicity.

Ideally, to be useful as a vaccine, such a conformationally fixed Env immunogen should have high thermostability and should remain in the desired antigenic state, even in the presence of CD4, a glycoprotein found on the surface of immune cells.

Researchers at the Vaccine Research Center (VRC) of the National Institute of Allergy and Infectious Diseases (NIAID) undertook efforts to improve the properties of BG505 DS–SOSIP for use as a vaccine. The VRC researchers introduced three additional mutations to further stabilize BG505 DS–SOSIP in the vaccine-preferred prefusion-closed conformation and refer to the engineered BG505 DS–SOSIP as BG505 DS–SOSIP.3mut. Experiments showed that these modifications conferred improved thermostability that will allow easier transport and storage of BG505 DS–SOSIP.3mut compared to BG505 DS–SOSIP. In addition, BG505 DS–SOSIP.3mut has lower antigenicity toward non/weak neutralizing antibodies compared to BG505 DS–SOSIP, which suggests that it could potentially elicit higher neutralization titer by targeting only broadly neutralizing antibodies. With improved antigenicity and stability, this version may have utility as an HIV–1 immunogen or in other antigen-specific contexts, such as for use with B-cell probes.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404.

Potential Commercial Applications

- Vaccine—to elicit potent neutralizing antibodies against the HIV–1 Env glycoprotein.
- Probes—to identify broad and potent HIV–1-neutralizing antibodies.

Competitive Advantages

Compared to previous engineered Env trimer versions:

- 300-fold reduction in CD4-binding affinity.
- Reduced binding affinity to ineffective HIV–1 antibodies.
- Increase in melting temperature (10 degrees over BG505 SOSIP).

Development Stage: In vivo testing (rodents).

Inventors: Peter Kwong (NIAID), John Mascola (NIAID), Gwo-Yu Chuang (NIAID), Cheng Cheng (NIAID), Hui Geng (NIAID), Yongping Yang (NIAID) and Jeffrey C. Boyington (NIAID).

Intellectual Property: HHS Reference Number E–240–2017 includes U.S. Provisional Patent Application Number 62/579,973 filed 10/16/2017.

Related Intellectual Property: HHS Reference Number E–187–2014 includes U.S. Provisional Patent Application Number 62/046,059 filed 9/4/2014, U.S. Provisional Patent Application Number 62/136,480 filed 3/21/2015, PCT Application No. PCT/US2015/048729 filed 9/4/2015, US Patent Application 15/508,885 filed 3/3/2017, EP Patent Application Number 15766697.5 filed 3/29/2017.

Licensing Contact: Barry Buchbinder, Ph.D., 240–627–3678; *barry.buchbinder@nih.gov.*

Dated: November 14, 2018.

Suzanne M. Frisbie,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2018–25787 Filed 11–26–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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 grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI SPORE I (P50) Review.

Date: January 29–30, 2019.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville Hotel, 1750 Rockville Pike, Rockville, MD 20850.

Contact Person: Majed M. Hamawy, Ph.D., Scientific Review Officer, Research Program Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W120, Bethesda, MD 20892–9750, 240–276–6457, *mh101v@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI SPORE III (P50) Review.

Date: January 31–February 1, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Paul Carins, Ph.D., Scientific Review Officer, Research Program Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W244, Bethesda, MD 20892–9750, 240–276–5415, *paul.cairns@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Program Project II (P01).

Date: February 6–7, 2019.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Mukesh Kumar, Ph.D., Scientific Review Officer, Research Program Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W618, Bethesda, MD 20892–9750, 240–276–6611, *mukesh.kumar3@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Program Project III (P01) Review.

Date: February 7–8, 2019.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Sanita Bharti, Ph.D., Scientific Review Officer, Research Program Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W122, Bethesda, MD 20892–9750, 240–276–5909, *sanitab@mail.nih.gov.*

Name of Committee: National Cancer Institute Initial Review Group; NCI Program Project V (P01).

Date: February 13–14, 2019.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Adriana Stoica, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W234, Bethesda, MD 20892–9750, 240–276–6368, *Stoicaa2@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Innovative Molecular Analysis Technologies.

Date: February 13–14, 2019.

Time: 4:00 p.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Jun Fang, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W634, Bethesda, MD 20892–9750, 240–276–5460, *jfang@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Program Project IV (P01) Review.

Date: February 14–15, 2019.

Time: 4:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Robert E. Bird, Ph.D., Scientific Review Officer, Research Program Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W110, Bethesda, MD 20892–9750, 240–276–6344, *birdr@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCORP Minority/Underserved Community Sites (UGIClinical Trial Required).

Date: February 26–27, 2019.

Time: 5:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Scott Chen, Ph.D., Scientific Review Officer, Special Review Branch Division of Extramural Activities National Cancer Institute, NIH 9609 Medical Center Drive, Room 7W526, Bethesda, MD 20892–9750, 240–276–6038, *chensc@mail.nih.gov.*

Name of Committee: National Cancer Institute Initial Review Group; Subcommittee J—Career Development.

Date: February 28–March 1, 2019.

Time: 4:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Tushar Deb, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W624, Bethesda, MD 20892–9750 240–276–6132 *tushar.deb@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: November 20, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–25791 Filed 11–26–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Treating Diabetes Distress to Improve Glycemic Outcomes in Type1 Diabetes.

Date: December 17, 2018.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7345, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Crohn's Disease Ancillary Studies.

Date: December 20, 2018.

Time: 1:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Elena Sanovich, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health,

Room 7351, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8886, *sanoviche@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: November 20, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–25792 Filed 11–26–18; 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; Immune Mechanisms of Protection Against Mycobacterium Tuberculosis Center (IMPAC–TB).

Date: December 6–7, 2018.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Doubletree Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Julio C. Aliberti, Ph.D., Scientific Review Officer, Immunology Review Branch, DEA/SRP, Rm. 3G53A, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Rockville, MD 20892–9823, 301–761–7322, *julio.aliberti@nih.gov*.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; ''Acquired Immunodeficiency Syndrome Research Review Committee (AIDS) Special Emphasis Panel''.

Date: December 19, 2018.

Time: 1:00 p.m. to 4:30 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: Amir Emanuel Zeituni, Ph.D., Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC–9834, Rockville, MD 20852, 301–496–2550.

(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 20, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–25788 Filed 11–26–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council on Alcohol Abuse and Alcoholism.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

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 intramural programs and projects as well as the grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with intramural programs and projects as well as the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Alcohol Abuse and Alcoholism.

Date: February 7, 2019.

Closed: 9:00 a.m. to 9:20 a.m.

Agenda: Presentation of the AABSC Report.

Place: National Institutes of Health, Rockledge 6700, 6700 B Rockledge Drive, Conference Rooms A, B & C, Bethesda, MD 20817.

Closed: 9:20 a.m. to 10:00 a.m.

Agenda: To review and evaluate grant applications and/or contract proposals.

Place: National Institutes of Health, Rockledge 6700, 6700 B Rockledge Drive, Conference Rooms A, B & C, Bethesda, MD 20817.

Open: 10:00 a.m. to 3:00 p.m.

Agenda: Presentations and other business of the Council.

Place: National Institutes of Health, Rockledge 6700, 6700 B Rockledge Drive, Conference Rooms A, B & C, Bethesda, MD 20817.

Contact Person: Abraham P. Bautista, Ph.D., Executive Secretary, National Advisory Council, National Institute on Alcohol Abuse & Alcoholism, National Institutes of Health, 6700 B Rockledge Drive, Suite 1458, MSC 6902, Rockville, MD 20852, 301–443–9737, *bautista@mail.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://www.niaaa.nih.gov/AboutNIAAA/AdvisoryCouncil/Pages/default.aspx,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: November 20, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–25785 Filed 11–26–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request Data and Specimen Hub (DASH) (Eunice Kennedy Shriver National Institute of Child Health and Human Development); Correction

AGENCY: National Institutes of Health, HHS.

ACTION: Notice; correction.

SUMMARY: The Department of Health and Human Services, National Institutes of Health published a Notice in the **Federal Register** on November 7, 2018. That Notice inadvertently contained an error in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Dr. Jennifer Guimond, Project Clearance Liaison, Office of Science Policy, Reporting, and Program Analysis, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 31 Center Drive, Room 2A18, Bethesda, Maryland, 20892 or call non-toll-free number (301) 496–1877 or Email *Jennifer.guimond@nih.gov.*

SUPPLEMENTARY INFORMATION: On November 7, 2018, the Department of Health and Human Services, National Institutes of Health published a Notice in the **Federal Register** on pages 55729–55730 (83 FR 55729) that inadvertently contained an error in the Number of responses per respondent column. The purpose of this notice is to correct the total number for this column to read 464.

Dated: November 20, 2018.

Jennifer Guimond,

Project Clearance Liaison, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health.

[FR Doc. 2018–25784 Filed 11–26–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

National Counter-Improvised Explosive Device Capabilities Analysis Database

AGENCY: Office of Infrastructure Protection (IP), National Protection and Programs Directorate (NPPD), Department of Homeland Security (DHS).

ACTION: 30-Day Notice and request for comments; New Collection, 1670–NEW.

SUMMARY: DHS NPPD IP will submit the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. DHS previously published this information collection request (ICR) in the **Federal Register** on Thursday, August 16, 2018 for a 60-day public comment period. 0 comments were received by DHS. The purpose of this notice is to allow an additional 30 days for public comments. To provide greater transparency, NPPD is making an adjustment from the 60 day notice to show all related costs in the 30 day notice.

DATES: Comments are encouraged and will be accepted until December 27, 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 OMB Desk Officer, Department of Homeland Security and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.* All submissions must include the words ''Department of Homeland Security'' and the OMB Control Number 1670–NEW—National Counter-Improvised Explosive Device Capabilities Analysis Database.

Comments submitted in response to this notice may be made available to the public through relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Jenny Margaros at 703.235.9381 or at *JENNY.MARGAROS@HQ.DHS.GOV.*

SUPPLEMENTARY INFORMATION: Under the Homeland Security Presidential Directive-19: Combating Terrorist Use of Explosives in the United States, DHS was mandated to have a regularly updated assessment of domestic explosives-related capabilities. It required DHS to expand its National Capabilities Analysis Database, which is now known as the National Counter-Improvised Explosive Device Capabilities Analysis Database (NCCAD). Currently, the President's Policy Directive-17: Countering Improvised Explosive Devices (PPD–17) reaffirms the 2007 Strategy for Combating Terrorist Use of Explosives in the United States. It provides guidance to update and gives momentum to our ability to counter threats involving improvised explosive devices (IEDs).

The NCCAD provides State, local, tribal and territorial law enforcement stakeholders a method to identify their level of capability to prevent, protect, mitigate, and respond to an IED threat. It also provides Federal stakeholders an overarching view of the Nation's collective counter-IED capabilities.

Information is collected by Office for Bombing Prevention (OBP) personnel and contractors. These individuals travel to locations across the Nation to gather the requisite information. OBP personnel and contractors facilitate initial baseline assessments either face-to-face or via webinar in order to get stakeholders familiar with the NCCAD system, provide clarifying information, and answer questions. Federal, State, local, tribal, and territorial law enforcement personnel with a counter-IED mission assist NCCAD personnel to coordinate a training location for personnel from the four disciplines (bomb squads, explosives detection canine, special weapons and tactics teams (SWAT), and dive units) to take their respective assessment. The OBP facilitator begins by conducting a short brief on the reasons for NCCAD and how it can help them as units.

The NCCAD assessments consists of a total of 56 tasks bundled into specific question sets spread across the four (4) disciplines representing specific tasks encompassing personnel, training, and equipment. The OBP and the NCCAD team used federal requirements (FEMA Resource Typing) to create the overarching list of questions in the question sets. Where there were no requirements, OBP and NCCAD worked with subject matter experts to identify best practices to create the assessments. Subject matter experts and Federal, State, local agency representatives collaborated to rank and stack each question and question set in order of importance and priority. At that time, weights were assigned to the questions, which provide the capability calculation for the whole question set.

The first group of questions in the assessment focus on the profile of the unit, *i.e.,* the number of technicians/handlers; primary assignment versus collateral duty assignment; number of IED responses in the past twelve (12) months; number of special events in the past twelve (12) months. The rest of question sets are delineated by task: Implement Intelligence/Information Gathering and Dissemination; Implement Bombing Incident Prevention and Response Plans; Incident Analysis; Incident Mitigation; Access Threat Area; Contain or Mitigate Hazards; Conduct Scene Investigations; and Maintain Readiness.

Each discipline's questionnaire only includes question sets specific to that discipline. This means that while multiple disciplines may have the same question set title, the questions may not be the same. For example, the SWAT and canine questionnaires both have the question set, Maintain Readiness,

however, only the canine questionnaire includes specific questions about leashes, water bowls, and kennels, as equipment needed to maintain readiness. This tailoring allows for a large question pool, while ensuring specificity depending on the discipline being assessed.

The information from each individual unit is collected into the database. Upon completion of inputting the unit information, the program, using the appropriate algorithms, creates a capabilities analysis report for the unit commander. The report identifies current capabilities, existing gaps, and makes recommendations for closing those gaps. Additionally, the NCCAD allows the unit commander to identify the most efficient and effective purchases of resources to close those gaps. At the State, regional, and National-levels, the data is aggregated within the selected discipline and provides a snapshot of the counter-IED capabilities across the discipline. OBP also intends to identify the lowest, highest, median, and average capability levels across units, States, regions, disciplines, and the Nation. This data will be used to provide snapshots of the C–IED capabilities and gaps to inform decision-makers on policy decisions, resource allocation for capability enhancement, and crisis management. Data collected will be used in readiness planning, as well as steady-state and crisis decision support during threats or incidents. NCCAD data will assist operational decision-makers and resource providers in developing investment justifications that support State homeland security strategies and national priorities.

The National Incident Management System (NIMS) Resource Typing assessment is a subset of the NCCAD assessment questions which identify the number and type of bomb response teams that a unit has based on its composition. There are seven tasks with a total of 32 questions. Resource Typing Definitions are used to categorize, by capability, the resources requested, deployed, and used in incidents. Measurable standards identifying resource capabilities and performance levels serve as the basis for this categorization. National NIMS resource types support a common language for the mobilization of resources (equipment, teams, units, and personnel) prior to, during, and after major incidents. Resource users at all levels use these definitions as a consistent basis when identifying and inventorying their resources for capability estimation, planning and for mobilization during mutual aid efforts. National NIMS resource types represent the minimum criteria for the associated component and capability.

All responses are collected via electronic means via the virtual assessment program. While the actual data collection is done through the NCCAD database through IP Gateway, OBP personnel facilitate the collection of the data by assisting users via a face-to-face discussion or webinar. This is particularly useful for first time users to understand the nuances of the NCCAD system and how they can use their assessment to help justify resource requests and help with steady-state and threat-initiated decision-making. It is NCCAD policy to not accept the questionnaires in paper format. If there is a power outage at the event site or if the website is down due to technical reasons, facilitators have copies of the paper format for stakeholders to continue filling out. Facilitators do not collect these hard copies. Stakeholders keep them to update the electronic assessment when they next access it. OBP is cutting down this possibility even more by beginning the utilization of tablets and hotspots for those individuals who do not have laptops or internet access.

This is a new information collection.

OMB is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Title of Collection: National Counter-Improvised Explosive Device Capabilities Analysis Database.

OMB Control Number: 1670–NEW.

Frequency: Annually.

Affected Public: State, Local, Tribal, and Territorial Governments.

Number of Annualized Respondents: 2,717.

Estimated Time per Respondent: 2 hours.

Total Annualized Burden Hours: 3,735 hours.

Total Annualized Respondent Opportunity Cost: $161,839.

Total Respondent Out-of-Pocket Cost: $0.

Total Annualized Government Cost: $1,055,581.

Michael Dalmado,

Chief Information Security Officer.

[FR Doc. 2018–25868 Filed 11–26–18; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Opening of Registration for Certified Cargo Screening Facilities-Canine

AGENCY: Transportation Security Administration, DHS.

ACTION: Notice.

SUMMARY: The Transportation Security Administration (TSA) is announcing the opportunity for explosives detection canine teams and canine team providers to become a registered Certified Cargo Screening Facility-Canine (CCSF–K9) under TSA's Certified Cargo Screening Program (CCSP). This notice provides information necessary for qualified, interested persons to initiate the registration process.

DATES: Applicable November 27, 2018.

ADDRESSES: Interested persons can contact *3PK9aircargosecurity@tsa.dhs.gov* to obtain a copy of the information discussed in this notice.

FOR FURTHER INFORMATION CONTACT: Michael P. Daniel, Section Chief, Cargo Risk Reduction, Compliance Division, Security Operations, TSA. Mr. Daniel can be reached at (571) 227–2228, or by email to *3PK9aircargosecurity@tsa.dhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Statutory Authority

The Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110–53, 121 Stat. 266, Aug. 3, 2007) (9/11 Act) mandated the Department of Homeland Security (DHS) to require 100 percent screening of air cargo transported on passenger aircraft at a level commensurate with requirements for screening of checked baggage.[1] In defining ''screening,'' the statute specifically includes the use of ''explosives detection canine teams

[1] *See* 9/11 Act sec. 1602, codified at 49 U.S.C. 44901(g).

certified by [TSA].'' [2] Section 1941 of the TSA Modernization Act of 2018 directs TSA to develop and issue standards for the use of third-party canine teams for the primary screening of air cargo.[3]

B. Third-Party Canine-Cargo Program

TSA's Third-Party Canine-Cargo (3PK9–C) program, which fulfills the requirements in sec. 1941 of the TSA Modernization Act, provides an effective and efficient method for screening cargo consistent with TSA's authority under 49 U.S.C. 44901. There are three primary non-governmental participants in TSA's 3PK9–C Program: (1) 3PK9–C Certifiers, authorized through an Order issued by TSA to certify canine teams as meeting TSA's certification standards; [4] (2) regulated entities with an approved amendment to their security program required by 49 CFR parts 1544, 1546, or 1549 permitting use of certified canine teams to screen air cargo; and (3) canine team providers (could also include an independent canine team) authorized to screen cargo consistent with security program requirements issued under the CCSP, discussed in more detail below. Participation in any part of the 3PK9–C program is voluntary, but any certifier, regulated entity, or provider that chooses to participate in the program must comply with all requirements in the applicable documents.

C. Certified Cargo Screening Facility-Canine (CCSF–K9)

TSA issued the CCSP regulation in 2009 to provide an approved method for regulated entities to screen 100 percent of all cargo to be transported on passenger aircraft. The program established a new regulatory framework that allowed a third-party to screen cargo to TSA standards, relieving the air carrier of the space, time, and cost pressures associated with screening cargo using technical means on airport grounds.[5] The CCSF–K9 is a natural evolution of the CCSP program, as it provides another approved method for third parties to screen cargo to TSA standards at minimal cost, and at the most efficient time and place. Any cargo screening program that is compliant with the CCSP regulation meets all TSA screening standards required to transport cargo aboard passenger aircraft or any other aircraft, including all-cargo aircraft.

II. How To Become a Registered CCSF–K9

To operate as a CCSF–K9, a canine provider must register with the CCSP and be approved as a holder of the Certified Cargo Security Program-Canine, issued under 49 CFR part 1549. For the purposes of this notice, the term ''CCSF–K9'' refers to the registered-holder of this security program. The security program includes both the requirements to become a CCSF–K9 and the operational requirements for screening air cargo. Under the framework for the 3PK9–C Program, a CCSF–K9 must seek certification of its canine teams by a 3PK9–C Certifier. Any contracts under which the CCSF–K9 will provide Certified 3PK9–C Teams, must be identified in the CCSF–K9's Operational Implementation Plan (OIP), including locations where screening will be conducted. The OIP must be submitted as part of the canine provider's application and updated throughout the CCSF–K9s participation in the 3PK9–C program. The regulated entity must also have a TSA-approved or accepted amendment to its required security program that allows use of a CCSF–K9 to screen air cargo, defines the process for transferring cargo to and from the CCSF–K9, establishes requirements for the regulated entity to conduct alarm resolution using a screening method approved by TSA, and requires recordkeeping of certain program documents.

This notice is being published to ensure all interested persons are aware of the opportunity to become CCSF–K9s. To initiate the registration process, canine team providers must submit an initial email indicating their interest to be a CCSF–K9 to the email address identified above under **ADDRESSES**. TSA will respond with additional information regarding the application requirements, including the required procedures to obtain access to Sensitive Security Information (SSI) pursuant to 49 CFR part 1520. Once access to SSI is permitted, the provider will receive a copy of the standard security program for CCSF–K9s, which includes the requirements for participation in the 3PK9–C Program. As stated in 49 CFR part 1549, all canine team providers must provide the information required by TSA and undergo an onsite corporate assessment performed by TSA.[6] TSA will use this information to evaluate the provider's qualifications and readiness to participate in the 3PK9–C Program.

All interested canine team providers must submit the following information before receiving any additional documentation from TSA regarding and CCSF–K9 and application:

- Corporate profile information to TSA, including information on the company's corporate affiliation, corporate physical location, canine field locations, and information on canine team certifications.
- SSI acknowledgement, training, and non-disclosure agreement.
- Letter of intent and affidavit signed by relevant principal(s).
- Legal documentation describing the corporation, ID verification, and work authorization for specific individuals.

Once approved by TSA, the CCSF–K9 must comply with statutory and regulatory requirements for the screening of air cargo intended for transport on aircraft operated pursuant to a TSA-approved or accepted security program under 49 CFR parts 1544 or 1546, or a facilities-based CCSF operating pursuant to a TSA-approved security program under 49 CFR part 1549. The CCSF–K9 must also ensure that all employees and authorized representatives who have duties and responsibilities for any requirement in the security program successfully complete TSA's requirements for a Security Threat Assessments (STA), which may include a fingerprint-based criminal history records check, and are trained to ensure the effective performance of those responsibilities, and are knowledgeable of their security responsibilities.

Unless otherwise approved by TSA, the provider must apply for a security program and certification to operate as a CCSF–K9 no less than 90 days before commencing operations.[7] Completed applications should be submitted to TSA at the addressed identified above under **ADDRESSES**. The CCSF–K9 may commence operations under the security program after its receives written approval from TSA that all TSA's requirements are met, including but not limited to an assessment by TSA, successful completion of required training, approval of the OIP, and satisfactory adjudication of an STA as required by the security program. Initial approval of a CCSF–K9's registration is effective for 18 months from the date of issuance.

[2] *Id.* at sec. 4490l(g)(5). *See also* 49 CFR 1544.205(g)(2).

[3] *See* Division K of the FAA Reauthorization Act of 2018, Public Law 115–254 (132 Stat. 3186, Oct. 5, 2018) (TSA Modernization Act).

[4] *See* Notice, Opening of Application Period for Third-Party Canine-Cargo Certifiers, 83 FR 23287 (May 18, 2018); Notice, Announcement of Approved Third-Party Canine-Cargo Certifiers, and Start of Certification Events, 83 FR 55558 (Nov. 6, 2018).

[5] *See* Air Cargo Screening, interim final rule (IFR), 74 FR 47704 (Sept. 16, 2009), codified at 49 CFR part 1549.

[6] *See* 49 CFR 1549.7.

[7] *Id.* 1549.7(a)(1).

Dated: November 21, 2018.

Darby LaJoye,

Executive Assistant Administrator, Security Operations.

[FR Doc. 2018–25894 Filed 11–26–18; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0030]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until January 28, 2019.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0030 in the body of the letter, the agency name and Docket ID USCIS–2008–0012. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2008–0012;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2008–0012 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–612; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This information collection is necessary and may be submitted only by an alien who believes that compliance with foreign residence requirements would impose exceptional hardship on his or her spouse or child who is a citizen of the United States, or a lawful permanent resident; or that returning to the country of his or her nationality or last permanent residence would subject him or her to persecution on account of race, religion, or political opinion. Certain aliens admitted to the United States as exchange visitors are subject to the foreign residence requirements of section 212(e) of the Immigration and Nationality Act (the Act). Section 212(e) of the Act also provides for a waiver of the foreign residence requirements in certain instances.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–612 is 7,200 and the estimated hour burden per response is .333 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 2,398 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $882,000.

Dated: November 21, 2018.

Jerry L. Rigdon,

Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018–25860 Filed 11–26–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0057]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Application for Certificate of Citizenship

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until December 27, 2018.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *dhsdeskofficer@omb.eop.gov.* All submissions received must include the agency name and the OMB Control Number 1615–0057 in the subject line.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on August 15, 2018, at 83 FR 40547, allowing for a 60-day public comment period. USCIS did not receive any comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2006–0023 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Certificate of Citizenship.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* N–600; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form N–600 collects information from respondents who are requesting a Certificate of Citizenship because they acquired United States citizenship either by birth abroad to a U.S. citizen parent(s), adoption by a U. S. citizen parent(s) or after meeting eligibility requirements after the naturalization of a foreign born parent. This form is also used by applicants requesting a Certificate of Citizenship because they automatically became a citizen of the United States after meeting eligibility requirements for acquisition of citizenship by foreign born children. . Form N–600 can also be filed by a parent or legal guardian on behalf of a minor child. The form standardizes requests for the benefit, and ensures that basic information required to assess eligibility is provided by applicants.

USCIS uses the information collected on Form N–600 to determine if a Certificate of Citizenship can be issued to the applicant. Citizenship acquisition laws have changed throughout the history of the INA and different laws apply to determine whether the applicant automatically became a U.S. citizen. However, step children cannot acquire U.S. citizenship under any provision of the INA.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection N–600 is 67,000 and the estimated hour burden per response is 1.58 hours; the estimated total number of respondents for the information collection Biometrics is 67,000 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 184,250 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $8,207,500.

Dated: November 21, 2018.

Jerry L Rigdon,

Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018–25857 Filed 11–26–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0106]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Petition for Qualifying Family Member of a U–1 Nonimmigrant.

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until January 28, 2019.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0106 in the body of the letter, the agency name and Docket ID USCIS–2009–0010. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2009–0010;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2009–0010 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for Qualifying Family Member of a U–1 Nonimmigrant.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–929; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Section 245(m) of the Immigration and Nationality Act (Act) allows certain qualifying family members who have never held U nonimmigrant status to seek lawful permanent residence or apply for immigrant visas. Before such family members may apply for adjustment of status or seek immigrant visas, the U–1 nonimmigrant who has been granted adjustment of status must file an immigrant petition on behalf of the qualifying family member using Form I–929. Form I–929 is necessary for USCIS to make a determination that the eligibility requirements and conditions are met regarding the qualifying family member

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–929 is 1,500 and the estimated hour burden per response is 1 hour.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 1,500 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $183,750.

Dated: November 21, 2018.

Jerry L. Rigdon,

Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018–25855 Filed 11–26–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0061]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Application for Regional Center Under the Immigrant Investor Pilot Program and Supplement

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until December 27, 2018.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *dhsdeskofficer@omb.eop.gov.* All submissions received must include the agency name and the OMB Control Number 1615–0061 in the subject line.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on September 13, 2018 at 83 FR 46508, allowing for a 60-day public comment period. USCIS received one comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0046 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Regional Center under the Immigrant Investor Pilot Program and Supplement.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–924 and Form I–924A; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals representing any economic unit, public or private, in the United States that is involved with promoting economic growth. This collection will be used by such individuals to ask USCIS to be designated as a regional center under the Immigrant Investor Program, to request an amendment to a previously approved regional center designation, or to demonstrate continued eligibility for designation as a regional center under the Immigrant Investor Program.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form I–924 is 420 and the estimated hour burden per response is 51 hours; the estimated total number of respondents for the information collection Form I–924A is 900 and the estimated hour burden per response is 14 hours; the estimated total number of respondents for the information collection Form I–924A compliance review is 40 and the estimated hour burden per response is 24 hours; the estimated total number of respondents for the information collection Form I–924A site visit is 40 and the estimated hour burden per response is 16 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 35,620 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $1,403,600.

Dated: November 21, 2018.

Jerry L. Rigdon,

Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018–25856 Filed 11–26–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0091]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Application for Replacement Naturalization/Citizenship Document

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be

submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until December 27, 2018.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *dhsdeskofficer@omb.eop.gov.* All submissions received must include the agency name and the OMB Control Number 1615–0091 in the subject line.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on August 30, 2018, at 83 FR 44294, allowing for a 60-day public comment period. USCIS did not receive any comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2006–0052 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Replacement Naturalization/Citizenship Document.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* N–565; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The form is provided by U.S. Citizenship and Immigration Services (USCIS) to determine the applicant's eligibility for a replacement document. An applicant may file for a replacement if he or she was issued one of the documents described above and it was lost, mutilated, or destroyed; if the document is incorrect due to a typographical or clerical error by USCIS; if the applicant's name was changed by a marriage or by court order after the document was issued and the applicant now seeks a document in the new name; or if the applicant is seeking a change of the gender listed on their document after obtaining a court order, a U.S. Government-issued document, or a letter from a licensed health care professional recognizing that the applicant's gender is different from that listed on their current document. The only document that can be replaced on the basis of a change to the applicant's date of birth, as evidenced by a court order or a U.S. Government-issued document is the Certificate of Citizenship. If the applicant is a naturalized citizen who desires to obtain recognition as a citizen of the United States by a foreign country, he or she may apply for a special certificate for that purpose.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection N–565 is 27,690 and the estimated hour burden per response is 1.33 hours; the estimated total number of respondents for the information collection Biometrics is 27,690 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 69,225 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $3,392,025.

Dated: November 21, 2018.

Jerry L. Rigdon,

Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018–25852 Filed 11–26–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0067]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for Asylum and for Withholding of Removal

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated

burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until January 28, 2019.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0067 in the body of the letter, the agency name and Docket ID USCIS–2007–0034. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2007–0034;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0034 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Asylum and for Withholding of Removal.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–589; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–589 is necessary to determine whether an alien applying for asylum and/or withholding of removal in the United States is classified as refugee, and is eligible to remain in the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–589 is approximately 114,000 and the estimated hour burden per response is 12 hours per response; and the estimated number of respondents providing biometrics is 110,000 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 1,496,700 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $53,192,718.

Dated: November 21, 2018.

Jerry L. Rigdon,

Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018–25853 Filed 11–26–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0132]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: AABB Accredited Laboratory Testing; Rapid DNA Prototype Accelerated Nuclear DNA Equipment (ANDE) by NetBio; Rapid DNA Prototype RapidHIT200 by IntegenX

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until January 28, 2019.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0132 in the body of the letter, the agency name and Docket ID USCIS–2014–0002. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at

http://www.regulations.gov under e-Docket ID number USCIS–2014–0002;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2014–0002 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* AABB accredited laboratory testing; Rapid DNA prototype Accelerated Nuclear DNA Equipment (ANDE) by NetBio; Rapid DNA prototype RapidHIT200 by IntegenX.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* G–1294 and G–1295; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. USCIS proposes to permit a refugee applicant whose application for refugee status was denied on the basis of lack of credibility to establish a claimed biological relationship to a derivative child to submit DNA evidence with the RFR. This will allow individuals who are otherwise unable to prove the claimed relationship to provide potentially credible evidence of the biological relationship.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the Applicant Initiated AABB accredited lab DNA Testing is 60 and the estimated hour burden per response is 6 hours. The estimated total number of respondents for the Standard DNA Testing is 250 and the estimated hour burden per response is 0.05 hours. The estimated total number of respondents for the Rapid DNA Prototype is 250 and the estimated hour burden per response is 0.05 hours. The estimated total number of respondents for the information collection G–1294 is 250 and the estimated hour burden per response is 0.167 hours. The estimated total number of respondents for the information collection G–1295 is 250 and the estimated hour burden per response is 0.167 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 469 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $14,700.

Dated: November 21, 2018.

Jerry L. Rigdon,

Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018–25854 Filed 11–26–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0043]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for Temporary Protected Status

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until December 27, 2018.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *dhsdeskofficer@omb.eop.gov.* All submissions received must include the agency name and the OMB Control Number [1615–0043] in the subject line.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission

you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on September 13, 2018, at 83 FR 46510, allowing for a 60-day public comment period. USCIS did receive one comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0013 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Temporary Protected Status.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–821; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–821 is necessary for USCIS to gather the information necessary to adjudicate TPS applications and determine if an applicant is eligible for TPS.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–821 is 4,000 and the estimated hour burden per response is 2.41 hours. The estimated total number of respondents for the associated biometrics processing is 4,000 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 14,320 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $490,000.

Dated: November 21, 2018.

Jerry L. Rigdon,

Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018–25851 Filed 11–26–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–26973; 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 10, 2018, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by December 12, 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 10, 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:

CALIFORNIA

Los Angeles County

Aloha Apartment Hotel, 6731 Leland Way, Los Angeles, SG100003238

La Casa Del Rey, 1516 N Hobart Blvd., Los Angeles, SG100003239

Hollywood Argyle Apartments, 2017 N Argyle Ave., Los Angeles, SG100003240

Sonoma County

Baker House, 35292 Timber Ridge Rd., The Sea Ranch, SG100003234

IDAHO

Ada County

Firebird Raceway, 8551 ID 16, Eagle vicinity, SG100003243

LOUISIANA

East Baton Rouge Parish

Robinson, Eddie Sr., Historic District, Roughly bounded by North Blvd., S 18th St., Terrace Ave. & I 110/10, Baton Rouge, SG100003248

MARYLAND

Washington County

Cool Hollow Home, 9302 Old National Pike, Hagerstown, SG100003253

MINNESOTA

Ramsey County

Osborn Building, 370 N Wabasha St., Saint Paul, SG100003233

NEW YORK

Delaware County

Rock Rift Fire Observation Tower (Fire Observation Stations of New York State Forest Preserve MPS), Tower Ln., Tompkins vicinity, MP100003231

Rensselaer County

Public School No. 1, 2920 5th Ave., Troy, SG100003232

OHIO

Huron County

Plymouth Historic District, Roughly bounded by Dix, Trux, Mills & New Railroad Sts., Plymouth, SG100003245

Mahoning County

Forest Lawn Memorial Park, 5400 Market St., Boardman, SG100003244

OKLAHOMA

Comanche County

Sunset—Vogue—Blue Ribbon Apartments Historic District, NW Williams & Hoover Aves, NW 23rd & 22nd Sts., Lawton, SG100003236

Oklahoma County

Slaughter, Dr. W.H., House, 3101 NE 50th St., Oklahoma City, SG100003237

PENNSYLVANIA

Lehigh County

Schubert—Graber Log-Post Shop, 6561 Powder Valley Rd., Zionsville, SG100003247

WASHINGTON

Adams County

Adams County Courthouse, 210 W Broadway Ave., Ritzville, SG100003256

King County

Highland Apartments (Seattle Apartment Buildings, 1900–1957), 931 11th Ave. E, Seattle, MP100003254

Spokane County

McKinley School, 117 N Napa St., Spokane, SG100003257

WEST VIRGINIA

Fayette County

Fayetteville Esso Station, 145 S Court St., Fayetteville, SG100003250

McDowell County

Welch Commercial Historic District (Boundary Increase), Roughly bounded by Wyoming St., Elkhorn Cr. and the Tug R., Welch, BC100003251

Wood County

Lane, Isaac F., House, 1399 Waverly Rd., Williamstown vicinity, SG100003252

Additional documentation has been received for the following resources:

SOUTH CAROLINA

Lexington County

Cartledge House (Batesburg-Leesville MRA), 305 Saluda Ave., Batesburg, AD82003879

Spartanburg County

Drayton Mill, 1802 Drayton Rd., Spartanburg vicinity, AD12000882

Authority: Section 60.13 of 36 CFR part 60.

Dated: November 9, 2018.

Christopher Hetzel,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2018–25764 Filed 11–26–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR03042000, 19XR0680A1, RX.18786000.1501100; OMB Control Number 1006–0014]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Lower Colorado River Well Inventory

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Reclamation (Reclamation) are proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before December 27, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to Mr. Paul Matuska, Water Accounting and Verification Group Manager, LC–4200, Bureau of Reclamation, Lower Colorado Regional Office, P.O. Box 61470, Boulder City, NV 89006–1470; or by email to *pmatuska@usbr.gov.* Please reference OMB Control Number 1006–0014 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Paul Matuska by email at *pmatuska@usbr.gov,* or by telephone at (702) 293–8164. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on August 31, 2018 (83 FR 46671). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of Reclamation; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might Reclamation enhance the quality, utility, and clarity of the information to be collected; and (5) how might Reclamation minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Pursuant to the Boulder Canyon Project Act (43 U.S.C. 617; Public Law 70–642, 45 Stat. 1057), all diversion of mainstream Colorado River water must be in accordance with the Colorado River water entitlement. The Consolidated Decree of the United States Supreme Court in *Arizona* v. *California,* 547 U.S. 150 (2006) requires the Secretary of the Interior to account for all diversions of mainstream Colorado River water along the lower Colorado River, including water drawn from the mainstream by underground pumping. To meet the water entitlement and accounting obligations, an inventory of wells and river pumps is required along the lower Colorado

River, and the gathering of specific information concerning these wells.

Title of Collection: Lower Colorado River Well Inventory.

OMB Control Number: 1006–0014.

Form Number: Form LC–25.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Well and river-pump owners and operators along the lower Colorado River in Arizona, California, and Nevada. Each diverter (including well pumpers) must be identified and their diversion locations and water use determined.

Total Estimated Number of Annual Respondents: 150.

Total Estimated Number of Annual Responses: 150.

Estimated Completion Time per Response: An average of 20 minutes is required to interview individual well and river-pump owners or operators.

Total Estimated Number of Annual Burden Hours: 50 hours.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: These data are collected only once for each well or river-pump owner or operator as long as changes in water use, or other changes that would impact contractual or administrative requirements, are not made. A respondent may request that the data for its well or river pump be updated after the initial inventory.

Total Estimated Annual Nonhour Burden Cost: 0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Dated: November 1, 2018.

Terrance J. Fulp,

Regional Director, Lower Colorado Region.

[FR Doc. 2018–25859 Filed 11–26–18; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–18–054]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: November 30, 2018 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote on Inv. Nos. 701–TA–612–613 and 731–TA–1429–1430 (Preliminary) (Polyester Textured Yarn from China and India). The Commission is currently scheduled to complete and file its determinations on December 3, 2018; views of the Commission are currently scheduled to be completed and filed on December 10, 2018.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: November 23, 2018.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2018–25921 Filed 11–23–18; 11:15 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–565]

American Manufacturing Competitiveness Act: Effects of Duty Suspensions and Reductions on the U.S. Economy; Submission of Questionnaire for OMB Review

AGENCY: United States International Trade Commission.

ACTION: Notice of submission of request for approval of a questionnaire to the Office of Management and Budget. This notice is being given pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

SUPPLEMENTARY INFORMATION:

Purpose of Information Collection: The information requested by the questionnaire is for use by the Commission in connection with investigation No. 332–565, *American Manufacturing Competitiveness Act: Effects of Duty Suspensions and Reductions on the U.S. Economy.* Section 4 of the American Manufacturing Competitiveness Act (AMCA) (19 U.S.C. 1332 note) requires the Commission to submit a report to the House Committee on Ways and Means and the Senate Committee on Finance on the effects on the U.S. economy of duty suspensions and reductions enacted under the AMCA, including the effects on U.S. producers, purchasers, and consumers. The Commission instituted the investigation under section 332 of the Tariff Act of 1930 (19 U.S.C. 1332) to prepare the report, to facilitate the filing of public comments and public review of those comments, and to include the report in an existing Commission report series. The Commission expects to deliver its report to the Committees by September 13, 2019.

Summary of Proposal

(1) *Number of forms submitted:* 1.

(2) *Title of form:* American Manufacturing Competitiveness Act: Effects of Temporary Duty Suspensions and Reductions on the U.S. Economy.

(3) *Type of request:* New.

(4) *Frequency of use:* Industry questionnaire, single data gathering, scheduled for January 2019.

(5) *Description of respondents:* Firms that successfully petitioned for temporary duty suspensions or reductions and firms that commented on these petitions through the Miscellaneous Tariff Bill Petition System.

(6) *Estimated number of questionnaires to be mailed:* 400.

(7) *Estimated total number of hours to complete the questionnaire per respondent:* 4 hours.

(8) Information obtained from the questionnaire that qualifies as confidential business information will be so treated by the Commission and not disclosed in a manner that would reveal the individual operations of a firm.

Additional Information or Comment: Project leadership for this study includes Kimberlie Freund (project leader) and Samantha DeCarlo and Maureen Letostak (deputy project leaders). Copies of the questionnaire and supporting documents may be obtained from the project leaders by phone at 202–205–3342 or 202–205–3225 or by email at *mtbeffects@usitc.gov.* Comments about the proposal should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Room 10102 (Docket Library), Washington, DC 20503, ATTENTION: Docket Librarian. All comments should be specific, indicating which part of the questionnaire is objectionable, describing the concern in detail, and including specific suggested revisions or language changes. Copies of any comments should be provided to Jason Mohler, Interim Chief Information Officer, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, who is the Commission's designated Senior Official under the Paperwork Reduction Act.

General information concerning the Commission may also be obtained by accessing its internet address (*https://www.usitc.gov*). Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Secretary at 202–205–2000.

By order of the Commission.

Dated: Issued: November 20, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–25725 Filed 11–26–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Cartridges for Electronic Nicotine Delivery Systems and Components Thereof, DN 3354;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Juul Labs, Inc., on November 20, 2018. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain cartridges for electronic nicotine delivery systems and components thereof. The complaint names as respondents: DripTip Vapes LLC of Plantation, FL; The Electric Tobacconist, LLC of Boulder, CO; Fuma Vapor, Inc. of Des Plaines, IL; Lan & Mike International Trading, Inc. of Torrance, CA; Lizard Juice, LLC of Largo, FL; Maduro Distributors, Inc. of Maplewood, MN; MistHub, LLC of Buffalo Grove, IL; Noah Duvberg of Daytona Beach, FL; ParallelDirect LLC of Lincolnshire, IL; Saddam Aburoumi of Manchester, CT; Sarvasva LLC of Maple Shade, NJ; Shenzhen Haka Flavor Technology Co., Ltd. of China; Shenzhen OCIGA Technology Co., Ltd. of China; Shenzhen OVNS Technology Co., Ltd. of China; Shenzhen Yibo Technology Co., Ltd. of China; Twist Vapor Franchising, LLC of Tampa, FL; United Wholesale LLC of Glastonbury, CT; Vape4U LLC of Montclair, CA; Vaperz LLC of Frankfort, IL; Vaportronix, LLC of Aventura, FL; Vapor 4 Life Holdings, Inc. of Northbrook, IL; The ZFO of Spencerport, NY; Zipp Lab Co. Ltd. of China; and Ziip Lab S.A. of Uruguay. The complainant requests that the Commission issue a limited exclusion order and cease and desist orders and impose a bond during the 60-day review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues should be filed no later than by close of business nine calendar days after the date of publication of this notice in the **Federal Register**. Complainant may file a reply to any written submission no later than the date on which complainant's reply would be due under § 210.8(c)(2) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(c)(2)).

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3354) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electonic Filing Procedures, Electronic Filing Procedures).[1] Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.
Issued: November 20, 2018.

Katherine M. Hiner,

Supervisory Attorney.

[FR Doc. 2018–25749 Filed 11–26–18; 8:45 am

BILLING CODE 7020–02–P

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: The registrant listed below has applied for and been granted registration by the Drug Enforcement Administration (DEA) as an importer of various classes of schedule I or II controlled substances.

SUPPLEMENTARY INFORMATION: The company listed below applied to be registered as an importer of various basic classes of controlled substances. Information on the previously published notice is listed in the table below. No comments or objections were submitted and no requests for hearing were submitted for this notice.

Company	FR Docket	Published
Clinical Supplies Management Holdings, Inc	83 FR 39127	August 08, 2018.

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of the listed registrant to import the applicable basic class of schedule I controlled substance is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the DEA has granted a registration as an importer for schedule I controlled substances to the above listed company.

Dated: November 16, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2018–25866 Filed 11–26–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Akorn, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before December 27, 2018 Such persons may also file a written request for a hearing on the application on or before December 27, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on May 2, 2018, Akorn Inc., 1222 W. Grand Avenue, Decatur, Illinois 62522 applied to be registered as an importer of the following basic class of controlled substance:

Controlled substance	Drug code	Schedule
Remifentanil	9739	II

The company plans to import the above listed controlled substance for research purposes.

Dated: November 16, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2018–25873 Filed 11–26–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: The registrant listed below has applied for and been granted registration by the Drug Enforcement Administration (DEA) as bulk a manufacturer of various classes of schedule I and II controlled substances.

SUPPLEMENTARY INFORMATION: The company listed below applied to be registered as bulk manufacturer of various basic classes of controlled substances. Information on the previously published notice is listed in the table below. No comments or objections were submitted for this notice.

Company	FR Docket	Published
Rhodes Technologies	83 FR 40567	August 15, 2018.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of this registrant to manufacture the applicable basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the DEA has granted a registration as a bulk manufacturer to the above listed company.

Dated: November 16, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2018–25875 Filed 11–26–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Cambridge Isotope Laboratories

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before December 27, 2018. Such persons may also file a written request for a hearing on the application on or before December 27, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on August 30, 2018, Cambridge Isotope Laboratories, 50 Frontage Road, Andover, Massachusetts 01810 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Tetrahydrocannabinols	7370	I
Gamma Hydroxybutyric Acid	2010	I
Morphine	9300	II

The company plans to import the listed controlled substances for analytical research, testing and clinical trials.

Dated: November 16, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2018–25869 Filed 11–26–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Noramco Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before January 28, 2019.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on July 4, 2018, Noramco Inc., 1550 Olympic Dr. Athens, Georgia 30601 applied to be registered as a bulk manufacturer for the basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Cathinone	1235	I
Gamma Hydroxybutyric Acid	2010	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Codeine-N-oxide	9053	I
Dihydromorphine	9145	I
Hydromorphinol	9301	I
Morphine-N-oxide	9307	I
Amphetamine	1100	II
Lisdexamfetamine	1205	II
Methylphenidate	1724	II
Nabilone	7379	II
Codeine	9050	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Hydrocodone	9193	II
Morphine	9300	II
Oripavine	9330	II
Thebaine	9333	II
Opium tincture	9630	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Alfentanil	9737	II
Sufentanil	9740	II
Carfentanil	9743	II
Tapentadol	9780	II
Fentanyl	9801	II

The company plans to manufacture bulk active pharmaceutical ingredients (APIs) and reference standards for distribution to their customers.

In reference to drug codes 7360 (marihuana) and 7370 (tetrahydrocannabinols), the company plans to bulk manufacture these drugs as synthetic. No other activities for these drug codes are authorized for this registration.

Dated: November 16, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2018–25874 Filed 11–26–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: The registrant listed below has applied for and has been granted registration by the Drug Enforcement Administration (DEA) as an importer of schedule I or II controlled substances.

SUPPLEMENTARY INFORMATION: The company listed below applied to be registered as an importer of various basic classes of controlled substances. Information on the previously published notice is listed in the table below. No comments or objections were submitted and no requests for a hearing were submitted for this notice.

Company	FR Docket	Published
Alcami Carolinas Corporation	83 FR 46758	September 14, 2018.

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of the listed registrant to import the applicable basic classes of schedule I controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the DEA has granted a registration as an importer for schedule I controlled substances to the above listed company.

Dated: November 16, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2018–25863 Filed 11–26–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: GE Healthcare

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before December 27, 2018. Such persons may also file a written request for a hearing on the application on or before December 27, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on September 5, 2018, GE Healthcare, 3350 North Ridge Avenue, Arlington Heights, Illinois 60004, applied to be registered as an importer of cocaine (9041), a basic class of controlled substance listed in schedule II.

The company plans to import small quantities of Ioflupane, in the form of three separate analogues of cocaine, to validate production and quality control systems, for a reference standard, and for producing material for a future investigational new drug (IND) submission. Supplies of this particular controlled substance are not available in the form needed within the current domestic supply of the United States.

Dated: November 16, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2018–25864 Filed 11–26–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Insys Manufacturing, LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before January 28, 2019.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been delegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on October 4, 2018, Insys Manufacturing, LLC, 811 Paloma Drive, Suite C, Round Rock, Texas 78665, applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana	7360	I
Tetrahydrocannabinols	7370	I

The company plans to manufacture bulk synthetic active pharmaceutical ingredients (APIs) for product development and distribution to its customers. No other activity for these drug codes are authorized for this registration.

Dated: November 16, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2018–25862 Filed 11–26–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Fisher Clinical Services, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before December 27, 2018. Such persons may also file a written request for a hearing on the application on or before December 27, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on September 27, 2018, Fisher Clinical Services, Inc., 700A–C Nestle Way, Breinigsville, Pennsylvania 18031, has applied to be registered as an importer of the below listed basic classes of controlled substances listed in schedule I & II.

Controlled substance	Drug code	Schedule
Psilocybin	7437	I
Methylphenidate	1724	II
Levorphanol	9220	II
Noroxymorphone	9668	II
Tapentadol	9780	II

The company plans to import the listed controlled substances for analytical research, testing, and clinical trials. This authorization does not extend to the import of a finished FDA approved or non-approved dosage form for commercial distribution in the United States.

Dated: November 16, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2018–25872 Filed 11–26–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Cayman Chemical Company

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before January 28, 2019.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on July 25, 2018, Cayman Chemical Company, 1180 East Ellsworth Road, Ann Arbor, Michigan 48108 applied to be registered as a bulk manufacturer for the basic classes of controlled substances:

Controlled substance	Drug code	Schedule
3-Fluoro-N-methylcathinone (3–FMC)	1233	I
Cathinone	1235	I
Methcathinone	1237	I
4-Fluoro-N-methylcathinone (4–FMC)	1238	I

Controlled substance	Drug code	Schedule
Pentedrone (α-methylaminovalerophenone)	1246	I
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
4-Methyl-N-ethylcathinone (4–MEC)	1249	I
Naphyrone	1258	I
N-Ethylamphetamine	1475	I
N,N-Dimethylamphetamine	1480	I
Fenethylline	1503	I
Aminorex	1585	I
4-Methylaminorex (cis isomer)	1590	I
Gamma Hydroxybutyric Acid	2010	I
Methaqualone	2565	I
Mecloqualone	2572	I
JWH–250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole)	6250	I
SR–18 (Also known as RCS–8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) indole)	7008	I
ADB–FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7010	I
5-Fluoro-UR-144 and XLR11 [1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	7011	I
AB–FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7012	I
JWH–019 (1-Hexyl-3-(1-naphthoyl)indole)	7019	I
MDMB–FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7020	I
2-(1-(4-fluorobenzyl)-1Hinsazole-3-carboxamido)-3-methylbutanoate	7021	I
AB–PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7023	I
THJ–2201 [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone	7024	I
5F–AB–PINACA (N-(1-amino-3-methyl-1-oxobutan-2yl)-1-(5-fluoropentyl)-1 H-indazole-3-carboxamide)	7025	I
AB–CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide	7031	I
MAB–CHMINACA (N-(1-amino-3,3dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7032	I
5F–AMB (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)	7033	I
5F–ADB; 5F–MDMB–PINACA (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7034	I
ADB–PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7035	I
MDMB–CHMICA, MMB–CHMINACA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate).	7042	I
MMB–CHMICA, AMB–CHMICA (methyl 2-(1(cyclohexylmethyl)-1 H-indole-3-carboxamido)-3methylbutanoate)	7044	I
APINACA and AKB48 N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide	7048	I
5F–APINACA, 5F–AKB48 (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide)	7049	I
JWH–081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole)	7081	I
5F–CUMYL–P7AICA (1-(5-fluoropentyl)-N-(2phenylpropan-2-yl)-1 H-pyrrolo[2,3-b]pyridine-3carboxamide)	7085	I
4–CN–CUMYL–BUTINACA (1-(4-cyanobutyl)-N-(2phenylpropan-2-yl)-1 H-indazole-3-carboxamide)	7089	I
SR–19 (Also known as RCS–4) (1-Pentyl-3-[(4-methoxy)-benzoyl] indole	7104	I
JWH–018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I
JWH–122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole)	7122	I
UR–144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	7144	I
JWH–073 (1-Butyl-3-(1-naphthoyl)indole)	7173	I
JWH–200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	7200	I
AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole)	7201	I
JWH–203 (1-Pentyl-3-(2-chlorophenylacetyl) indole)	7203	I
NM2201; CBL2201 (Naphthalen-1-yl 1-(5-fluoropentyl)1 H-indole-3-carboxylate)	7221	I
PB–22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate)	7222	I
5F–PB–22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate)	7225	I
Alpha-ethyltryptamine	7249	I
Ibogaine	7260	I
CP–47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol)	7297	I
CP–47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl-phenol)	7298	I
Lysergic acid diethylamide	7315	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C–T–7)	7348	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Mescaline	7381	I
2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine (2C–T–2)	7385	I
3,4,5-Trimethoxyamphetamine	7390	I
4-Bromo-2,5-dimethoxyamphetamine	7391	I
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
2,5-Dimethoxyamphetamine	7396	I
JWH–398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole)	7398	I
2,5-Dimethoxy-4-ethylamphetamine	7399	I
3,4-Methylenedioxyamphetamine	7400	I
5-Methoxy-3,4-methylenedioxyamphetamine	7401	I
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
4-Methoxyamphetamine	7411	I
5-Methoxy-N-N-dimethyltryptamine	7431	I
Alpha-methyltryptamine	7432	I
Diethyltryptamine	7434	I
Dimethyltryptamine	7435	I

Controlled substance	Drug code	Schedule
Psilocybin	7437	I
Psilocyn	7438	I
5-Methoxy-N,N-diisopropyltryptamine	7439	I
N-Ethyl-1-phenylcyclohexylamine	7455	I
1-(1-Phenylcyclohexyl)pyrrolidine	7458	I
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine	7473	I
N-Benzylpiperazine	7493	I
2-(2,5-Dimethoxy-4-methylphenyl) ethanamine (2C–D)	7508	I
2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine (2C–E)	7509	I
2-(2,5-Dimethoxyphenyl) ethanamine (2C–H)	7517	I
2-(4-iodo-2,5-dimethoxyphenyl) ethanamine (2C–I)	7518	I
2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C–C)	7519	I
2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C–N)	7521	I
2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C–P)	7524	I
2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine (2C–T–4)	7532	I
MDPV (3,4-Methylenedioxypyrovalerone)	7535	I
2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25B–NBOMe)	7536	I
2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25C–NBOMe)	7537	I
2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25I–NBOMe)	7538	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Butylone	7541	I
Pentylone	7542	I
alpha-pyrrolidinopentiophenone (α-PVP)	7545	I
alpha-pyrrolidinobutiophenone (α-PBP)	7546	I
AM–694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole)	7694	I
Acetyldihydrocodeine	9051	I
Benzylmorphine	9052	I
Codeine-N-oxide	9053	I
Desomorphine	9055	I
Etorphine (except HCl)	9056	I
Codeine methylbromide	9070	I
Dihydromorphine	9145	I
Heroin	9200	I
Morphine-N-oxide	9307	I
Normorphine	9313	I
U–47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	I
MT–45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine))	9560	I
Tilidine	9750	I
Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide)	9811	I
Para-Fluorofentanyl	9812	I
3-Methylfentanyl	9813	I
Alpha-methylfentanyl	9814	I
Acetyl-alpha-methylfentanyl	9815	I
N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide	9816	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)	9821	I
Butyryl Fentanyl	9822	I
Para-fluorobutyryl fentanyl	9823	I
4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	9824	I
2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide	9825	I
Para-chloroisobutyryl fentanyl	9826	I
Isobutyryl fentanyl	9827	I
Beta-hydroxyfentanyl	9830	I
Beta-hydroxy-3-methylfentanyl	9831	I
Alpha-methylthiofentanyl	9832	I
3-Methylthiofentanyl	9833	I
Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide)	9834	I
Thiofentanyl	9835	I
Beta-hydroxythiofentanyl	9836	I
Para-methoxybutyryl fentanyl	9837	I
Ocfentanil	9838	I
Valeryl fentanyl	9840	I
N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide	9843	I
Cyclopropyl Fentanyl	9845	I
Cyclopentyl fentanyl	9847	I
Fentanyl related-compounds as defined in 21 CFR 1308.11&h)	9850	I
Amphetamine	1100	II
Methamphetamine	1105	II
Lisdexamfetamine	1205	II
Phenmetrazine	1631	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II

Controlled substance	Drug code	Schedule
Phencyclidine	7471	II
4-Anilino-N-phenethyl-4-piperidine (ANPP)	8333	II
Phenylacetone	8501	II
1-Piperidinocyclohexanecarbonitrile	8603	II
Cocaine	9041	II
Codeine	9050	II
Etorphine HCl	9059	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Ecgonine	9180	II
Ethylmorphine	9190	II
Hydrocodone	9193	II
Levomethorphan	9210	II
Levorphanol	9220	II
Isomethadone	9226	II
Meperidine	9230	II
Meperidine intermediate-B	9233	II
Methadone	9250	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Thebaine	9333	II
Oxymorphone	9652	II
Thiafentanil	9729	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Tapentadol	9780	II
Fentanyl	9801	II

The company plans to bulk manufacture the listed controlled substances to produce forensic and research analytical reference standards for distribution to its customers.

Dated: November 16, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2018–25865 Filed 11–26–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[Docket No. DEA–392]

Drug Enforcement Administration

Importer of Controlled Substances Application: Sigma Aldrich Co., LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before December 27, 2018. Such persons may also file a written request for a hearing on the application on or before December 27, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on February 21, 2018, Sigma Aldrich Co., LLC, 3500 Dekalb Street, Saint Louis, Missouri 63118 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Cathinone	1235	I
Methcathinone	1237	I
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
Aminorex	1585	I
Gamma Hydroxybutyric Acid	2010	I
Methaqualone	2565	I
Alpha-ethyltryptamine	7249	I
Ibogaine	7260	I
Lysergic acid diethylamide	7315	I

Controlled substance	Drug code	Schedule
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Mescaline	7381	I
4-Bromo-2,5-dimethoxyamphetamine	7391	I
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
2,5-Dimethoxyamphetamine	7396	I
3,4-Methylenedioxyamphetamine	7400	I
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
4-Methoxyamphetamine	7411	I
Bufotenine	7433	I
Diethyltryptamine	7434	I
Dimethyltryptamine	7435	I
Psilocyn	7438	I
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
N-Benzylpiperazine	7493	I
MDPV (3,4-Methylenedioxypyrovalerone)	7535	I
Heroin	9200	I
Normorphine	9313	I
Etonitazene	9624	I
Amobarbital	2125	II
Secobarbital	2315	II
Glutethimide	2550	II
Nabilone	7379	II
Phencyclidine	7471	II
Diphenoxylate	9170	II
Ecgonine	9180	II
Ethylmorphine	9190	II
Levorphanol	9220	II
Meperidine	9230	II
Thebaine	9333	II
Opium, powdered	9639	II
Levo-alphacetylmethadol	9648	II

The company plans to import the listed controlled substances for sale to research facilities for drug testing and analysis. In reference to drug codes 7360 and 7370, the company plans to import a synthetic cannabidiol and a synthetic tetrahydrocannabinol. No other activities for these drug codes are authorized for this registration.

Dated: November 16, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2018–25867 Filed 11–26–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Approval of a New Collection; Comments Requested: National Survey of Victim Service Providers (NSVSP)

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 30-Day Notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** at Volume 83, Number 136, page 32908, July 16, 2018, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until December 27, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Barbara Oudekerk, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531 (email: *Barbara.a.oudekerk@usdoj.gov;* telephone: 202–616–3904).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* National Survey of Victim Service Providers (NSVSP).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* The form number for the collection is NSVSP–1. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* A sample of agencies serving crime victims as their primary function or through dedicated staff or programs will be asked to respond. The National Survey of Victim Service Providers will gather data on the number of victims served by type of crime, victim characteristics, types of services provided, service gaps, and VSP staff size, turnover, and characteristics. BJS plans to publish information from the NSVSP in reports and reference it when responding to queries from the U.S. Congress, Executive Office of the President, the U.S. Supreme Court, partner federal agencies (*e.g.,* Office for Victims of Crime), state officials, international organizations, researchers, students, the media, and others interested in criminal justice statistics.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* A total of 7,237 victim service providers will be asked to respond to the survey. An estimated 15% of entities will no longer be in business or no longer serving victims. For ineligible respondents the survey will take less than 5 minutes to complete. Among active victim service providers, the expected response rate is 70%. For these 4,306 active victim service providers that decide to participate, it will take an average of 45 minutes to complete the survey.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 3,321 total burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: November 21, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–25767 Filed 11–26–18; 8:45 am]

BILLING CODE 4410–18–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by December 27, 2018. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, at the above address, 703–292–8030, or *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541, 45 CFR 671), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

1. Applicant

Permit Application: 2019–015

Robin West, Director of Expedition Operations, Onboard Revenue, Seabourn Quest, Seabourn Cruise Line Ltd., 450 Third Ave. W, Seattle, WA 98119.

Activity for Which Permit Is Requested: Waste Management. The applicant proposes to operate a small, battery-operated remotely piloted aircraft system (RPAS) consisting, in part, of a quadcopter equipped with a camera to collect commercial and educational footage of the Antarctic, as well as for ice reconnaissance. The quadcopter would not be flown over concentrations of birds or mammals, or over Antarctic Specially Protected Areas. The RPAS would only be operated by pilots with extensive experience (≤20 hours), who are pre-approved by the Expedition Leader. Several Measures would be taken to prevent against loss of the quadcopter including a highly visible paint color; only operating when the wind is less than 25 knots; operating for only 15 minutes at a time to preserve battery life; having prop guards on propeller tips; using a flotation device if operated over water; a ''fail-safe and auto go home'' feature in the case of a loss of control link or low battery; having an observer on the lookout for wildlife, people, and other hazards; and ensuring that the separation between the operator and quadcopter does not exceed an operational range of 500 meters. The applicant is seeking a Waste Permit to cover any accidental releases that may result from operating the RPAS.

Location: Antarctic Peninsula Region.

Dates of Permitted Activities: November 29, 2018–March 31, 2019.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2018–25742 Filed 11–26–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

AGENDA

TIME AND DATE: 9:30 a.m., Tuesday, December 11, 2018.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW, Washington, DC 20594.

STATUS: The one item is open to the public.

MATTERS TO BE CONSIDERED: 58698 Marine Accident Report: Fire On Board US Small Passenger Vessel *Island Lady,* Pithlachascotee River Near Port Richey, Florida, January 14, 2018.

News Media Contact: Telephone: (202) 314–6100.

The press and public may enter the NTSB Conference Center one hour prior to the meeting for set up and seating.

Individuals requesting specific accommodations should contact Rochelle McCallister at (202) 314–6305 or by email at *Rochelle.McCallister@ntsb.gov* by Wednesday, December 5, 2018.

The public may view the meeting via a live or archived webcast by accessing a link under ''News & Events'' on the NTSB home page at *www.ntsb.gov.*

Schedule updates, including weather-related cancellations, are also available at *www.ntsb.gov.*

For More Information Contact: Candi Bing at (202) 314–6403 or by email at *bingc@ntsb.gov.*

For Media Information Contact: Chris O'Neil at (202) 314–6100 or by email at *chris.oneil@ntsb.gov.*

Dated: Friday, November 23, 2018.

LaSean McCray,

Assistant Federal Register Liaison Officer.

[FR Doc. 2018–25912 Filed 11–23–18; 11:15 am]

BILLING CODE 7533–01–P

POSTAL REGULATORY COMMISSION

[Docket No. MC2019–17; Order No. 4883]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is recognizing a recent Postal Service filing requesting that Inbound Letter Post small packets and bulky letter, and inbound registered services associated with such items, be transferred from the market dominant product list to the competitive product list. This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* December 10, 2018.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Commission Action
III. Ordering Paragraphs

I. Introduction

On November 16, 2018, the Postal Service filed a notice with the Commission pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* requesting that Inbound Letter Post small packets and bulky letters, and inbound registered service associated with such items, be transferred from the market dominant product list to the competitive product list.[1] In support of its Request, the Postal Service filed the following documents:

- Attachment A—Statement of Supporting Justification;
- Attachment B—Draft Mail Classification Schedule (MCS) Language; and
- Attachment C—Resolution of the Governors of the United States Postal Service, November 13, 2018 (Resolution No. 18–9).

The Postal Service asserts that the new Inbound Letter Post Small Packets and Bulky Letters product fulfills all of the criteria for competitive products under section 3642. *See* Request at 5–8. Specifically, the Postal Service states that mailers use Inbound Letter Post small packets and bulky letters to ship goods as an alternative to competitive parcel products offered by the Postal Service or private delivery service companies and that such mailers have multiple postal and commercial options. *Id.* at 5, 7. The Postal Service notes that its ''share of the relevant market falls below the threshold for market dominance.'' *Id.* at 7.

In addition, the Postal Service states that the Private Express Statutes (PES) do not apply to the Inbound Letter Post Small Packets and Bulky Letters product because: (1) Documents that are combined with goods are likely invoices or advertising materials that are exempt from PES; (2) most Inbound Letter Post Small Packets and Bulky Letters mailpieces will weigh more than the 12.5 ounce threshold and will likely be exempt from PES; and (3) the Postal Service is likely to propose prices for the Inbound Letter Post Small Packets and Bulky Letters product that are at least six times the price charged for a 1-ounce First-Class Mail Single-Piece Letters mailpiece. *Id.* at 10–11.

The Postal Service notes that prices for the Inbound Letter Post Small Packets and Bulky Letters product have not been determined but expects such prices to be ''fully remunerative and provide healthy contribution to institutional costs[,]'' thereby satisfying 39 U.S.C. 3633(a)(1) and (2).[2] Furthermore, the Postal Service asserts that after the addition of the Inbound Letter Post Small Packets and Bulky Letters product, competitive products, as a whole, will continue to contribute at least 5.5 percent towards total institutional costs. *Id.; see* 39 U.S.C. 3633(a)(3), 39 CFR 3015.7.

The Postal Service also asserts that transferring Inbound Letter Post small packets and bulky letters from the market dominant product list to the competitive product list will improve consistency between inbound and outbound products. Request at 12. Specifically, the Postal Service notes that ''outbound international products analogous to those at issue here'' are already on the competitive product list, as are Inbound Air and Surface Parcel Post, which are similar to Inbound Letter Post small packets and bulky letters. *Id.*

II. Commission Action

The Commission establishes Docket No. MC2019–17 to consider the Postal Service's proposals described in its Request. Interested persons may submit comments on whether the Request is consistent with the policies of 39 U.S.C. 3632, 3633, and 3642 and 39 CFR 3020.30 *et seq.* Comments are due by December 10, 2018.

The Request and related filings are available on the Commission's website (*http://www.prc.gov*). The Commission encourages interested persons to review the Request for further details.

The Commission appoints Kenneth E. Richardson to serve as Public Representative in this proceeding.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. MC2019–17 for consideration of the matters raised by the United States Postal Service Request to Transfer Inbound Letter Post Small Packets and Bulky Letters, and Inbound Registered Service Associated with Such Items, to the Competitive Product List, filed November 16, 2018.

2. Pursuant to 39 U.S.C. 505, Kenneth E. Richardson is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments by interested persons are due by December 10, 2018.

4. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2018–25708 Filed 11–26–18; 8:45 am]

BILLING CODE 7710–FW–P

[1] United States Postal Service Request to Transfer Inbound Letter Post Small Packets and Bulky Letters, and Inbound Registered Service Associated with Such Items, to the Competitive Product List, November 16, 2018 (Request).

[2] *Id.* at 9. The Postal Service states that it has not declared an implementation date and expects that the transfer will be effective when the self-declared prices go into effect or as otherwise determined by the Postal Service Board of Governors. *Id.*

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2018–104; MC2019–22 and CP2019–23; MC2019–23 and CP2019–24; MC2019–24 and CP2019–25; MC2019–25 and CP2019–26; MC2019–26 and CP2019–27; MC2019–27 and CP2019–28; MC2019–28 and CP2019–29; MC2019–29 and CP2019–30; MC2019–30 and CP2019–31]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* November 28, 2018 and November 29, 2018.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION: The November 28, 2018 comment due date applies to Docket Nos. CP2018–104; MC2019–22 and CP2019–23; MC2019–23 and CP2019–24; MC2019–24 and CP2019–25; MC2019–25 and CP2019–26.

The November 29, 2018 comment due date applies to Docket Nos. MC2019–26 and CP2019–27; MC2019–27 and CP2019–28; MC2019–28 and CP2019–29; MC2019–29 and CP2019–30; MC2019–30 and CP2019–31.

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2018–104; *Filing Title:* USPS Notice of Amendment to Priority Mail Contract 393, Filed Under Seal; *Filing Acceptance Date:* November 20, 2018; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* November 28, 2018.

2. *Docket No(s).:* MC2019–22 and CP2019–23; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & First-Class Package Service Contract 47 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 20, 2018; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* November 28, 2018.

3. *Docket No(s).:* MC2019–23 and CP2019–24; *Filing Title:* USPS Request to Add Priority Mail Contract 478 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 20, 2018; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* November 28, 2018.

4. *Docket No(s).:* MC2019–24 and CP2019–25; *Filing Title:* USPS Request to Add Priority Mail Express Contract 66 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 20, 2018; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Kenneth R. Moeller; *Comments Due:* November 28, 2018.

5. *Docket No(s).:* MC2019–25 and CP2019–26; *Filing Title:* USPS Request to Add Priority Mail Express Contract 67 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 20, 2018; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Kenneth R. Moeller; *Comments Due:* November 28, 2018.

6. *Docket No(s).:* MC2019–26 and CP2019–27; *Filing Title:* USPS Request to Add Priority Mail Contract 479 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 20, 2018; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Curtis E. Kidd; *Comments Due:* November 29, 2018.

7. *Docket No(s).:* MC2019–27 and CP2019–28; *Filing Title:* USPS Request to Add Priority Mail Contract 480 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 20, 2018; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Curtis E. Kidd; *Comments Due:* November 29, 2018.

8. *Docket No(s).:* MC2019–28 and CP2019–29; *Filing Title:* USPS Request to Add Priority Mail Contract 481 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 20, 2018; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Curtis E. Kidd; *Comments Due:* November 29, 2018.

9. *Docket No(s).:* MC2019–29 and CP2019–30; *Filing Title:* USPS Request to Add Priority Mail Contract 482 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 20, 2018; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Lawrence Fenster; *Comments Due:* November 29, 2018.

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

10. *Docket No(s).:* MC2019–30 and CP2019–31; *Filing Title:* USPS Request to Add Priority Mail Contract 483 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 20, 2018; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Lawrence Fenster; *Comments Due:* November 29, 2018.

This Notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2018–25798 Filed 11–26–18; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, & 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 27, 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 20, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail, & First-Class Package Service Contract 47 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–22, CP2019–23.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–25722 Filed 11–26–18; 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 27, 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 20, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 479 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–26, CP2019–27.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–25724 Filed 11–26–18; 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 27, 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 20, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 481 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–28, CP2019–29.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–25718 Filed 11–26–18; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express 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 27, 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 20, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express Contract 67 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–25, CP2019–26.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–25721 Filed 11–26–18; 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 27, 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 20, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 478 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–23, CP2019–24.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–25714 Filed 11–26–18; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express 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 27, 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 20, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express Contract 66 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–24, CP2019–25.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–25716 Filed 11–26–18; 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 27, 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 20, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 482 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–29, CP2019–30.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–25723 Filed 11–26–18; 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 27, 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 20, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 480 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–27, CP2019–28.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–25719 Filed 11–26–18; 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 27, 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 20, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 483 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–30, CP2019–31.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–25715 Filed 11–26–18; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84638; File No. SR–NASDAQ–2018–093]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Relocate Registration, Qualification Examination and Continuing Education Rules

November 20, 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 November 14, 2018, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to delete from [sic] the current rules on Registration, Qualification Examination and Continuing Education consisting of Rules 1200, 1210, 1220, 1230, 1240 and 1250 (the ''1200 Series'' of rules) and to relocate them into General 4 in the Exchange's rulebook's (''Rulebook'') shell structure, as new General 4, Section 1.[3]

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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Recently, the Exchange added a shell structure to its Rulebook with the purpose of improving efficiency and readability and to align its rules closer to those of its five sister exchanges, Nasdaq BX, Inc.; Nasdaq PHLX LLC (''Phlx''); Nasdaq ISE, LLC; Nasdaq GEMX, LLC; and Nasdaq MRX, LLC (''Affiliated Exchanges''). The shell structure containing General Equity and Options Rules currently contains eight chapters which, once complete, will apply a common set of rules to the Affiliated Exchanges. *See* Securities Exchange Act Release No. 82175 (November 29, 2017), 82 FR 57494 (December 5, 2017) (SR–NASDAQ–2017–125).

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 delete its rules on Registration, Qualification Examinations and Continuing Education where they are currently found in the Exchange's Rulebook and relocate them to General 4, Regulation, of the ''General Equity and Options Rules'' in the Exchange's new shell Rulebook, as new Section 1, Registration, Qualification and Continuing Education.

The 1200 Series of rules is a common set of rules among Nasdaq and the Affiliated Exchanges that were recently adopted on Nasdaq and on each of the Affiliated Exchanges.[4] The Nasdaq 1200 Series of rules will ultimately, after they are relocated and pursuant to subsequent proposed rule changes by the Affiliated Exchanges, replace the existing 1200 Series of rules as they currently appear in each of the Affiliated Exchanges' rulebooks, which will incorporate the relocated Nasdaq rules by reference.[5]

The relocation and harmonization of the 1200 Series is part of the Exchange's continued effort to promote efficiency and conformity of its rules with those of its Affiliated Exchanges. The Exchange believes that the placement of the 1200 Series of rules in their new location in the shell will facilitate the use of the Rulebook by members of the Exchange who are also members of one or more of the Affiliated Exchanges. Moreover, the proposed changes will not amend the substance of the 1200 Series of rules. They will simply renumber the rules by adding ''General 4, Section 1.'' immediately before the current rule number. Thus, for example, current Rule 1210 will be redesignated ''General 4, Section 1.1210''. Similarly, current references in the Rulebook to the ''Rule 1200 Series'' will be changed to the ''General 4, Section 1.1200 Series''. Current Exchange rules—both within the existing 1200 Series of rules and elsewhere in the Rulebook—that cross-reference the current 1200 Series of rules will also be updated to refer to the 1200 Series of rules as renumbered.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5) of the Act,[7] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The relocation and renumbering of the 1200 Series of rules and the cross-reference updates are of a non-substantive nature. The proposal is intended ultimately to facilitate the harmonization of the Exchange's rules with those of its Affiliated Exchanges.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes do not impose a burden on competition because, as previously stated, they are of a non-substantive nature.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[8] and subparagraph (f)(6) of Rule 19b–4 thereunder.[9]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days from the date of filing. However, Rule 19b–4(f)(6)(iii)[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 asked the Commission to waive the 30-day operative delay in order to expedite the Exchange's reorganization of its Rulebook.[11] The Exchange asserts the waiver would help promote efficiency and conformity of its rules with those of its Affiliated Exchanges. The proposed changes are non-substantive; they relocate rules that were adopted by Nasdaq in a prior rule filing. Waiver of the 30-day operative delay will enable Nasdaq to reorganize its Rulebook without delay. Thus, the Commission believes that the waiver of the 30-day operative delay is consistent with the public interest and hereby waives the 30-day operative delay.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[4] *See* Securities Exchange Act Release Nos. 84386 (October 9, 2018), 83 FR 51988 (October 15, 2018) (SR–Nasdaq–2018–078); 84353 (October 3, 2018), 83 FR 50999 (October 10, 2018) (SR–BX–2018–047); 84352 (October 3, 2018), 83 FR 50981 (October 10, 2018) (SR–Phlx–2018–61); 84384 (October 9, 2018), 83 FR 52006 (October 15, 2018) (SR–ISE–2018–82); 84448 (October 18, 2018), 83 FR 53669 (October 24, 2018) (SR–GEMX–2018–33); and 84385 (October 9, 2018), 83 FR 52023 (October 15, 2018) (SR–MRX–2018–31).

[5] Due to its trading floor and unique membership structure which features the concept of a ''member organization,'' the Phlx 1200 Series differs slightly from the 1200 Series adopted on the remaining Affiliated Exchanges. Consequently, the Phlx 1200 Series will be amended to conform to the 1200 Series of the other Affiliated Exchanges prior to incorporating the Nasdaq 1200 Series of rules into the Phlx rulebook.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] *See supra* note 3.

[12] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–2018–093 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–2018–093. 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 the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2018–093 and should be submitted on or before December 18, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–25740 Filed 11–26–18; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84642; File No. SR–CboeEDGX–2018–049]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing of a Proposed Rule Change Relating To Adopt Complex Reserve Order Functionality

November 21, 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 8, 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'') proposes to adopt Complex Reserve Order functionality.

(additions are *italic*; deletions are [bracketed])

* * * * *

Rules of Cboe EDGX Exchange, Inc.

* * * * *

Rule 21.20. Complex Orders

(a) No change.

(b) Availability of Types of Complex Orders. The Exchange will determine and communicate to Members via specifications and/or a Regulatory Circular listing when the complex order types, among the complex order types set forth in this Rule, are available for use on the Exchange. The complex order types that may be submitted are limit orders and market orders, and orders with a Time in Force of GTD, IOC, DAY, GTC, or OPG as such terms are defined in Rule 21.1(f).The *System also accepts the* following *instructions for* complex orders[will also be accepted by the Exchange]:

(1)–(3) No change.

(4) (Reserved)

(5) (Reserved)

(*6) Complex Reserve Order. A ''Complex Reserve Order'' is a complex limit order with both a portion of the quantity displayed (''Display Quantity'') and a reserve portion of the quantity (''Reserve Quantity'') not displayed. Both the Display Quantity and Reserve Quantity of a Complex Reserve Order are available for potential execution pursuant to paragraphs (c) and (d) below. When entering a Complex Reserve Order, a User must instruct the Exchange as to the quantity of the Complex Reserve Order to be initially displayed by the System (''Max Floor''). If the Display Quantity of a Complex Reserve Order is fully executed, the System will, in accordance with the User's instruction, replenish the Display Quantity from the Reserve Quantity using one of the below replenishment instructions. If the remainder of a Complex Reserve Order is less than the replenishment amount, the System will display the entire remainder of the Complex Reserve Order. The System creates a new timestamp for both the Display Quantity and Reserve Quantity of the Complex Reserve Order each time it is replenished from reserve.*

(A) Random Replenishment. An instruction that a User may attach to a Complex Reserve Order where the System randomly replenishes the Display Quantity for the Complex Reserve Order with a number of contracts not outside a replenishment range, which equals the Max Floor plus and minus a replenishment value established by the User when entering a Complex Reserve Order with a Random Replenishment instruction.

(B) Fixed Replenishment. For any Complex Reserve Order for which a User does not select Random Replenishment, the System will replenish the Display Quantity of the Complex Reserve Order with the number of contracts equal to the Max Floor (or the entire remainder of the Complex Reserve Order if it is less than the replenishment amount).

(c) Trading of Complex Orders. The Exchange will determine and communicate to Members via specifications and/or Regulatory Circular which complex order origin codes (*i.e.,* non-broker-dealer customers, broker-dealers that are not Market Makers on an options exchange, and/or Market Makers on an options exchange) are eligible for entry onto the COB. Complex orders will be subject to all other Exchange Rules that pertain to orders submitted to the Exchange generally, unless otherwise provided in this Rule.

(1) No change.

(2) Execution of Complex Orders.

(A)–(E) No change.

(F) *Legging.* Complex orders up to a maximum number of legs (determined by the Exchange on a class-by-class basis as either two, three, or four legs

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

and communicated to Members via specifications and/or Regulatory Circular) may be automatically executed against bids and offers on the Simple Book *(both displayed and nondisplayed orders)* for the individual legs of the complex order (''Legging''), provided the complex order can be executed in full or in a permissible ratio by such bids and offers. Complex orders with two option legs where both legs are buying or both legs are selling and both legs are calls or both legs are puts may only trade against other complex orders on the COB and will not be permitted to leg into the Simple Book. Notwithstanding the foregoing, all two leg COA-eligible Customer complex orders will be allowed to leg into the Simple Book without restriction. Complex orders with three or four option legs where all legs are buying or all legs are selling may only trade against other complex orders on the COB and will not leg into the Simple Book, regardless of whether the option leg is a call or a put. *The entire quantity of a Complex Reserve Order (both the Display Quantity and Reserve Quantity) Legs into the Simple Book at the same time, and any quantity that does not execute pursuant to paragraph (c) or (d) after Legging will rest in the COB in accordance with the Complex Reserve Order instruction.*

(G) No change.

(3) Complex Order Priority.

(A) No change.

(B) Complex orders will be automatically executed against bids and offers on the COB in price priority. Bids and offers at the same price on the COB will be executed in time priority. *Displayed complex orders resting on the COB have priority over nondisplayed portions of Complex Reserve Orders resting on the COB. If there are Priority Customer Orders in the Simple Book at the same price as orders resting on the COB against which an incoming complex order will execute, the order will first Leg into the Simple Book to execute against the Priority Customer Orders (both displayed and nondisplayed orders) before executing against complex orders in the COB.* Complex orders that leg into the Simple Book (as described in subparagraph (c)(2)(F) above) will be executed in accordance with Rule 21.8.

(4)–(6) No change.

(d) COA Process. All option classes will be eligible to participate in a COA. Upon evaluation as set forth in subparagraph (c)(5) above, the Exchange may determine to automatically submit a COA-eligible order into a COA.

(1) No change.

(2) Commencement of COA. Upon receipt of a COA-eligible order, the Exchange will begin the COA process by sending a COA auction message. The COA auction message will be sent to all subscribers to the Exchange's data feeds that deliver COA auction messages. The COA auction message will identify the COA auction ID, instrument ID (*i.e.,* complex strategy), origin code, quantity, and side of the market of the COA-eligible order. *If the COA-eligible order is a Complex Reserve Order, the COA auction message only identifies the Display Quantity; however, the entire quantity (both the Display Quantity and Reserve Quantity) may execute following the COA pursuant to subparagraph (7) below.* The Exchange may also determine to include the price in COA auction messages and if it does so it will announce such determination in published specifications and/or a Regulatory Circular to Members. The price included in the COA auction message will be the limit order price, unless the COA is initiated by a complex market order, in which case such price will be the SBBO, subject to any applicable price protections.

(3) No change.

(4) COA Response. Members may submit a response to the COA auction message (a ''COA Response'') during the Response Time Interval. COA Responses can be submitted by a Member with any origin code, including Priority Customer. COA Responses may be submitted in $0.01 increments and must specify the price, size, side of the market (*i.e.,* a response to a buy COA as a sell or a response to a sell COA as a buy) and COA auction ID for the COA to which the response is targeted. *COA Responses may be larger than the COA-eligible order.* Multiple COA Responses from the same Member may be submitted during the Response Time Interval. COA Responses represent non-firm interest that can be modified or withdrawn at any time prior to the end of the Response Time Interval, though any modification to a COA Response other than a decrease of size will result in a new timestamp and a loss of priority. COA Responses will not be displayed by the Exchange. At the end of the Response Time Interval, COA Responses are firm (*i.e.,* guaranteed at their price and size). Any COA Responses not executed in full will expire at the end of the COA. Any COA Responses not executable based on the price of the COA will be cancelled immediately.

(5)–(6) No change.

(7) Allocation at the Conclusion of a COA. Orders executed in a COA will be allocated first in price priority based on their original limit price as follows:

(A) Priority Customer Orders *(both displayed and nondisplayed Priority Customer Orders)* resting on the Simple Book;

(B) COA Responses and unrelated orders on the COB *(displayed complex orders have priority over nondisplayed portions of Complex Reserve Orders)* in time priority;

(C) No change.

(8)–(9) No change.

Interpretations and Policies:

.01–.06 No change.

* * * * *

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

In 2016, the Exchange's parent company, Cboe Global Markets, Inc. (formerly named CBOE Holdings, Inc.) (''Cboe Global''), which is the parent company of Cboe Exchange, Inc. (''Cboe Options'') and Cboe C2 Exchange, Inc., acquired the Exchange, Cboe EDGA Exchange, Inc. (''EDGA''), Cboe BZX Exchange, Inc. (''BZX or BZX Options''), and Cboe BYX Exchange, Inc. (''BYX'' and, together with C2, Cboe Options, EDGX, EDGA, and BZX, the ''Cboe Affiliated Exchanges''). The Cboe Affiliated Exchanges are working to align certain system functionality, retaining only intended differences between the Cboe Affiliated Exchanges, in the context of the technology migration of Cboe Options to the same trading platform as the Exchange. Thus, the proposed rule change is intended to

add certain functionality to the Exchange's System that is currently offered by Cboe Options [3] in order to ultimately provide a consistent technology offering for market participants who interact with the Cboe Affiliated Exchanges. Although the Exchange intentionally offers certain features that differ from those offered by its affiliates and will continue to do so, the Exchange believes that offering similar functionality to the extent practicable will reduce potential confusion for Users.

Currently, one of the Order Types in the Rules for simple orders is a Reserve Order.[4] When implemented, simple Reserve Orders will permit Users to enter orders with both displayed and nondisplayed amounts. Reserve Orders will provide Users with additional flexibility to manage and display their orders and additional control over their executions on the Exchange.

The Exchange proposes to adopt Complex Reserve Order functionality.[5] Complex Reserve Orders would generally function in the same manner as simple Reserve Orders, as currently described in the definition of Reserve Orders in Rule 21.1(d)(1).[6] Specifically, a ''Complex Reserve Order'' is a complex limit order with both a portion of the quantity displayed (''Display Quantity'') and a reserve portion of the quantity (''Reserve Quantity'') not displayed. Both the Display Quantity and Reserve Quantity of a Complex Reserve Order are available for execution pursuant to Rule 21.20(c) and (d).[7] When entering a Complex Reserve Order, a User must instruct the Exchange as to the quantity of the Complex Reserve Order to be initially displayed by the System (''Max Floor''). If the Display Quantity of a Complex Reserve Order is fully executed, the System will, in accordance with the User's instruction, replenish the Display Quantity from the Reserve Quantity using one of the below replenishment instructions. If the remainder of a Complex Reserve Order is less than the replenishment amount, the System will display the entire remainder of the Complex Reserve Order. The System creates a new timestamp for both the Display Quantity and Reserve Quantity of the Complex Reserve Order each time it is replenished from reserve.

A User may determine that a Complex Reserve Order it submits should be subject to ''Random Replenishment'' or ''Fixed Replenishment.'' If a Complex Reserve Order has a Random Replenishment instruction, the System randomly replenishes the Display Quantity for the Complex Reserve Order with a number of contracts not outside a replenishment range, which equals the Max Floor plus and minus a replenishment value established by the User when entering a Complex Reserve Order with a Random Replenishment instruction. For any Complex Reserve Order for which a User does not select Random Replenishment, the System will replenish the Display Quantity of the Complex Reserve Order with the number of contracts equal to the Max Floor (or the entire remainder of the Complex Reserve Order if it is less than the replenishment amount).

Current Rule 21.20(d)(2) provides that upon receipt of a COA-eligible order,[8] the Exchange will begin the complex order auction (''COA'') process by sending a COA auction message to all subscribers to the Exchange's data feeds that deliver COA auction messages. A COA auction message identifies the COA auction ID, instrument ID (*i.e.* complex strategy), origin code, quantity, and side of the market of the COA-eligible order. The proposed rule change provides that if the COA-eligible order is a Complex Reserve Order, the COA auction message only identifies the Display Quantity; however, the entire quantity (both the Display Quantity and Reserve Quantity) may execute following the COA pursuant to Rule 21.20(d)(7).[9] The Exchange believes this is consistent with the purpose of a Reserve Order. If a User submits a Reserve Order (simple or complex), the User does so to only have a certain specified size publicly displayed. If the entire quantity of a Complex Reserve Order was auctioned in a COA, the entire size of the Complex Reserve Order would be publicly displayed,[10] rather than the Display Quantity the User indicated it wanted publicly visible. Therefore, the Exchange believes it is appropriate to include only the Display Quantity of a Complex Reserve Order in a COA message.[11]

Proposed Rule 21.20(c)(2)(F) states the entire quantity of a Complex Reserve Order (both the Display Quantity and Reserve Quantity) will Leg into the Simple Book at the same time, and any quantity that does not execute pursuant to Rule 21.20(c) or (d) after Legging will rest in the COB in accordance with the proposed Complex Reserve Order instruction. As stated in the definition of a Reserve Order and the proposed definition of a Complex Reserve Order, both the Displayed Quantity and Reserve Quantity are eligible for execution against incoming orders. The Exchange believes it is appropriate to similarly make both the Displayed Quantity and Reserve Quantity eligible for execution against orders and quotes in the Simple Book as well. This will maximize the size of resting orders and quotes on the Simple Book that may execute when these orders Leg into the Simple Book, as well as provide the entire quantity of a Complex Reserve Order with an opportunity to execute against orders in the Simple Book. A Complex Reserve Order may Leg into the Simple Book after a COA, following submission to the System (if not COA-eligible), or following evaluation when resting in the COB.[12] If any portion of a Complex Reserve Order does not execute in those circumstances, the remaining quantity will enter the COB with a Display Quantity and Reserve Quantity with amounts determined in

[3] Cboe Options currently offers reserve functionality for complex orders. *See* Cboe Options Regulatory Circular RG11–016 (January 27, 2011); *see also* Cboe Options Rule 6.53 (which permits Cboe Options to determine which orders types are available for which Exchange systems).

[4] *See* Rule 21.1(d)(1). This rule is currently effective but not yet operative. *See* SR–CboeEDGX–2018–051 (November 5, 2018). The Exchange intends to implement simple Reserve Order functionality on November 29, 2018.

[5] *See* proposed Rule 21.20(b)(6). The Exchange recently proposed to amend its Rules to adopt Post Only complex order functionality. *See* Securities Exchange Act Release No. 34–84393 (October 10, 2018), 83 FR 52264 (October 16, 2018) (SR–CboeEDGX–2018–043). The proposed rule text is based on the currently effective rule text (the proposed reserved subparagraphs (b)(4) and 5) accommodate proposed rule text the Exchange intends to include in an amendment to that rule filing). If SR–CboeEDGX–2018–043 is approved by the Securities and Exchange Commission (the ''Commission'') prior to the date the Commission acts on this rule filing, the Exchange will amend this rule filing to update the proposed rule text to reflect the rule text as amended by that filing.

[6] *See supra* note 4.

[7] Pursuant to Rule 21.20(c) and (d), complex orders (including the Display and Reserve Quantities of Complex Reserve Orders) may execute during the COB opening process, against incoming complex orders, simple orders in the Simple Book (via Legging), or following a COA (if the complex order is COA-eligible pursuant to Rule 21.20(b)(2)). Complex Reserve Orders will be COA-eligible, subject to a User's instructions.

[8] *See* Rule 21.20(b)(2) for the definition of a COA-eligible order.

[9] *See* proposed Rule 21.20(d)(2).

[10] *See* current Rule 21.20(d)(2) (COA auction messages identify, among other things, the quantity of the COA-eligible order).

[11] Making both the Display Quantity and Reserve Quantity available for execution at the end of a COA is consistent with the definition of the Reserve Order instruction for simple orders, which provides that both portions are available for potential execution against incoming orders. *See* Rule 21.1(d)(1). The proposed rule change provides the entire quantity of a Complex Reserve Order that initiates a COA with an opportunity to execute following a COA.

[12] *See* Rule 21.20(c)(2)(G) (describing the initial evaluation process), (c)(5) (describing the evaluation process after a complex order is resting in the COB), and (d)(5) (describing the processing of COA-eligible orders).

accordance with proposed Rule 21.20(b)(6).

The proposed rule change also amends Rule 21.20(d)(4) to clarify that COA Responses may be larger than the COA-eligible order (in response to which the COA Response is submitted). Neither the System nor the Rules limit the size of COA Responses to the size of the COA-eligible order, and the Exchange believes this proposed change will provide Users with additional clarity. Because COA Responses are not limited to the size of COA-eligible orders, if a Complex Reserve Order initiates a COA, COA Responses with size larger than the Display Quantity of the Complex Reserve Order will have the opportunity to execute against the entire size of the Complex Reserve Order.

Processing and execution of Complex Reserve Orders will generally occur in the same manner as other complex orders in accordance with current Rule 21.20(c) and (d). Proposed Rule 21.20(c)(3)(B) and (d)(7)(B) states that displayed complex orders resting on the COB have priority over nondisplayed portions of Complex Reserve Orders resting on the COB. This is consistent with the current handling of simple Reserve Orders.[13] The proposed rule change also clarifies in 21.20(c)(2)(F), (c)(3)(B), and (d)(7)(A) that both displayed and nondisplayed Priority Customer bids and offers on the Simple Book [14] for the individual leg components of the complex order trade before complex orders (both displayed and nondisplayed orders) resting on the COB and COA Responses, if applicable, at the same price when a complex order Legs into the Simple Book. This is consistent with current functionality and current Rules. Specifically, Rule 21.20(c)(3)(B) states that complex orders that leg into the Simple Book will be executed in accordance with Rule 21.8, which provides that resting orders and quotes are prioritized according to price and there [sic] are allocated in a pro-rata fashion (subject to priority overlays, such as Priority Customer Overlays and Entitlements), and that displayed orders have priority over nondisplayed orders. Therefore, if a complex order Legs in to the Simple Book, it would execute against displayed and then nondisplayed resting interest in the Simple Book at the applicable price before executing against other complex orders. The proposed rule change adds clarity to the priority of resting orders when a complex order Legs into the Simple Book, as well as describes how complex reserve orders will be prioritized.

If a complex order Legs into the Simple Book, the execution priority of contra-side interest will be as follows:

- Displayed Priority Customer simple orders
- Nondisplayed portions of Priority Customer simple orders
- Displayed complex orders and COA Responses, if applicable
- Nondisplayed portions of Complex Reserve Orders
- Displayed non-Priority Customer simple orders
- Nondisplayed portions of non-Priority Customer simple orders

The Exchange believes this is reasonable, as it ensures protection of the leg markets while ensuring system stability. This priority order results in nondisplayed orders on the Simple Book ahead of displayed complex orders on the COB. While the Exchange generally prioritizes displayed orders over nondisplayed orders to encourage Users to submit displayed liquidity, executing complex orders first against displayed Priority Customer simple orders, second against displayed complex orders and COA responses, third against displayed non-Priority Customer simple orders, fourth against nondisplayed portions Priority Customer simple orders, fifth against nondisplayed portions of Complex Reserve Orders, and sixth against nondisplayed portions of non-Priority Customer simple orders would significantly increase the complexity of the proposed functionality. The Simple Book and COB are entirely separate functioning books, and moving a complex order back and forth between the two books increases systematic risk related to Legging. Additionally, this would increase the execution time for complex orders that are able to Leg, which may harm Users. The Exchange believes the need to ensure system stability and efficient executions in connection with offering the proposed functionality to Users outweighs any potential benefits of prioritizing all displayed interest ahead of nondisplayed interest in this context.

The proposed rule change also makes a nonsubstantive change to the introductory sentence to the list of complex order types in Rule 21.20(b) to eliminate the use of passive voice in that sentence.

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.[15] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [16] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [17] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change will remove impediments to and perfect the mechanism of a free and open national market system, as well as benefit investors by providing Users with additional flexibility to manage and display their complex orders and additional control over their executions on the Exchange. This may encourage market participants to bring additional liquidity to the market, which benefits all investors.

The Exchange notes that Reserve Order functionality is not new or unique and is already available in a similar capacity for simple orders. While the Reserve Order functionality is not currently available for complex orders, the Exchange has Reserve Order functionality in its Rules for simple orders, which functions substantially in the same manner as the proposed Complex Reserve Order functionality.[18]

[13] *See* Rule 21.1(d)(1) and *supra* note 4.

[14] Priority Customer orders on the Simple Book have first priority pursuant to the Customer Overlay. *See* Rule 21.8(d). Because, pursuant to current Rule 21.20(c)(3)(A), a complex order must improve the price of the BBO of a component of a complex strategy by at least $0.01 if it consists of a Priority Customer Order, if the execution price of a complex order is the same as the SBBO that consists of Priority Customer Orders, the order will first Leg into the Simple Book pursuant to Rule 21.20(c)(2)(F). The proposed rule change to Rule 21.20(c)(3)(A) clarifies this order of priority. Specifically, the proposed rule change states if there are Priority Customer Orders in the Simple Book at the same price as orders resting on the COB against which an incoming complex order will execute, the order will first Leg into the Simple Book to execute against the Priority Customer Orders (both displayed and nondisplayed orders) before executing against complex orders in the COB.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] *Id.*

[18] As noted above, Reserve Order functionality for simple orders is described in Rules that are currently effective but not yet operative.

The purpose of a Complex Reserve Order is the same as the purpose of a simple Reserve Order.

The proposed rule change to only include the Displayed Quantity of a Complex Reserve Order in a COA message protects investors, as it is consistent with the purpose of a Complex Reserve Order and the intention of a User that submits a Complex Reserve Order, which is to only have a certain specified size publicly displayed. This provides Complex Reserve Orders with the potential for price improvement in a manner consistent with the objective of a Reserve Order. Therefore, the Exchange believes it is appropriate to only include the Display Quantity of a Complex Reserve Order in a COA message.

The Exchange believes the proposed rule change regarding how Complex Reserve Orders Leg into the Simple Book will benefit investors. The proposed rule change is consistent with the definition of a Reserve Order, which states that the entire quantity is eligible for potential execution against incoming orders, and thus provides the entire quantity of a Reserve Order with an opportunity to execute against orders and quotes in the Simple Book. Additionally, this will maximize the size of resting orders and quotes on the Simple Book that may execute when Complex Reserve Orders Leg into the Simple Book. Therefore, the Exchange believes the proposed rule change may increase execution opportunities for both Complex Reserve Orders and simple orders and quotes resting on the Simple Book.

The Exchange believes the proposed rule change related to the priority of Complex Reserve Orders promotes just and equitable principles of trade, as it is consistent with current priority in the Simple Book that provides displayed orders have priority over nondisplayed orders. The proposed rule change that displayed portions of complex orders resting on the COB have priority over nondisplayed portions of Complex Reserve Orders resting on the COB is reasonable, because it is consistent with the current handling of simple Reserve Orders, as discussed above. Additionally, the proposed rule change to clarify that displayed and nondisplayed Priority Customer orders and quotes resting on the Simple Book have priority over all displayed and nondisplayed orders resting on the COB when a complex order Legs into the Simple Book is consistent with current functionality and current Rules describing how complex orders Leg into the Simple Book. This additional clarity regarding the order in which resting orders and quotes on the Simple Book will trade when a complex order Legs into the Simple Book benefits investors, as it provides more detail regarding the priority of executions on the Exchange. The Exchange also believes the proposed priority ensures system stability and efficient executions outweighs [sic]. The Exchange notes it is not novel for nondisplayed interest to trade ahead of displayed interest.[19]

The proposed rule change is generally intended to add certain system functionality to the Exchange's System in order to provide a consistent technology offering for the Cboe Affiliated Exchanges, as Cboe Options currently offers (and intends to offer following its migration to the same technology platform as the Exchange) complex reserve order functionality. A consistent technology offering, in turn, will simplify the technology implementation, changes, and maintenance by Users of the Exchange that are also participants on Cboe Affiliated Exchanges. The proposed rule change will provide Users with additional flexibility to manage and display their orders and control their executions on the Exchange. This may encourage market participants to bring additional liquidity to the market, which benefits all investors. Additionally, this will provide Users with greater harmonization between the order handling instructions available among the Cboe Affiliated Exchanges.

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 Exchange believes the proposed rule change will not burden intramarket competition because the Reserve Order instruction on complex orders will be available to all market participants. Additionally, use of the Reserve Order instruction on complex orders is voluntary. The Exchange also believes the proposed rule change will not impose any burden on intermarket competition because this relates to an instruction on orders that are submitted to the Exchange and how the Exchange's System will handle and execute them. Additionally, nothing prevents other options exchanges that offer complex orders from adopting a Reserve Order functionality for complex orders. The Exchange also believes the proposed rule change will promote competition, as Complex Reserve Orders will provide Users with additional flexibility to manage and display their complex orders and additional control over their executions on the Exchange. This may encourage market participants to bring additional liquidity to the market, which benefits all investors.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeEDGX–2018–049 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–2018–049. 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

[19] *See supra* note 15 [sic].

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–2018–049, and should be submitted on or before December 18, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Brent J. Fields,

Secretary.

[FR Doc. 2018–25883 Filed 11–26–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84643; File No. SR–C2–2018–022]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing of a Proposed Rule Change Relating To Adopt Complex Reserve Order Functionality

November 21, 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 8, 2018, Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') 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 C2 Exchange, Inc. (the ''Exchange'' or ''C2'') proposes to adopt Complex Reserve Order functionality.

(additions are *italic;* deletions are [bracketed])

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Rules of Cboe C2 Exchange, Inc.

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Rule 6.13. Complex Orders

Trading of complex orders is subject to all other Rules applicable to trading of orders, unless otherwise provided in this Rule 6.13.

(a) No change.

(b) *Types of Complex Orders.* The Exchange determines which Times-in-Force of Day, GTC, GTD, IOC, or OPG are available for complex orders (including for eligibility to enter the COB and initiate a COA). The Exchange determines which Capacities (*i.e.,* non-broker-dealer customers, broker-dealers that are not Market-Makers on an options exchange, or Market-Makers on an options exchange) are eligible for entry onto the COB. Complex orders are Book Only and may be market or limit orders. Users may designate complex orders as Attributable or Non-Attributable. The System also accepts the following instructions for complex orders:

(1)–(3) No change.

(4) (Reserved)

(5) (Reserved)

(6) Complex Reserve Orders. A ''Complex Reserve Order'' is a complex limit order with both a portion of the quantity displayed (''Display Quantity'') and a reserve portion of the quantity (''Reserve Quantity'') not displayed. Both the Display Quantity and Reserve Quantity of the Complex Reserve Order are available for potential execution pursuant to paragraphs (c) through (e) below. When entering a Complex Reserve Order, a User must instruct the Exchange as to the quantity of the Complex Reserve Order to be initially displayed by the System (''Max Floor''). If the Display Quantity of a Complex Reserve Order is fully executed, the System will, in accordance with the User's instruction, replenish the Display Quantity from the Reserve Quantity using one of the below replenishment instructions. If the remainder of a Complex Reserve Order is less than the replenishment amount, the System will display the entire remainder of the Complex Reserve Order. The System creates a new timestamp for both the Display Quantity and Reserve Quantity of the Complex Reserve Order each time it is replenished from reserve.

(A) Random Replenishment. An instruction that a User may attach to a Complex Reserve Order where the System randomly replenishes the Display Quantity for the Complex Reserve Order with a number of contracts not outside a replenishment range, which equals the Max Floor plus and minus a replenishment value established by the User when entering a Complex Reserve Order with a Random Replenishment instruction.

(B) Fixed Replenishment. For any Complex Reserve Order for which a User does not select Random Replenishment, the System will replenish the Display Quantity of the Complex Reserve Order with the number of contracts equal to the Max Floor (or the entire remainder of the Complex Reserve Order if it is less than the replenishment amount).

(c) No change.

(d) *Complex Order Auctions (COAs).*

(1) *Commencement of COA.* Upon receipt of a COA-eligible order, the System initiates the COA process by sending a COA auction message to all subscribers to the Exchange's data feeds that deliver COA auction messages. A COA auction message identifies the COA auction ID, instrument ID (*i.e.,* complex strategy), Capacity, quantity, and side of the market of the COA-eligible order. *If the COA-eligible order is a Complex Reserve Order, the COA auction message only identifies the Display Quantity; however, the entire quantity (both the Display Quantity and Reserve Quantity) may execute following the COA pursuant to subparagraph (5) below.* The Exchange may also determine to include the price in COA auction messages, which will be the limit order price or the SBO (SBB) (if initiated by a buy (sell) market complex order), or the drill-through price if the order is subject to the drill-through protection in Rule 6.14(b).

(2)–(3) No change.

(4) *COA Responses.* The System accepts a COA Response(s) with any Capacity in $0.01 increments during the Response Time Interval.

(A) No change.

(B) *COA Responses may be larger than the COA-eligible order.* The System aggregates the size of COA Responses submitted at the same price for an EFID, and caps the size of the aggregated COA Responses at the size of the COA-eligible order *(including Display Quantity and Reserve Quantity if the COA-eligible order is a Complex Reserve Order).*

(C)–(D) No change.

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[20] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(5) *Processing of COA-Eligible Orders.*

(A) At the end of the Response Time Interval, the System executes a COA-eligible order (in whole or in part) against contra side interest in price priority. If there is contra side interest at the same price, the System allocates the contra side interest as follows:

(i) Orders and quotes in the Simple Book *(both displayed and nondisplayed orders)* for the individual leg components of the complex order through Legging (subject to paragraph (g)), which the System allocates in accordance with the priority in Rule 6.12(a) applicable to the class.

(ii) No change.

(B) No change.

(e) *Processing of Do-Not-COA Orders/Orders Resting on the COB.* Upon receipt of a do-not-COA order, or if the System determines an order resting on the COB is eligible for execution following evaluation pursuant to paragraph (i), the System executes it (in whole or in part) against contra side interest in price priority. If there is contra side interest at the same price, the System allocates the contra side interest as follows:

(1) Orders and quotes in the Simple Book *(both displayed and nondisplayed orders)* for the individual leg components of the complex order through Legging (subject to paragraph (g)), which the System allocates in accordance with the priority in Rule 6.12(a) applicable to the class.

(2) No change.

The System enters any do-not-COA order (or unexecuted portion) that does not execute against the individual leg markets or complex orders into the COB (if eligible for entry), and applies a timestamp based on the time it enters the COB. The System cancels or rejects any complex order (or unexecuted portion) that would execute at a price outside of the SBBO, that is not eligible for entry into the COB, or in accordance with the User's instructions. Complex orders resting on the COB may execute pursuant to this paragraph (e) following evaluation pursuant to paragraph (i) and remain on the COB until they execute or are cancelled or rejected.

(f) No change.

(g) *Legging [Restrictions].* A complex order may execute against orders and quotes in the Simple Book pursuant to subparagraphs (d)(5)(A)(i) and (e)(1) if it can execute in full or in a permissible ratio and if it has no more than a maximum number of legs (which the Exchange determines on a class-by-class basis and may be two, three or four) (''Legging''), subject to the following [restrictions]:

(1)–(3) No change.

(4) Reserved

(5) The entire quantity of a Complex Reserve Order (both the Display Quantity and Reserve Quantity) Legs into the Simple Book at the same time, and any quantity that does not execute pursuant to paragraph (d) or (e) after Legging will rest in the COB in accordance with the Complex Reserve Order instruction.

(h) *Additional Complex Order Handling.* Processing and execution of complex orders pursuant to this Rule 6.13 (including pursuant to paragraphs (d) and (e), and following evaluation pursuant to paragraph (i)) are subject to the following:

(1) *Order Locks/Crosses Opposite Side of SBBO.* A complex market order or a limit order with a price that locks or crosses the then-current opposite side SBBO and does not execute because the SBBO is the best price but not available for execution (because it does not satisfy the complex order ratio or the complex order cannot Leg into the Simple Book) enters the COB with a book and display price that improves the then-current opposite side SBBO by $0.01. If the SBBO changes, the System continuously reprices the book and display price of the complex order (or unexecuted portion) based on the new SBBO (up to the limit price, if it is a limit order), subject to the drill-through price protection described in Rule 6.14(b), until:

(A)–(B) No change.

(2) *Zero NBB, NBO, or NBBO.* If there is a zero NBO for any leg, the System replaces the zero with a price $0.01 above the NBB to calculate the SNBBO, and complex orders with any buy legs do not Leg into the Simple Book. If there is a zero NBB, the System replaces the zero with a price of $0.01, and complex orders with any sell legs do not Leg into the Simple Book. If there is a zero NBB and zero NBO, the System replaces the zero NBB with a price of $0.01 and replaces the zero NBO with a price of $0.02, and complex orders do not Leg into the Simple Book.

(3) (Reserved)

(4) *Nondisplayed Orders.* Displayed complex orders resting on the COB have priority over nondisplayed portions of Complex Reserve Orders resting on the COB.

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The text of the proposed rule change is also available on the Exchange's website (*http://www.c2exchange.com/Legal/*), 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

In 2016, the Exchange's parent company, Cboe Global Markets, Inc. (formerly named CBOE Holdings, Inc.) (''Cboe Global''), which is also the parent company of Cboe Exchange, Inc. (''Cboe Options''), acquired Cboe EDGX Exchange, Inc. (''EDGX''), Cboe EDGA Exchange, Inc. (''EDGA''), Cboe BZX Exchange, Inc. (''BZX or BZX Options''), and Cboe BYX Exchange, Inc. (''BYX'' and, together with C2, Cboe Options, EDGX, EDGA, and BZX, the ''Cboe Affiliated Exchanges''). The Cboe Affiliated Exchanges are working to align certain system functionality, retaining only intended differences between the Cboe Affiliated Exchanges, in the context of the technology migration of Cboe Options to the same trading platform as the Exchange. Thus, the proposed rule change is intended to add certain functionality to the Exchange's System that is currently offered by Cboe Options in order to ultimately provide a consistent technology offering for market participants who interact with the Cboe Affiliated Exchanges. Although the Exchange intentionally offers certain features that differ from those offered by its affiliates and will continue to do so, the Exchange believes that offering similar functionality to the extent practicable will reduce potential confusion for Users.

Currently, the Exchange offers Reserve Order functionality for simple orders.[3] Reserve Orders permit Users to enter orders with both displayed and nondisplayed amounts. Reserve Orders provide Users with additional flexibility to manage and display their orders and

[3] *See* Rule 1.1, paragraph (j) in Order Instruction definition.

additional control over their executions on the Exchange.

The Exchange proposes to adopt Complex Reserve Order functionality.[4] Complex Reserve Orders would generally function in the same manner as simple Reserve Orders, as currently described in the definition of Reserve Orders in Rule 1.1(j) (under the definition of ''Order Instruction''). Specifically, a ''Complex Reserve Order'' is a complex limit order with both a portion of the quantity displayed (''Display Quantity'') and a reserve portion of the quantity (''Reserve Quantity'') not displayed. Both the Display Quantity and Reserve Quantity of a Complex Reserve Order are available for execution pursuant to Rule 6.13(c) through (e).[5] When entering a Complex Reserve Order, a User must instruct the Exchange as to the quantity of the Complex Reserve Order to be initially displayed by the System (''Max Floor''). If the Display Quantity of a Complex Reserve Order is fully executed, the System will, in accordance with the User's instruction, replenish the Display Quantity from the Reserve Quantity using one of the below replenishment instructions. If the remainder of a Complex Reserve Order is less than the replenishment amount, the System will display the entire remainder of the Complex Reserve Order. The System creates a new timestamp for both the Display Quantity and Reserve Quantity of the Complex Reserve Order each time it is replenished from reserve.

A User may determine that a Complex Reserve Order it submits should be subject to ''Random Replenishment'' or ''Fixed Replenishment.'' If a Complex Reserve Order has a Random Replenishment instruction, the System randomly replenishes the Display Quantity for the Complex Reserve Order with a number of contracts not outside a replenishment range, which equals the Max Floor plus and minus a replenishment value established by the User when entering a Complex Reserve Order with a Random Replenishment instruction. For any Complex Reserve Order for which a User does not select Random Replenishment, the System will replenish the Display Quantity of the Complex Reserve Order with the number of contracts equal to the Max Floor (or the entire remainder of the Complex Reserve Order if it is less than the replenishment amount).

Current Rule 6.13(d)(1) provides that upon receipt of a COA-eligible order,[6] the System initiates the complex order auction (''COA'') process by sending a COA auction message to all subscribers to the Exchange's data feeds that deliver COA auction messages. A COA auction message identifies the COA auction ID, instrument ID (*i.e.* complex strategy), Capacity, quantity, and side of the market of the COA-eligible order. The proposed rule change provides that if the COA-eligible order is a Complex Reserve Order, the COA auction message only identifies the Display Quantity; however, the entire quantity (both the Display Quantity and Reserve Quantity) may execute following the COA pursuant to Rule 6.13(d)(5).[7] The Exchange believes this is consistent with the purpose of a Reserve Order. If a User submits a Reserve Order (simple or complex), the User does so to only have a certain specified size publicly displayed. If the entire quantity of a Complex Reserve Order was auctioned in a COA, the entire size of the Complex Reserve Order would be publicly displayed,[8] rather than the Display Quantity the User indicated it wanted publicly visible. Therefore, the Exchange believes it is appropriate to include only the Display Quantity of a Complex Reserve Order in a COA message.[9]

Proposed Rule 6.13(g)(5) states the entire quantity of a Complex Reserve Order (both the Display Quantity and Reserve Quantity) will Leg into the Simple Book at the same time, and any quantity that does not execute pursuant to Rule 6.13(d) or (e) after Legging will rest in the COB in accordance with the proposed Complex Reserve Order instruction.[10] As stated in the definition of a Reserve Order and proposed definition of a Complex Reserve Order,[11] both the Displayed Quantity and Reserve Quantity are eligible for execution against incoming orders. The Exchange believes it is appropriate to similarly make both the Displayed Quantity and Reserve Quantity eligible for execution against orders and quotes in the Simple Book as well. This will maximize the size of resting orders and quotes on the Simple Book that may execute when these orders Leg into the Simple Book, as well as provide the entire quantity of a Complex Reserve Order with an opportunity to execute against orders in the Simple Book. A Complex Reserve Order may Leg into the Simple Book after a COA, following submission to the System (if not COA-eligible), or following evaluation when resting in the COB.[12] If any portion of a Complex Reserve Order does not execute in those circumstances, the remaining quantity will enter the COB with a Display Quantity and Reserve Quantity with amounts determined in accordance with proposed Rule 6.13(b)(6).

The proposed rule change also amends Rule 6.13(d)(4)(B) to clarify that COA Responses may be larger than the COA-eligible order (in response to which the COA Response is submitted), and that when the System caps the size of aggregated COA Responses at the size of the COA-eligible order, the size of the COA-eligible order includes the Display Quantity and Reserve Quantity if the COA-eligible order is a Complex Reserve Order. Neither the System nor the Rules limit the initial size of COA Responses to the size of the COA-eligible order, and the Exchange believes this proposed change will provide Users with additional clarity. Because COA Responses are not limited to the size of COA-eligible orders, if a Complex Reserve Order initiates a COA, COA Responses with size larger than the

[4] *See* proposed Rule 6.13(b)(6). The Exchange recently proposed to amend its Rules to adopt Post Only complex order functionality. *See* Securities Exchange Act Release No. 34–84399 (October 10, 2018) (SR–C2–2018–021). The proposed rule text is based on the currently effective rule text (proposed reserved subparagraphs (b)(4) and (5), (g)(4), and (h)(3) accommodate proposed rule text the Exchange intends to include in an amendment to that rule filing). If SR–C2–2018–021 is approved by the Securities and Exchange Commission (the ''Commission'') prior to the date the Commission acts on this rule filing, the Exchange will amend this rule filing to update the proposed rule text to reflect the rule text as amended by that filing.

[5] Pursuant to Rule 6.13(c) through (e), complex orders (including the Display and Reserve Quantities of Complex Reserve Orders) may execute during the COB opening process, against incoming complex orders, simple orders in the Simple Book (via Legging), or following a COA (if the complex order is COA-eligible pursuant to Rule 21.20(b)(2)). Complex Reserve Orders will be COA-eligible, subject to a User's instructions.

[6] *See* Rule 6.13(b)(2) for the definition of a COA-eligible order.

[7] *See* proposed Rule 6.13(d)(1).

[8] *See* current Rule 6.13(d)(1) (COA auction messages identify, among other things, the quantity of the COA-eligible order).

[9] Making both the Display Quantity and Reserve Quantity available for execution at the end of a COA is consistent with the definition of the Reserve Order instruction for simple orders, which provides that both portions are available for potential execution against incoming orders. *See* Rule 1.1, paragraph (j) in Order Instruction definition. The proposed rule change provides the entire quantity of a Complex Reserve Order that initiates a COA with an opportunity to execute following a COA.

[10] The proposed rule change also amends the heading name and introductory paragraph language of paragraph (g), as that paragraph does not necessarily describe restrictions on Legging, but rather describes additional handling for certain orders when they Leg into the Simple Book.

[11] *See* Rule 1.1, paragraph (j) in Order Instruction definition and proposed Rule 6.13(b)(6).

[12] *See* Rule 6.13(d)(5) (describing the processing of COA-Eligible Orders following a COA), (e) (describing the processing of orders that do not initiate COA upon submission to the System or after resting on the COB), and (i) (describing the evaluation process).

Display Quantity of the Complex Reserve Order (which the System will cap at the entire size of the Complex Reserve Order in the same manner that the System caps COA Responses at the size of another type of COA-eligible order) will have the opportunity to execute against the entire size of the Complex Reserve Order.

Processing and execution of Complex Reserve Orders will generally occur in the same manner as other complex orders in accordance with current Rule 6.13(c) through (e), subject to the current handling provisions in Rule 6.13(h).[13] Proposed Rule 6.13(h)(4) states that displayed complex orders resting on the COB have priority over nondisplayed portions of Complex Reserve Orders resting on the COB. This is consistent with the current handling of simple Reserve Orders.[14] The proposed rule change also clarifies in Rule 6.13(d)(5)(A)(i) and (e)(1) that both displayed and nondisplayed orders and quotes in the Simple Book for the individual leg components of the complex order trade before complex orders (both displayed and nondisplayed orders) resting on the COB and COA Responses, if applicable, at the same price when a complex order Legs into the Simple Book. This is consistent with current functionality and current Rules. Specifically, Rule 6.13(d)(5)(A)(i) and (e)(1) states that the System executes a complex order against orders and quotes in the Simple Book for the individual leg components of the complex order through Legging, which the System allocates in accordance with the priority in Rule 6.12(a). Rule 6.12(a) provides that resting orders and quotes are prioritized according to price and there [sic] are allocated in time priority or on a pro-rata basis, and that displayed orders have priority over nondisplayed orders. Therefore, if a complex order Legs in to the Simple Book, it would execute against displayed and then nondisplayed resting interest in the Simple Book at the applicable price before executing against other complex orders. The proposed rule change adds clarity to the priority of resting orders when a complex order Legs into the Simple Book, as well as describes how complex reserve orders will be prioritized.

If a complex order Legs into the Simple Book, the execution priority of contra-side interest will be as follows:

- Displayed simple orders
- Nondisplayed portions of simple orders
- Displayed complex orders and COA Responses, if applicable
- Nondisplayed portions of Complex Reserve Orders

The Exchange believes this is reasonable, as it ensures protection of the leg markets while ensuring system stability. This priority order results in nondisplayed orders on the Simple Book ahead of displayed complex orders on the COB. While the Exchange generally prioritizes displayed orders over nondisplayed orders to encourage Users to submit displayed liquidity, executing complex orders first against displayed simple orders, second against displayed complex orders and COA responses, third against nondisplayed portions of simple orders, and fourth against nondisplayed portions of Complex Reserve Orders would significantly increase the complexity of the proposed functionality. The Simple Book and COB are entirely separate functioning books, and moving a complex order back and forth between the two books increases systematic risk related to Legging. Additionally, this would increase the execution time for complex orders that are able to Leg, which may harm Users. The Exchange believes the need to ensure system stability and efficient executions in connection with offering the proposed functionality to Users outweighs any potential benefits of prioritizing all displayed interest ahead of nondisplayed interest in this context.

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.[15] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[16] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[17] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change will remove impediments to and perfect the mechanism of a free and open national market system, as well as benefit investors, by providing Users with additional flexibility to manage and display their complex orders and additional control over their executions on the Exchange. This may encourage market participants to bring additional liquidity to the market, which benefits all investors.

The Exchange notes that Reserve Order functionality is not new or unique and is already available in a similar capacity for simple orders. While the Reserve Order functionality is not currently available for complex orders, the Exchange has Reserve Order functionality for simple orders, which functions substantially in the same manner as the proposed Complex Reserve Order functionality. The purpose of a Complex Reserve Order is the same as the purpose of a simple Reserve Order.

The proposed rule change to only include the Displayed Quantity of a Complex Reserve Order in a COA message protects investors, as it is consistent with the purpose of a Complex Reserve Order and the intention of a User that submits a Complex Reserve Order, which is to only have a certain specified size publicly displayed. This provides Complex Reserve Orders with the potential for price improvement in a manner consistent with the objective of a Reserve Order. Therefore, the Exchange believes it is appropriate to only include the Display Quantity of a Complex Reserve Order in a COA message.

The Exchange believes the proposed rule change regarding how Complex Reserve Orders Leg into the Simple Book will benefit investors. The proposed rule change is consistent with the definition of a Reserve Order, which states that the entire quantity is eligible for potential execution against incoming orders, and thus provides the entire quantity of a Reserve Order with an opportunity to execute against orders and quotes in the Simple Book. Additionally, this will maximize the size of resting orders and quotes on the Simple Book that may execute when Complex Reserve Orders Leg into the Simple Book. Therefore, the Exchange believes the proposed rule change may

[13] The proposed rule change also adds headings to the current subparagraphs in paragraph (h).

[14] *See* Rule 6.12(a)(3).

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] *Id.*

increase execution opportunities for both Complex Reserve Orders and simple orders and quotes resting on the Simple Book.

The Exchange believes the proposed rule change related to the priority of Complex Reserve Orders promotes just and equitable principles of trade, as it is consistent with current priority in the Simple Book that provides displayed orders have priority over nondisplayed orders. The proposed rule change that displayed portions of complex orders resting on the COB have priority over nondisplayed portions of Complex Reserve Orders resting on the COB is reasonable, because it is consistent with the current handling of simple Reserve Orders, as discussed above. Additionally, the proposed rule change to clarify that displayed and nondisplayed orders and quotes resting on the Simple Book have priority over all displayed and nondisplayed orders resting on the COB when a complex order Legs into the Simple Book is consistent with current functionality and current Rules describing how complex orders Leg into the Simple Book. This additional clarity regarding the order in which resting orders and quotes on the Simple Book will trade when a complex order Legs into the Simple Book benefits investors, as it provides more detail regarding the priority of executions on the Exchange. The Exchange also believes the proposed priority ensures system stability and efficient executions outweighs [sic]. The Exchange notes it is not novel for nondisplayed interest to trade ahead of displayed interest.[18]

The proposed rule change is generally intended to add certain system functionality to the Exchange's System in order to provide a consistent technology offering for the Cboe Affiliated Exchanges, as Cboe Options currently offers (and intends to offer following its migration to the same technology platform as the Exchange) complex reserve order functionality. A consistent technology offering, in turn, will simplify the technology implementation, changes, and maintenance by Users of the Exchange that are also participants on Cboe Affiliated Exchanges. The proposed rule change will provide Users with additional flexibility to manage and display their orders and control their executions on the Exchange. This may encourage market participants to bring additional liquidity to the market, which benefits all investors. Additionally, this will provide Users with greater harmonization between the order handling instructions available among the Cboe Affiliated Exchanges.

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 Exchange believes the proposed rule change will not burden intramarket competition because the Reserve Order instruction on complex orders will be available to all market participants. Additionally, use of the Reserve Order instruction on complex orders is voluntary. The Exchange also believes the proposed rule change will not impose any burden on intermarket competition because this relates to an instruction on orders that are submitted to the Exchange and how the Exchange's System will handle and execute them. Additionally, nothing prevents other options exchanges that offer complex orders from adopting a Reserve Order functionality for complex orders. The Exchange also believes the proposed rule change will promote competition, as Complex Reserve Orders will provide Users with additional flexibility to manage and display their complex orders and additional control over their executions on the Exchange. This may encourage market participants to bring additional liquidity to the market, which benefits all investors.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. by order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–C2–2018–022 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–C2–2018–022. 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–C2–2018–022, and should be submitted on or before December 18, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Brent J. Fields,

Secretary.

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[18] *See supra* note 15 [sic].

[19] 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 17Ad–15, SEC File No. 270–360, OMB Control No. 3235–0409

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 17Ad–15 (17 CFR 240.17Ad–15) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17Ad–15 (17 CFR 240.17Ad–15) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (the ''Act'') requires the approximately 373 transfer agents to establish written standards for the acceptance or rejection of guarantees of securities transfers from eligible guarantor institutions. Transfer agents are required to establish procedures to ensure that those standards are used by the transfer agent to determine whether to accept or reject guarantees from eligible guarantor institutions. Transfer agents must maintain, for a period of three years following the date of a rejection of transfer, a record of all transfers rejected, along with the reason for the rejection, identification of the guarantor, and whether the guarantor failed to meet the transfer agent's guarantee standard. These recordkeeping requirements assist the Commission and other regulatory agencies with monitoring transfer agents and ensuring compliance with the rule.

There are approximately 373 registered transfer agents. The staff estimates that each transfer agent will spend about 40 hours annually to comply with Rule 17Ad–15, or a total of 14,920 hours for all transfer agents (373 × 40 hours = 14,920 hours). The Commission staff estimates that compliance staff work at each registered transfer agent will result in an internal cost of compliance (at an estimated hourly wage of $283) of $11,320 per year per transfer agent (40 hours × $283 per hour = $ 11,320 per year). Therefore, the aggregate annual internal cost of compliance for the approximately 373 registered transfer agents is approximately $4,222,360 ($11,320 × 373 = $4,222,360).

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.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 20, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–25720 Filed 11–26–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84631; File No. SR–CboeBZX–2018–082]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend Its Rules Regarding How the System Handles Market Orders in Series With No Bid or No Offer

November 20, 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 16, 2018, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX Options'') proposes to amend its Rules regarding how the System handles Market Orders in series with no bid or no offer. (additions are *italicized;* deletions are [bracketed])

* * * * *

Rules of Cboe BZX Exchange, Inc.

* * * * *

Rule 21.17. Additional Price Protection Mechanisms and Risk Controls

The System's acceptance and execution of orders and quotes are subject to the price protection mechanisms and risk controls in Rule 21.16, this Rule 21.17 and as otherwise set forth in the Rules. All numeric values established by the Exchange pursuant to this Rule will be maintained by the Exchange in publicly available specifications and/or published in a Regulatory Circular. Unless otherwise specified the price protections set forth in this Rule, including the numeric values established by the Exchange, may not be disabled or adjusted. The Exchange may share any of a User's risk settings with the Clearing Member that clears transactions on behalf of the User.

(a)–(d) No change.

(e) Market Orders in No-Bid (Offer) Series.

(1) If the System receives a sell Market Order in a series after it is open for trading with an NBB of zero:

(A) if the NBO in the series is less than or equal to $0.50, then the System converts the Market Order to a Limit Order with a limit price equal to the minimum trading increment applicable to the series and enters the order into the BZX Options Book with a timestamp based on the time it enters the Book. If the order has a Time-in-Force of GTC or GTD that expires on a subsequent day, the order remains on the Book as a Limit Order until it executes, expires, or the User cancels it.

(B) if the NBO in the series is greater than $0.50, then the System cancels or rejects the market order.

(2) If the System receives a buy market order in a series after it is open for trading with an NBO of zero, the System cancels or rejects the market order.

* * * * *

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.

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

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

In 2016, the Exchange's parent company, Cboe Global Markets, Inc. (formerly named CBOE Holdings, Inc.) (''Cboe Global''), which is the parent company of Cboe Exchange, Inc. (''Cboe Options'') and Cboe C2 Exchange, Inc., acquired the Exchange, Cboe EDGA Exchange, Inc. (''EDGA''), Cboe EDGX Exchange, Inc. (''EDGX or EDGX Options''), and Cboe BYX Exchange, Inc. (''BYX'' and, together with C2, Cboe Options, EDGX, EDGA, and BZX, the ''Cboe Affiliated Exchanges''). The Cboe Affiliated Exchanges are working to align certain system functionality, retaining only intended differences between the Cboe Affiliated Exchanges, in the context of a technology migration. Thus, the proposals set forth below are intended to add certain functionality to the Exchange's System that is more similar to functionality offered by Cboe Options in order to ultimately provide a consistent technology offering for market participants who interact with the Cboe Affiliated Exchanges. Although the Exchange intentionally offers certain features that differ from those offered by its affiliates and will continue to do so, the Exchange believes that offering similar functionality to the extent practicable will reduce potential confusion for Users.

The Exchange proposes to amend its Rules regarding how the System handles a market order when there is no bid or offer, as applicable, against which the order may execute. A market order is an order to buy or sell at the best price available at the time of execution.[5] Currently, based on this definition, if the System receives a sell market order when there are no bids against which the order may execute, the System cancels the order. Similarly, if the System receives a buy market order when there are no offers against which the order may execute, the System cancels the order. The proposed rule change first codifies this handling of a buy market order when there national best offer (''NBO'') is zero, which is consistent with current functionality.[6] As noted above, this handling is consistent with the definition of a market order.[7] It provides protection for these orders to prevent execution at potentially erroneous prices when a buy order is submitted in a series with no offer.

The Exchange also proposes to amend how the System handles sell Market Orders submitted in a series with no bid. Currently, if the System receives a Market Order to sell in a no-bid series, the System cancels or rejects the order. Pursuant to the proposed rule change, if the System receives a Market Order to sell in an option series with an NBB of zero:

(1) If the NBO in the series is less than or equal to $0.50, then the System converts the Market Order to a limit order with a limit price equal to the minimum trading increment applicable to the series and enters the order into the BZX Options Book with a timestamp based on the time it enters the Book. If the order has a Time-in-Force of GTC or GTD that expires on a subsequent day, the order remains on the Book as a Limit Order until it executes, expires, or the User cancels it.

(2) if the NBO in the series is greater than $0.50, then the System cancels the Market Order.[8]

The proposed handling of sell Market Orders in no-bid series when the NBO in the series is greater than $0.50 is consistent with current functionality.

The proposed rule change serves as a protection feature for investors in certain situations, such as when a series is no-bid because the last bid traded just prior to entry of the sell Market Order. The purpose of this threshold is to limit the automatic booking of Market Orders to sell at minimum increments to only those for true zero-bid options, as options in no-bid series with an offer of greater than $0.50 are less likely to be worthless.

For example, if the System receives a sell Market Order in a no-bid series with a minimum increment of $0.01 and the NBO is $0.01, the System will convert the order to a Limit Order with a price of $0.01 and enter it on the BZX Options Book. Because the order will have a timestamp based on that time of Book entry, it will have priority behind any other Limit Orders to sell at $0.01 that were already resting on the Book. At that point, even if the series is no-bid because, for example, the last bid just traded and the limit order trades at $0.01, the next bid entered after the trade would not be higher than $0.01. If the order has a Time-in-Force of GTC or GTD that expires on a subsequent day, the order remains on the Book until it executes, expires, or the User cancels.[9]

However, if the System receives a sell Market Order in a no-bid series with a minimum increment of $0.01 and the NBO is $1.20 (because, for example, the last bid of $1.00 just traded and a new bid has not yet populated the disseminated quote), the System will cancel or reject the order. Cancellation prevents an anomalous execution price, since the next bid entered in that series is likely to be much higher than $0.01. It would be unfair to the User to let is Market Order trade as a limit order for $0.01 because, for example, the firm submitted the order during the brief time when there were no disseminated bids in a series trading significantly higher than the minimum increment.

The Exchange believes the threshold of $0.50 is reasonable. The Exchange notes that this threshold the same as the threshold in the Cboe Options rule,[10] and is less than the current width for the Market Order NBBO width protection, pursuant to which the System will reject or cancel back to the User a Market Order submitted to the System when the NBBO width is greater than 100% of the midpoint of the NBBO, subject to a $5 minimum and $10 maximum.[11] Notwithstanding this provision, the proposed rule change would allow for the potential execution of sell Market Orders in no-bid series

[5] *See* Rule 21.1(d)(5).

[6] *See* proposed Rule 21.17(e)(2).

[7] The proposed rule change is also consistent with Cboe Options functionality and C2 Rule 6.14(a)(1).

[8] *See* proposed Rule 21.17(e)(1).

[9] This functionality is consistent with the purpose of a GTC or GTD that expires on a subsequent trading day, which is to remain on the Book and available for execution until the User cancels it or until the time specified by the User. The Exchange notes that market orders with any other Time-in-Force would no longer be on the Book if they did not execute during the trading day.

[10] *See* Cboe Options Rule 6.13(b)(vi).

[11] *See* Rule 21.17(a); *see also* Exchange Notice, *BZX and EDGX Options Exchanges Feature Pack 2—Update* (December 14, 2017), available at *http://markets.cboe.com/resources/release_notes/2017/Update-2-Cboe-BZX-and-EDGX-Options-Exchanges-Feature-Pack-2.pdf,* for current settings. Pursuant to this protection, if the NBBO for a series was $0.00—$0.50, the width of the NBBO (0.50) is greater than 100% of the midpoint (0.25); however, pursuant to the minimum, a market order would be accepted pursuant to this protection because the width is less than the 5.00 minimum. The proposed rule change provides additional price protection for market orders in no-bid series.

with offers less than or equal to $0.50. If the threshold in the proposed rule change was higher, there would be increased risk of having a Market Order trade a minimum increment in a series that is not truly no-bid. The proposed rule change is substantially the same as Cboe Options Rule 6.13(b)(vi).

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.[12] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[13] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change regarding the handling of sell Market Orders in no-bid series assists with the maintenance of fair and orderly markets and protects investors and the public interest, because it provides for automated handling of orders in series that are likely truly no-bid, ultimately resulting in more efficient executions of these orders. Additionally, the proposed rule change prevents executions of sell Market Orders in no-bid series with higher offers at potentially extreme prices in series that are not truly no-bid. The Exchange believes this threshold appropriately reflects the interests of investors, as options in no-bid series with offers higher than $0.50 are less likely to be worthless than no-bid series with offers no higher than $0.50, and cancelling the orders will prevent execution of these orders at unfavorable prices. The Exchange also believes the $0.50 threshold promotes fair and orderly markets, because sell Market Orders in no-bid series with offers of $0.50 or less are likely to be individuals seeking to close out a worthless position, for which the proposed automatic handling is appropriate. The proposed change is also substantially the same as Cboe Options Rule 6.13(b)(vi).

The proposed handling of buy Market Orders in no-offer series benefits investors, because it codifies current order handling and thus provides investors with more transparency in the Rules with respect to how the System will handle these orders. The proposed change is also substantially the same as C2 Rule 6.14(a)(1).

When Cboe Options migrates to the same technology as that of the Exchange and other Cboe Affiliated Exchanges, Users of the Exchange and other Cboe Affiliated Exchanges will have access to similar functionality on all Cboe Affiliated Exchanges and similar language can be incorporated into the rules of all Cboe Affiliated Exchanges. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system.

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 Exchange does not believe the proposed rule changes will impose any burden on intramarket competition, because it will apply in the same manner to all buy or sell Market Orders submitted in no-offer or no-bid series, respectively. Additionally, the proposed rule change has no impact on sell Market Orders submitted in no-bid series with an offer of more than $0.50 or on buy Market Orders submitted in no-offer series, which orders will continue to be handled in the same manner as they are today (*i.e.* they will be cancelled or rejected). The Exchange does not believe the proposed rule change will impose any burden on intermarket competition, as it will provide sell Market Orders in true no-bid series with additional execution opportunities (either on the Exchange or at away markets pursuant to linkage rules) while providing an additional protection measure for sell Market Orders in no-bid series that may not be truly no-bid. As noted above, the proposed rule change has no impact on the handling of all other sell Market Orders in no-bid series or on buy Market Orders in no-offer series. The Exchange believes this price protection will allow Members to sell Market Orders with reduced fear of inadvertent exposure to excessive risk, which will benefit investors through increased liquidity for the execution of their orders.

The proposed rule change related to the handling of buy Market Orders is consistent with current Exchange functionality and will have no impact on how those orders will handled, and it is substantially the same as C2 Rule 6.14(a)(1). The proposed rule change related to the handling of sell Market Orders is substantially the same as Cboe Options Rule 6.13(b)(vi).[15]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[16] and subparagraph (f)(6) of Rule 19b–4 thereunder.[17]

A proposed rule change filed under Rule 19b–4(f)(6)[18] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[19] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *Id.*

[15] The Exchange notes other options exchanges have similar rules that convert sell market orders in no-bid series to limit orders with a price of a minimum increment if the offer in the series is below a certain threshold (the thresholds differ in those rules). *See, e.g.,* Miami International Securities Exchange, LLC (''MIAX'') Rule 519(a)(1); and NASDAQ ISE, LLC (''ISE'') Rule 713(b).

[16] 15 U.S.C. 78s(b)(3)(A)(iii).

[17] 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.

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 240.19b–4(f)(6)(iii).

Commission to waive the 30-day operative delay so that the proposed rule change may become effective and operative on November 29, 2018. The Exchange states that waiver of the operative delay will provide Users with additional flexibility to manage and display their orders and provide additional control over their executions on the Exchange as soon as possible. The Exchange further states that waiver of the operative delay will allow the Exchange to continue to strive towards a complete technology integration of the Cboe Affiliated Exchanges, with gradual roll-outs of new functionality to ensure the stability of the System. The Exchange notes that the proposed rule change is generally intended to codify and to add certain system functionality to the Exchange's System in order to provide a consistent technology offering for the Cboe Affiliated Exchanges. The Exchange further notes that a consistent technology offering will simplify the technology implementation changes and maintenance by Trading Permit Holders of the Exchange that are also participants on Cboe Affiliated Exchanges. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative on November 29, 2018.[20]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2018–082 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR-CboeBZX–2018–082. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2018–082 and should be submitted on or before December 18,2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–25733 Filed 11–26–18; 8:45 am]

BILLING CODE 8011–01–P

[20] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84635; File No. SR–NYSE–2018–56]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Article II, Section 2.03(h)(ii) and Article VI of Its Operating Agreement

November 20, 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 14, 2018, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to agreement [sic] to harmonize certain provisions with similar provisions in the governing documents of the Exchange's national securities exchange affiliates and parent companies, as well as make clarifying, technical and conforming changes. 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.

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

(1) Generally

The Exchange proposes to amend Article II, Section 2.03(h)(ii) (Board) and Article VI (Indemnification and Exculpation) of the Eleventh Amended and Restated Operating Agreement of the Exchange (''Operating Agreement'') to harmonize certain provisions with similar provisions in the governing documents of the Exchange's national securities exchange affiliates [4] and parent companies, as well as make clarifying, technical and conforming changes.

The Exchange is owned by NYSE Group, Inc., which in turn is indirectly wholly owned by NYSE Holdings LLC (''NYSE Holdings''). NYSE Holdings is a wholly owned subsidiary of Intercontinental Holdings, Inc. (''ICE Holdings''), which is in turn wholly owned by the Intercontinental Exchange, Inc. (''ICE'').[5]

The Exchange operates as a separate self-regulatory organization and has rules, membership rosters and listings distinct from the rules, membership rosters and listings of the other NYSE Group Exchanges. At the same time, however, the Exchange believes it is important for each of the NYSE Group Exchanges to have a consistent approach to corporate governance in certain matters, to simplify complexity and create greater consistency among the NYSE Group Exchanges.[6] The proposed amendments to the Operating Agreement reflect the expectation that the Exchange will continue to be operated with a governance structure substantially similar to that of other NYSE Group Exchanges.

The proposed amendment to Article II, Section 2.03(h)(ii) is based on the Second Amended and Restated By-Laws of NYSE Chicago, Inc. (''NYSE Chicago Bylaws'').[7] The proposed amendments to Article VI are based on the Eighth Amended and Restated Bylaws of Intercontinental Exchange, Inc. (''ICE Bylaws'') and the Sixth Amended and Restated Bylaws of Intercontinental Exchange Holdings, Inc. (''ICE Holdings Bylaws'').

The Exchange proposes to amend the Operating Agreement as follows.

Article II, Section 2.03(h)(ii)

Article II, Section 2.03(h)(ii) establishes the powers and responsibilities of the Regulatory Oversight Committee (''ROC''), and is substantially the same as the related provisions in the governing documents of the other NYSE Group Exchanges. [8] Among other things, the provision states that ''[t]he Board may, on affirmative vote of a majority of directors, at any time remove a member of the ROC for cause.'' The Exchange proposes to add language clarifying that the majority affirmative vote requirement is based on the ''directors then in office,'' as opposed to total number of seats on the Board. The change would be consistent with Article IV, Section 6 of the NYSE Chicago Bylaws.[9]

Article VI

Section 6.02 (Indemnification)

Current Section 6.02 includes provisions related to indemnification by the Exchange. As a wholly-owned subsidiary of ICE, the Exchange believes it appropriate to harmonize the Exchange's indemnification provisions with those of ICE and the Exchange's intermediate holding company, ICE Holdings.[10] The same change was made to Article VI of the NYSE Chicago Bylaws.[11]

Accordingly, the Exchange proposes to delete the text of Section 6.02 in its entirety and replace it with proposed text that is substantially similar to the CHX, ICE and ICE Holdings provisions, with the exception of changes to be consistent with the Operating Agreement's terminology [12] and, in Section 6.02(e), references to the New York Business Corporation Law, rather than the General Corporation Law of the State of Delaware.[13] The proposed text follows:

(a) The Company shall, to the fullest extent permitted by Law (as defined below), as such Law may be amended and supplemented from time to time, indemnify any director or officer made, or threatened to be made, a party to any action, suit or proceeding, whether criminal, civil, administrative or investigative, by reason of being a director or officer of the Company or a predecessor company or, at the Company's request, a director, officer, partner, member, employee or agent of another entity; provided, however, that the Company shall indemnify any director or officer in connection with a proceeding initiated by such person only if such proceeding was authorized in advance by the Board of Directors of the Company. The indemnification provided for in this Section 6.02 shall: (i) Not be deemed exclusive of any other rights to which those indemnified may be entitled under any bylaw, agreement or vote of stockholders or disinterested directors or otherwise, both as to action in their official capacities and as to action in another capacity while holding such office; (ii) continue as to a person who has ceased to be a director or officer; and (iii) inure to the benefit of the heirs, executors and administrators of an indemnified person.

(b) Expenses incurred by any such person in defending a civil or criminal action, suit or proceeding by reason of the fact that he is or was a director or officer of the Company (or was serving at the Company's request as a director, officer, partner, member, employee or agent of another entity) shall be paid by the Company in advance of the final disposition of such action, suit or

[4] The Exchange has four registered national securities exchange affiliates: NYSE America [sic] LLC (''NYSE American''), NYSE Arca, Inc. (''NYSE Arca''), NYSE National, Inc. (''NYSE National''), and Chicago Stock Exchange, Inc. (''CHX'' and together with the Exchange, NYSE American, NYSE Arca, and NYSE National, the ''NYSE Group Exchanges''). CHX has filed to change its name to NYSE Chicago, Inc. *See* Exchange Act Release No. 84494 (October 26, 2018), 83 FR 54953 (November 1, 2018) (SR–CHX–2018–05) (''NYSE Chicago Release'') (notice of filing and immediate effectiveness of proposal to reflect name changes of the Exchange and its direct parent company and to amend certain corporate governance provisions). The rule changes set forth in the NYSE Chicago Release will become operative upon the Second Amended and Restated Certificate of Incorporation of Chicago Stock Exchange, Inc. (''NYSE Chicago Certificate'') becoming effective pursuant to its filing with the Secretary of State of the State of Delaware.

[5] *See* Exchange Act Release No. 72158 (May 13, 2014), 79 FR 28784 (May 19, 2014) (SR–NYSE–2014–23) (notice of filing and immediate effectiveness of proposed rule change relating to name changes of its ultimate parent and its indirect parents).

[6] *See* NYSE Chicago Release, *supra* note 4, at 54953.

[7] The NYSE Chicago Bylaws will become operative when the NYSE Chicago Certificate becomes effective pursuant to its filing with the Secretary of State of the State of Delaware. *Id.*

[8] *See* Eleventh Amended and Restated Operating Agreement of NYSE American LLC, Article II, Section 2.03(h)(ii); NYSE Arca Rule 3.3; Fifth Amended and Restated Bylaws of NYSE National, Inc., Article V, Section 5.6; NYSE Chicago Bylaws, Article IV, Section 6.

[9] *See* NYSE Chicago Release, *supra* note 4, at 54961. The Exchange understands that NYSE American, NYSE National and NYSE Arca propose to file similar changes to their respective ROC provisions.

[10] *See* ICE Bylaws, Article X, Section 10.6, and ICE Holdings Bylaws, Article X, Section 10.6.

[11] *See* NYSE Chicago Release, *supra* note 4, at 54962–54963. The Exchange understands that NYSE American, NYSE National and NYSE Arca propose to file similar changes to their respective indemnification provisions.

[12] For example, proposed Section 6.02 uses ''officer'' instead of ''Senior Officers,'' ''Company'' instead of ''Corporation,'' and ''Section 6.02'' instead of ''Section 10.6.''

[13] The NYSE is a New York limited liability company. CHX, ICE, and ICE Holdings are all organized under the laws of the State of Delaware.

proceeding upon receipt of an undertaking by or on behalf of such director or officer to repay such amount if it shall ultimately be determined that he or she is not entitled to be indemnified by the Company as authorized by Law. Notwithstanding the foregoing, the Company shall not be required to advance such expenses to a person who is a party to an action, suit or proceeding brought by the Company and approved by a majority of the Board of Directors of the Company that alleges willful misappropriation of corporate assets by such person, disclosure of confidential information in violation of such person's fiduciary or contractual obligations to the Company or any other willful and deliberate breach in bad faith of such person's duty to the Company or its stockholders.

(c) The foregoing provisions of this Section 6.02 shall be deemed to be a contract between the Company and each director or officer who serves in such capacity at any time while this bylaw is in effect, and any repeal or modification thereof shall not affect any rights or obligations then existing with respect to any state of facts then or theretofore existing or any action, suit or proceeding theretofore or thereafter brought based in whole or in part upon any such state of facts. The rights provided to any person by this bylaw shall be enforceable against the Company by such person, who shall be presumed to have relied upon it in serving or continuing to serve as a director or officer or in such other capacity as provided above.

(d) The Board of Directors in its discretion shall have power on behalf of the Company to indemnify any person, other than a director or officer, made or threatened to be made a party to any action, suit or proceeding, whether criminal, civil, administrative or investigative, by reason of the fact that such person, or his or her testator or intestate, is or was an officer, employee or agent of the Company or, at the Company's request, is or was serving as a director, officer, partner, member, employee or agent of another company or other entity.

(e) For purposes of this Section 6.02, ''Law'' shall mean the laws governing the indemnification of, and advancement of expenses to, directors, officers, employees and agents of New York corporations, including Section 722 of the New York Business Corporation Law (''Section 722''), with such laws being applicable to the Exchange as if the Exchange were a New York corporation. To assure indemnification under this Section 6.02 of all directors, officers, employees and agents who are determined by the Company or otherwise to be or to have been ''fiduciaries'' of any employee benefit plan of the Company that may exist from time to time, Section 722 shall, for the purposes of this Section 6.02, be interpreted as follows: An ''other enterprise'' shall be deemed to include such an employee benefit plan, including without limitation, any plan of the Company that is governed by the Act of Congress entitled ''Employee Retirement Income Security Act of 1974,'' as amended from time to time; the Company shall be deemed to have requested a person to serve an employee benefit plan where the performance by such person of his duties to the Company also imposes duties on, or otherwise involves services by, such person to the plan or participants or beneficiaries of the plan; excise taxes assessed on a person with respect to an employee benefit plan pursuant to such Act of Congress shall be deemed ''fines.''

Section 6.03 (Non Exclusivity of Rights)

Current Section 6.03 states that the rights to indemnification and the payment of expenses conferred are not exclusive of any other right a person has. Because the non-exclusivity of rights would now be addressed in the final sentence of proposed Section 6.02(a), the Exchange proposes to delete Section 6.03 in its entirety. The deletion would be consistent with the indemnity provisions of the ICE, ICE Holdings and NYSE Chicago Bylaws, which do not have separate provisions regarding the non-exclusivity of rights.[14]

The remaining sections of Article VI would be renumbered accordingly.

Additional Proposed Amendments

The Exchange proposes to make technical and conforming changes to the title, recitals and signature page of the Operating Agreement.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act,[15] in general, and furthers the objectives of Section 6(b)(1)[16] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act,[17] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed amendments to the Operating Agreement would contribute to the orderly operation of the Exchange and would enable the Exchange to be so organized as to have the capacity to carry out the purposes of the Exchange Act and comply with the provisions of the Exchange Act by its members and persons associated with members. The proposed changes would create greater conformity between the ROC and indemnification provisions of the Operating Agreement and those of the governing documents of CHX, ICE and ICE Holdings. The Exchange believes that such conformity would streamline the NYSE Group Exchanges' corporate processes, create more equivalent governance processes among them, and also provide clarity to the Exchange's members, which is beneficial to both investors and the public interest. At the same time, the Exchange will continue to operate as a separate self-regulatory organization and to have rules, membership rosters and listings distinct from the rules, membership rosters and listings of the other NYSE Group Exchanges.

For the same reason, the Exchange believes that the greater consistency among the governing documents of the NYSE Group Exchanges, ICE and ICE Holdings would promote the maintenance of a fair and orderly market, the protection of investors and the protection of the public interest. Indeed, the proposed amendments would make the corporate requirements and administrative processes relating to the Board and ROC more similar to those of CHX, which have been established as fair and designed to protect investors and the public interest.[18]

[14] *See* ICE Bylaws, Article X; ICE Holdings Bylaws, Article X; and NYSE Chicago Bylaws, Article VI.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(1).

[17] 15 U.S.C. 78f(b)(5).

[18] *See, e.g.* NYSE Chicago Release, *supra* note 4; and Exchange Act Release Nos. 83303 (May 22, 2018), 83 FR 24517 (May 29, 2018) (SR–CHX–2018–004).

The proposed amendments to effect non-substantive technical and conforming changes would remove impediments to and perfect the mechanism of a free and open market by ensuring that persons subject to the Exchange's jurisdiction, regulators, and the investing public can more easily navigate and understand the governing documents. The Exchange further believes that the proposed amendments would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased transparency and clarity, thereby reducing potential confusion.

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 Exchange Act. The proposed rule change is not intended to address competitive issues but rather is concerned solely with the corporate governance and administration of the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [19] and Rule 19b–4(f)(6) thereunder.[20] 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) [21] 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–2018–56 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–2018–56. 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–NYSE–2018–56 and should be submitted on or before December 18, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–25737 Filed 11–26–18; 8:45 am]

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[19] 15 U.S.C. 78s(b)(3)(A)(iii).

[20] 17 CFR 240.19b–4(f)(6).

[21] 15 U.S.C. 78s(b)(2)(B).

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84630; File No. SR–MSRB–2018–07]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Order Granting Approval of a Proposed Rule Change To Amend MSRB Rule G–3, on Professional Qualification Requirements, To Require Municipal Advisor Principals To Become Appropriately Qualified by Passing the Municipal Advisor Principal Qualification Examination

November 20, 2018.

I. Introduction

On September 19, 2018, the Municipal Securities Rulemaking Board (the ''MSRB'' or ''Board'') filed with the Securities and Exchange Commission (the ''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule to amend Rule G–3, on professional qualification requirements, to (i) require persons who meet the definition of a municipal advisor principal, as defined under Rule G–3(e)(i), to pass the Municipal Advisor Principal Qualification Examination (''Series 54 examination'') in order to become appropriately qualified as a municipal advisor principal; (ii) specify that such persons who cease to be associated with a municipal advisor for two or more years at any time after having qualified as a municipal advisor principal must requalify by examination unless a waiver is granted; (iii) add the Series 54 examination to the list of qualification examinations for which a waiver can be sought; (iv) provide that municipal advisor representatives may function as a principal for 120 calendar days without being qualified with the Series 54 examination; and (v) make a

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

technical amendment to Rule G–3(e) to clarify that a municipal advisor principal must pass the Municipal Advisor Representative Qualification Examination (''Series 50 examination'') as a prerequisite to becoming qualified as a municipal advisor principal (collectively the ''proposed rule change''). The MSRB requested that the proposed rule change become effective 30 days from the date of SEC approval. The proposed rule change was published for comment in the **Federal Register** on October 9, 2018.[3]

The Commission received one comment letter on the proposed rule change.[4] On November 16, 2018, the MSRB responded to the comments received by the Commission.[5]

II. Description of Proposed Rule Change

The proposed rule change would adopt MSRB Rule G–3(e)(ii)(A) to establish additional qualification requirements for municipal advisor principals. Specifically, the proposed rule change would require those who meet the definition of a municipal advisor principal, as defined under MSRB Rule G–3(e)(i), (*i.e.,* persons engaged in the management, direction or supervision of the municipal advisory activities of the municipal advisor and its associated persons) to pass both the Series 50 examination and Series 54 examination prior to becoming qualified as a municipal advisor principal. Additionally, the proposed amendments to MSRB Rule G–3(e)(ii) would also prescribe that the passing score shall be determined by the Board. The MSRB stated that the establishment of qualification requirements for municipal advisor principals would assist in ensuring that such persons have a specified level of competency that is appropriate in the public interest and for the protection of investors, and municipal entities and obligated persons.[6] Additionally, the MSRB stated that the establishment of the Series 54 examination is consistent with the intent of the establishment of the Series 50 examination ''to mitigate problems associated with advice provided by those individuals without adequate training or qualifications,'' in that municipal advisor principals should be appropriately qualified to supervise such activities of municipal advisor representatives.[7]

Proposed MSRB Rule G–3(e)(ii)(B) would require any person qualified as a municipal advisor principal who ceases to be associated with a municipal advisor for two or more years at any time after having qualified as a municipal advisor principal to requalify by examination by passing both the Series 50 examination and Series 54 examination prior to becoming qualified as a municipal advisor principal, unless a waiver is granted pursuant to MSRB Rule G–3(h)(ii), on waiver of qualification requirements.[8] The MSRB also proposed to amend MSRB Rule G–3(h)(ii) and Supplementary Material .02 to provide that the MSRB will consider waiving the qualification requirements of a municipal advisor principal in extraordinary cases where the applicant was previously qualified as a municipal advisor principal by passing both the Series 50 examination and Series 54 examination and the person's qualification lapsed. The MSRB stated that Proposed Rule G–3(e)(ii)(C) would allow a municipal advisor principal to be designated a municipal advisor principal and to function in that capacity for a period of 120 calendar days without having passed the Series 54 examination.[9] The MSRB noted that on June 8, 2018, the MSRB filed a proposed rule change with the SEC for immediate effectiveness, which, in part, extended the period from 90 calendar days to 120 calendar days for municipal securities representatives to function in a principal capacity without passing a principal examination as long as the municipal securities representative has at least 18 months of experience within the five-year period immediately preceding the designation as a principal.[10] The MSRB stated that it is not extending this experience requirement to a municipal advisor representative in order to function as a municipal advisor principal for 120 calendar days because, given the typical size of a municipal advisor firm, coupled with the newness of the qualification classifications and development of professional qualification requirements for municipal advisor professionals, such a requirement could pose an undue burden on a municipal advisor's operational needs.[11]

The MSRB proposed a technical amendment to Rule G–3(e)(i), on definitions, to establish as a separate rule provision, and to clarify, that qualification as a municipal advisor representative is a prerequisite to obtaining qualification as a municipal advisor principal.[12] The MSRB is also proposing a technical amendment to renumber the rule provisions under Rule G–3(e).

The MSRB stated that it believes that professional qualification examinations, such as the Series 50 examination and Series 54 examination, are established means for determining the competency of individuals in a particular qualification classification.[13] The MSRB stated that it has, in consultation with the MSRB's Professional Qualification Advisory Committee, developed the Series 54 examination to ensure that a person seeking to qualify as a municipal advisor principal satisfies a specified level of competency and knowledge by measuring a candidate's ability to apply the applicable federal securities laws, including MSRB rules to the municipal advisory activities of a municipal advisor.[14] The MSRB stated that it has adhered to recognized test development standards by performing a job study to determine the appropriate topics to be covered and weighting of such topics on the Series 54 examination.[15] The MSRB noted that from October 17, 2017 through November 7, 2017, it conducted a job study of municipal advisor principals via a web-based survey.[16] The MSRB stated that the job study was sent to the primary and optional regulatory contacts at over 500 municipal advisors, representing every municipal advisor with at least one person qualified with the Series 50 examination. The MSRB stated that it received 212 responses to the job study, representing data from municipal advisor principals from different-sized municipal advisors in different areas of the country.[17]

In the Notice of Filing, MSRB stated that it will announce the effective date of the permanent Series 54 examination at a later date in an MSRB Notice published on *MSRB.org*.[18] The MSRB stated that the effective date of the

[3] Securities Exchange Act Release No. 84341 (October 2, 2018) (the ''Notice of Filing''), 83 FR 50708 (October 9, 2018).

[4] *See* Letter to Gail Marshall, Chief Compliance Officer, Municipal Securities Rulemaking Board, from Elaine M. Philbrick, Principal, Derivative Advisors, dated October 23, 2018 (the ''Derivative Advisors Letter''). This letter was delivered to the MSRB, who then filed the letter with the Commission.

[5] *See* Letter to Secretary, Commission, from Gail Marshall, Chief Compliance Officer, MSRB, dated November 16, 2018 (the ''MSRB Response Letter''), available at *https://www.sec.gov/comments/sr-msrb-2018-07/srmsrb201807-4654464-176503.pdf.*

[6] *See* Notice of Filing.

[7] *Id.*

[8] The Board stated that it will review waiver requests on their individual merits, taking into consideration relevant facts presented by an applicant. *See* Notice of Filing.

[9] *See* Notice of Filing.

[10] *Id.*

[11] *Id.*

[12] *Id.*

[13] *See* Notice of Filing.

[14] *Id.*

[15] *Id.*

[16] *Id.*

[17] *Id.*

[18] *Id.*

Series 54 examination will be the date the Series 54 examination becomes permanently available.[19] However, the MSRB stated that in advance of the permanent version of the Series 54 examination, the MSRB anticipates conducting a pilot of the Series 54 examination, the results of which will be used to determine the passing score for the permanent Series 54 examination.[20] The MSRB also stated that prior to the launch of the pilot version of the Series 54 examination, it will file a content outline with the SEC describing: the topics on the examination; the percentage of the examination devoted to each topic area; and the number of questions that will appear on the examination.[21] In the Notice of Filing, the MSRB stated that the content outline will also contain sample examination questions and a list of reference materials to assist individuals in preparation for the examination.[22] The MSRB stated that to provide persons who function as municipal advisor principals with sufficient time to satisfy the new qualification requirement, consistent with the implementation process for the Series 50 examination, the MSRB is proposing a one-year grace period from the effective date of the Series 54 examination for such persons to pass the examination and become appropriately qualified as municipal advisor principals.[23] According to the MSRB, during this one-year grace period, a person functioning as a municipal advisor principal would be permitted to continue to engage in the management, direction or supervision of the municipal advisory activities of the municipal advisor and its associated persons so long as such person is qualified with the Series 50 examination.[24] The MSRB stated that this one-year grace period is designed to ensure that those persons functioning as a municipal advisor principal can prepare for and pass the Series 54 examination without causing considerable disruption to the business of the municipal advisor.[25] The MSRB also stated that after the one-year grace period, a municipal advisor representative would only be permitted to function in the capacity of a municipal advisor principal, after being so designated, for a period of 120 days without being a qualified municipal advisor principal.[26]

The MSRB requested in the Notice of Filing that the proposed rule change become effective 30 days from the date of SEC approval.[27]

III. Summary of Comments Received and MSRB's Responses to Comments

As noted previously, the Commission received one comment letter on the proposed rule change, as well as the MSRB Response Letter. The commenter, Derivative Advisors (''Derivative Advisors''), stated that it is an interest rate swap broker who is a registered municipal advisor. The commenter believes that a firm that is principally an interest rate swap broker that is also registered as a municipal advisor should not have to take a qualification examination that is not specifically targeted to their business model.[28] The commenter suggested that only 5% of the questions on the Series 50 examination were related to swaps, and the rest had nothing to do with the firm's services.[29] The commenter also stated that ''the proposed amendment to Rule G–3 requires yet an additional exam that is completely unrelated to our firm,'' and that in order to pass the Series 54 examination, each principal will need to spend hundreds of hours to learn and master unfamiliar new material that does not serve the firm's customers or business.[30] The commenter also suggested that it may consider exiting the business of advising municipalities due to the investment of time and effort required by the proposed rule change.[31] Lastly, the commenter stated that requiring the Series 54 examination for municipal advisors that are strictly swap brokers is not in the public interest and does not benefit investors, municipal entities or obligated persons. Therefore the commenter believes that swap brokers should be exempt from the proposed requirement that each municipal advisor principal take and pass the Series 54 examination.[32]

The MSRB responded by stating that the MSRB is charged with setting professional qualification standards for municipal advisors under Section 15B(b)(2)(A)[33] of the Act.[34] The MSRB stated that it believes that the establishment of the Series 54 examination is consistent with the intent of the establishment of the Series 50 examination to mitigate problems associated with advice by those individuals without adequate training or qualification, in that municipal advisor principals should be appropriately qualified to supervise such activities of municipal advisor representatives.[35] The MSRB also stated that the creation of a principal-level examination furthers the stated objective of Section 15B(b)(2)(C)[36] of the Act to foster the prevention of fraudulent practices by enhancing the overall professional qualification standards of municipal advisor principals—recognizing that proper supervision of a municipal advisor's activities and that of its associated persons play a role in the protection of the municipal securities market.[37]

In further response to the Derivative Advisors Letter, the MSRB stated that it believes that a municipal advisor principal should demonstrate knowledge of the rules and regulations governing municipal advisors.[38] The MSRB noted that as a principal qualification examination, the Series 54 examination is designed to measure a candidate's knowledge of the regulatory requirements under the federal securities laws, including MSRB rules, applicable to municipal advisors.[39] The MSRB stated that these rules and regulations generally apply to all municipal advisors and the range of activities that a municipal advisor is permitted to engage in, regardless of the niche business a municipal advisor firm may opt to engage in.[40] The MSRB further noted that all municipal advisors are required to adhere to the federal securities laws, including the MSRB rules applicable to municipal advisors, including, but not limited to, those governing the registration requirements, recordkeeping requirements and pay-to-play prohibitions.[41] Accordingly, the MSRB stated that it does not believe it is prudent to establish an exemption from the qualification requirements for those municipal advisors that opt to limit the scope of their municipal advisory activities.[42]

Furthermore, the MSRB stated that it does not believe that the proposed rule change would impose any burden on competition not necessary or

[19] *Id.*
[20] *Id.*
[21] *Id.*
[22] *Id.*
[23] *Id.*
[24] *Id.*
[25] *Id.*
[26] *Id.*
[27] *Id.*
[28] *See* Derivative Advisors Letter.
[29] *Id.*
[30] *Id.*
[31] *Id.*
[32] *Id.*
[33] 15 U.S.C. 78*o*–4(b)(2)(A).
[34] *See* MSRB Response Letter.
[35] *Id.*
[36] 15 U.S.C. 78*o*–4(b)(2)(C).
[37] *See* MSRB Response Letter.
[38] *Id.*
[39] *Id.*
[40] *Id.*
[41] *Id.*
[42] *Id.*

appropriate in furtherance of the purposes of the Act.[43] The MSRB stated that it considered whether it is possible that the costs associated with preparing for and taking the Series 54 examination, relative to the baseline of no principal-level examination, may affect the competitive landscape by leading some municipal advisors to exit the market rather than incur the burden of meeting the qualification requirements.[44] The MSRB stated that it recognizes that meeting professional qualification requirements results in municipal advisors incurring programmatic costs, including costs to study for and take the applicable examinations. The MSRB also stated that it believes the benefit of having associated persons of municipal advisors who engage in the management, direction or supervision of the municipal advisory activities of the municipal advisor and its associated persons to demonstrate specified level of competency necessary to supervise municipal advisory activities, outweighs the potential burden imposed.[45] The MSRB stated that, as noted in the filing, to minimize disruption to a municipal advisor's operation, the MSRB proposed a one-year grace period from the effective date of the Series 54 examination to afford time for associated persons of a municipal advisor who are directly engaged in the management, direction or supervision of the municipal advisory activities of the municipal advisor and its associated persons to take and pass the Series 54 examination and become appropriately qualified as municipal advisor principals.[46] The MSRB stated that during this one-year grace period, a person functioning as a municipal advisor principal would be permitted to continue to engage in the management, direction or supervision of the municipal advisory activities of the municipal advisor and its associated persons so long as such person is qualified with the Series 50 examination.[47]

IV. Discussion and Commission Findings

The Commission has carefully considered the proposed rule change, the comment letter received, and the MSRB Response Letter. The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB.

In particular, the proposed rule change is consistent with Sections 15B(b)(2)(A), 15B(b)(2)(C), and 15B(b)(2)(L) of the Act.[48] Section 15B(b)(2)(A) of the Act provides that the MSRB's rules shall provide that no municipal securities broker or municipal securities dealer shall effect any transaction in, or induce or attempt to induce the purchase or sale of, any municipal security, and no broker, dealer, municipal securities dealer, or municipal advisor shall provide advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products or the issuance of municipal securities, unless . . . such municipal securities broker or municipal securities dealer and every natural person associated with such municipal securities broker or municipal securities dealer meet such standards of training, experience, competence, and such other qualifications as the Board finds necessary or appropriate in the public interest or for the protection of investors and municipal entities or obligated persons.[49] Section 15B(b)(2)(A) of the Act also provides that, in connection with the definition and application of such standards, the MSRB may appropriately classify municipal advisors and their associated persons, specify that all or any portion of such standards shall be applicable to any such class, and require persons in any such class to pass an examination regarding such standards of competence.[50] The Commission believes that the proposed rule change is consistent with Section 15B(b)(2)(A) of the Act because the proposed rule change requires individuals who supervise municipal advisory activities to pass a professional qualification examination which is an established means for determining the basic competency of individuals in a particular class. The Commission believes that requiring prospective municipal advisor principals to pass a basic qualification examination will protect investors, municipal entities, and obligated persons by ensuring such principals have a basic understanding of the role of a municipal advisor principal and the rules and regulations governing such individuals.

Section 15B(b)(2)(C) of the Act[51] provides in part that MSRB rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to protect investors, municipal entities, obligated persons, and the public interest. The Commission believes that the proposed rule change will bolster the protection of municipal entities and obligated persons who employ municipal advisors to engage in municipal advisory activities on their behalf by helping to ensure that individuals engaged in the management, direction or supervision of the municipal advisory activities of a municipal advisor and its associated persons demonstrate a specified level of competence of the rules and regulations governing such municipal advisory activities. The Commission also believes that the proposed rule change will, through the establishment of professional qualification standards, effectively serve to benefit municipal advisors as such standards for municipal advisor principals are designed to ensure that any person that supervises, manages or directs the municipal advisory activities of a municipal advisor and its associated persons understands the application of the federal securities laws to a municipal advisor's municipal advisory activities in order to safeguard the municipal advisor from conduct that would violate the federal securities laws.

Additionally, Section 15B(b)(2)(L)(iii) of the Act provides that the MSRB's rules shall provide professional standards with respect to municipal advisors.[52] The Commission believes that the proposed rule change is consistent with Section 15B(b)(2)(L)(iii) of the Act because it would establish professional standards for those individuals supervising municipal advisory activities by requiring such individuals to demonstrate a basic competency regarding the role of municipal advisor principals and the rules and regulations governing the conduct of such persons.

Section 15B(b)(2)(L)(iv) of the Act requires that MSRB rules not impose a regulatory burden on small municipal advisors that is not necessary or appropriate in the public interest and for the protection of investors, municipal entities, and obligated persons, provided that there is robust protection of investors against fraud.[53] The Commission believes that the

[43] *Id.*

[44] *Id.*

[45] *Id.*

[46] *Id.*

[47] *See* Notice of Filing and MSRB Response Letter.

[48] 15 U.S.C. 78*o*–4(b)(2)(A), 78*o*–4(b)(2)(C), 78*o*–4(b)(2)(L).

[49] 15 U.S.C. 78*o*–4(b)(2)(A).

[50] *Id.*

[51] 15 U.S.C. 78*o*–4(b)(2)(C).

[52] 15 U.S.C. 78*o*–4(b)(2)(L)(iii).

[53] 15 U.S.C. 78*o*–4(b)(2)(L)(iv).

proposed rule change is consistent with Section 15B(b)(2)(L)(iv) of the Act. While the proposed rule change would affect all municipal advisors, including small municipal advisors, it is a necessary and appropriate regulatory burden in order to establish the baseline competence of those supervising individuals engaged in municipal advisory activities. Establishing a baseline competence standard is necessary for the protection of investors, municipal entities, and obligated persons. The Commission also believes such baseline competence standard is in the public interest because it promotes compliance with the rules and regulations governing the conduct of municipal advisors.

In approving the proposed rule change, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation.[54] Section 15B(b)(2)(C) of the Act[55] requires that MSRB rules not be designed to impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Commission does not believe that the proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act since it would apply equally to all municipal advisor principals who supervise municipal advisory activities. Furthermore, the Commission believes that the potential burdens created by the proposed rule change are to be likely outweighed by the benefits of establishing baseline professional qualification standards and promoting compliance with the rules and regulations governing the conduct of municipal advisors. The Commission has reviewed the record for the proposed rule change and notes that the record does not contain any information to indicate that the proposed rule change would have a negative effect on capital formation. The Commission believes that the proposed rule change includes accommodations that help promote efficiency. Specifically, the MSRB has provided a one-year grace period for passing the examination. As noted by the MSRB, the grace period provides municipal advisor principals with sufficient time to study and take the examination without causing an undue disruption to the business of the municipal advisor.

As noted above, the Commission received one comment letter on the proposed rule change. The Commission believes that the MSRB considered carefully and responded adequately to the comments and concerns regarding the proposed rule change. For the reasons noted above, the Commission believes that the proposed rule change is consistent with the Act.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[56] that the proposed rule change (SR–MSRB–2018–07) be, and hereby is, approved.

For the Commission, pursuant to delegated authority.[57]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–25732 Filed 11–26–18; 8:45 am]

BILLING CODE 8011–01–P

[54] 15 U.S.C. 78c(f).

[55] 15 U.S.C. 78*o*–4(b)(2)(C).

[56] 15 U.S.C. 78s(b)(2).

[57] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84639; File No. SR–NYSEArca–2018–60]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade Shares of the First Trust Long Duration Opportunities ETF Under NYSE Arca Rule 8.600–E

November 21, 2018.

I. Introduction

On August 17, 2018, NYSE Arca, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the First Trust Long Duration Opportunities ETF (''Fund'') pursuant to NYSE Arca Rule 8.600–E. The proposed rule change was published for comment in the **Federal Register** on August 30, 2018.[3] On October 9, 2018, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] The Commission has received no comment letters on the proposed rule change. The Commission is publishing this order to institute proceedings pursuant to Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.

II. Summary of the Exchange's Description of the Proposed Rule Change[7]

The Exchange proposes to list and trade Shares of the Fund under NYSE Arca Rule 8.600–E, which governs the listing and trading of Managed Fund Shares on the Exchange. The Shares will be offered by First Trust Exchange-Traded Fund IV (''Trust''), which the Exchange states is registered with the Commission as an open-end management investment company.[8] The Fund is a series of the Trust. According to the Exchange, First Trust Advisors L.P. will be the investment adviser (''Adviser'') to the Fund,[9] First Trust Portfolios L.P. will be the distributor (''Distributor'') for the Fund's Shares, and The Bank of New York Mellon will act as the administrator, custodian, and transfer agent (''Custodian'' or ''Transfer Agent'') for the Fund.

A. Principal Investments of the Fund

According to the Exchange, the investment objective of the Fund is to

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 83936 (August 24, 2018), 83 FR 44312 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 84383, 83 FR 52039 (Oct. 15, 2018). The Commission designated November 28, 2018 as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change. *See id.*

[6] 15 U.S.C. 78s(b)(2)(B).

[7] For a complete description of the Exchange's proposal, *see* Notice, *supra* note 3.

[8] According to the Exchange, on June 12, 2018, the Trust filed with the Commission its registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a), and under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') relating to the Fund (File Nos. 333–174332 and 811–22559) (''Registration Statement''). In addition, the Exchange states that the Commission has issued an order upon which the Trust may rely, granting certain exemptive relief under the 1940 Act. *See* Investment Company Act Release No. 30029 (April 10, 2012) (File No. 812–13795).

[9] According to the Exchange, the Adviser is not registered as a broker-dealer but is affiliated with First Trust Portfolios L.P., a broker-dealer, and has implemented and will maintain a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio. The Exchange represents that, in the event (a) the Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or its broker-dealer affiliate regarding access to information concerning the composition of and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio. The Exchange also represents that the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Investment Advisers Act of 1940 relating to codes of ethics.

generate current income with a focus on preservation of capital. Under normal market conditions,[10] the Fund will invest at least 80% of its net assets in a portfolio of ''Fixed Income Securities'' (described below), which may be represented by derivatives relating to such securities. The term Fixed Income Securities means:

- Debt securities issued or guaranteed by the U.S. Government, its agencies or government-sponsored entities (''GSE'' or ''U.S. Government Entities''), other than ''Agency Mortgage-Related Investments'' as defined below; [11]
- mortgage-related debt securities and other mortgage-related instruments issued or guaranteed by the U.S. Government and U.S. Government Entities (collectively, ''Agency Mortgage-Related Investments''); and
- debentures related to securities issued or guaranteed by the U.S. Government and U.S. Government Entities.

The Fund may invest in the following derivative instruments: Options, futures contracts, and swap agreements. According to the Exchange, the use of these derivative transactions may allow the Fund to obtain net long or short exposures to selected interest rates or durations. The Fund may also utilize derivatives to enhance return, to hedge some of the risks of its investments in securities, as a substitute for a position in the underlying asset, to reduce transaction costs, to maintain full market exposure (which means to adjust the characteristics of its investments to more closely approximate those of the markets in which it invests), to manage cash flows, or to preserve capital.

The Fund may invest in exchange-traded funds (''ETFs'') that invest in Fixed Income Securities.[12] Such ETFs will count towards the Fund's 80% investment requirement described above.

The Fund may enter into mortgage dollar rolls and may invest in to-be-announced transactions (''TBA''). Cash earmarked or otherwise held as collateral for settling mortgage dollar rolls, TBA transactions, and other delayed-delivery transactions will count towards the Fund's 80% investment requirement described above. The Fund may enter into short sales of any securities in which the Fund may invest.

B. Other Investments of the Fund

While, under normal market conditions, the Fund will invest at least 80% of the Fund's net assets in the securities and financial instruments described above under ''Principal Investments of the Fund,'' the Fund may invest up to 20% of its net assets in the securities and financial instruments described below.

The Fund may invest in cash and cash equivalents.[13] In addition, the Fund may hold the following short-term instruments with maturities of three months or more: certificates of deposit, bankers' acceptances, repurchase agreements and reverse repurchase agreements, bank time deposits, and commercial paper.

The Fund may invest up to 20% of its net assets in other fixed income securities, including asset-backed securities (''ABS'') and mortgage-related debt securities and other mortgage-related instruments not issued or guaranteed by the U.S. Government or U.S. Government Entities (''Non-Agency Mortgage-Related Investments'').[14]

The Fund may invest in non-exchange-traded investment company securities (*i.e.,* mutual funds).

C. Other Restrictions of the Fund

The Exchange represents that the Fund will not invest in securities or other financial instruments that have not been described in the proposed rule change.

In addition, the Exchange represents that the Fund's investments, including derivatives, will be consistent with the Fund's investment objective and will not be used to enhance leverage (although certain derivatives and other investments may result in leverage). That is, the Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*e.g.,* 2X or −3X) of the Fund's primary broad-based securities benchmark index (as defined in Form N–1A).[15]

D. Use of Derivatives by the Fund

Investments in derivative instruments will be made in accordance with the Fund's investment objective and policies. To limit the potential risk associated with such transactions, the Fund will enter into offsetting transactions or segregate or ''earmark'' assets determined to be liquid by the Adviser in accordance with procedures established by the Trust's Board of Trustees (the ''Board''). In addition, the Fund will include appropriate risk disclosure in its offering documents, including leveraging risk. Leveraging risk is the risk that certain transactions of the Fund, including the Fund's use of derivatives, may give rise to leverage, causing the Fund to be more volatile than if it had not been leveraged.

The Adviser believes there will be minimal, if any, impact to the arbitrage mechanism as a result of the Fund's use of derivatives. The Adviser understands that market makers and participants should be able to value derivatives as long as the positions are disclosed with relevant information. The Adviser believes that the price at which Shares of the Fund trade will continue to be disciplined by arbitrage opportunities created by the ability to purchase or redeem Shares of the Fund at their net asset value (''NAV''), which should ensure that Shares of the Fund will not trade at a material discount or premium in relation to their NAV. The Adviser does not believe there will be any significant impacts to the settlement or operational aspects of the Fund's arbitrage mechanism due to the use of derivatives.

[10] The term ''normal market conditions'' is defined in NYSE Arca Rule 8.600–E(c)(5). On a temporary basis, including for defensive purposes, during the initial invest-up period (*i.e.,* the six-week period following the commencement of trading of Shares on the Exchange) and during periods of high cash inflows or outflows (*i.e.,* rolling periods of seven calendar days during which inflows or outflows of cash, in the aggregate, exceed 10% of the Fund's net assets as of the opening of business on the first day of such periods), the Fund may depart from its principal investment strategies; for example, it may hold a higher than normal proportion of its assets in cash. The Fund may adopt a defensive strategy when the Adviser believes securities in which the Fund normally invests have elevated risks due to political or economic factors and in other extraordinary circumstances.

[11] GSEs include, for example, the Government National Mortgage Association, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation.

[12] For purposes of this filing, the term ''ETFs'' includes Investment Company Units (as described in NYSE Arca Rule 5.2–E(j)(3)); Portfolio Depositary Receipts (as described in NYSE Arca Rule 8.100–E); and Managed Fund Shares (as described in NYSE Arca Rule 8.600–E). All ETFs will be listed and traded in the U.S. on a national securities exchange. While the Fund may invest in inverse ETFs, the Fund will not invest in leveraged (*e.g.,* 2X, –2X, 3X or –3X) ETFs.

[13] For purposes of this filing, cash equivalents are the short-term instruments enumerated in Commentary .01(c) to Rule 8.600–E.

[14] For purposes of this filing, Agency Mortgage-Related Investments and Non-Agency Mortgage-Related Investments consist of: (1) Residential mortgage-backed securities (''RMBS''); (2) commercial mortgage-backed securities (''CMBS''); (3) stripped mortgage-backed securities (''SMBS''), which are mortgage-backed securities where mortgage payments are divided up between paying the loan's principal and paying the loan's interest; and (4) collateralized mortgage obligations (''CMOs'') and real estate mortgage investment conduits (''REMICs'') where they are divided into multiple classes with each class being entitled to a different share of the principal and/or interest payments received from the pool of underlying assets.

[15] The Fund's broad-based securities benchmark index will be identified in a future amendment to the Registration Statement following the Fund's first full calendar year of performance.

E. Application of Generic Listing Requirements

The Exchange represents that the portfolio for the Fund will not meet all of the ''generic'' listing requirements of Commentary .01 to NYSE Arca Rule 8.600–E applicable to the listing of Managed Fund Shares. The Exchange states that the Fund's portfolio will meet all such requirements except for those set forth in Commentary .01(a)(1),[16] (b)(1),[17] and (b)(5),[18] as described below.

1. Fixed Income Securities

The Exchanges represents that the Fund will not comply with the requirement in Commentary .01(b)(1) to Rule 8.600–E that components that in the aggregate account for at least 75% of the fixed income weight of the portfolio each shall have a minimum original principal amount outstanding of $100 million or more.[19] As discussed above, under normal market conditions, the Fund's principal investments will include Agency Mortgage-Related Investments, securities issued or guaranteed by the U.S. Government and U.S. Government Entities other than Agency Mortgage-Related Investments, and debentures related to securities issued or guaranteed by the U.S. Government and U.S. Government Entities. The Exchange states that the Adviser represents that the Agency Mortgage-Related Investments market is extremely large and liquid;[20] however, individual bond sizes in Agency Mortgage-Related Investments tend to be slightly smaller on average than standard corporate obligation deal issuances. As an example, the Exchange states that as of March 31, 2018, there were approximately $3.06 trillion in Fannie Mae outstanding; however, that amount is comprised of tens of thousands of individual pools with a range of individual pool specific issue sizes. The Exchange states that while an individual tranche may be less than $100 million, it may have been issued as part of a deal in excess of $100 million.

As an alternative limitation, the Exchange proposes that, except for periods of high cash inflows or outflows,[21] components that in the aggregate account for at least 30% of the fixed income weight of the portfolio would have a minimum original principal amount outstanding of $50 million or more. The Exchange states that the Adviser represents that this alternative criterion is appropriate based on the size and liquidity of the market in which agency mortgage securities generally trade and the anticipated availability of Agency Mortgage-Related Investments that would satisfy the Fund's investment parameters.

The Exchange also represents that the Fund will not comply with the requirement in Commentary .01(b)(5) that investments in non-agency, non-GSE and privately issued mortgage-related and other asset-backed securities (*i.e.,* Non-Agency Mortgage-Related Investments) not account, in the aggregate, for more than 20% of the weight of the fixed income portion of the portfolio.[22] Instead, the Exchange proposes that Non-Agency Mortgage-Related Investments will, in the aggregate, not exceed more than 20% of the total assets of the Fund. According to the Exchange, this alternative requirement is appropriate because the Fund's investment in Non-Agency Mortgage-Related Investments is expected to provide the Fund with benefits associated with increased diversification, as Non-Agency Mortgage-Related Investments tend to be less correlated to interest rates than many other fixed income securities. The Exchange states that the Adviser represents that the Fund's investment in Non-Agency Mortgage-Related Investments will be subject to the Fund's liquidity procedures as adopted by the Board, and the Adviser does not expect that investments in Non-Agency Mortgage-Related Investments of up to 20% of the total assets of the Fund will have any material impact on the liquidity of the Fund's investments.

2. Investments in Non-Exchange-Traded Open-End Investment Company Securities

The Exchange states that the Fund would not meet the requirements of Commentary .01(a)(1)(A) through (E) to Rule 8.600–E[23] with respect to the Fund's investments in non-exchange-traded open-end investment company securities. The Exchange represents that investments in non-exchange-traded open-end investment company securities will not be principal investments of the Fund.[24] According to the Exchange, such investments, which may include mutual funds that invest, for example, principally in fixed income securities, would be utilized to help the Fund meet its investment objective and to equitize cash in the short term. In addition, the Exchange states that because non-exchange-traded open-end investment company securities have a net asset value based on the value of securities and financial assets the investment company holds, the Exchange believes it is unnecessary and inappropriate to apply to such securities the criteria in Commentary .01(a)(1). The Exchange further states that it believes it would be difficult or impossible to apply to such securities the generic quantitative criteria in Commentary .01(a)(1) because such

[16] Commentary .01(a)(1) to NYSE Arca Rule 8.600–E provides that the component stocks of the equity portion of a portfolio that are U.S. Component Stocks (as described in NYSE Arca Rule 5.2–E(j)(3)); shall meet the following criteria initially and on a continuing basis: (A) Subject to exclusions for Derivative Securities Products and Index-Linked Securities, component stocks that in the aggregate account for at least 90% of the equity weight of the portfolio each shall have a minimum market value of at least $75 million; (B) subject to exclusions for Derivative Securities Products and Index-Linked Securities, component stocks that in the aggregate account for at least 70% of the equity weight of the portfolio each shall have a minimum monthly trading volume of 250,000 shares, or minimum notional volume traded per month of $25,000,000, averaged over the last six months; (C) subject to exclusions for Derivative Securities Products and Index-Linked Securities, the most heavily weighted component stock shall not exceed 30% of the equity weight of the portfolio, and, to the extent applicable, the five most heavily weighted component stocks shall not exceed 65% of the equity weight of the portfolio; (D) subject to exceptions for where Derivative Securities Products and Index-Linked Securities constitute portfolio components, where the equity portion of the portfolio does not include Non-U.S. Component Stocks (as described in Rule 5.2–E(j)(3)), the equity portion of the portfolio shall include a minimum of 13 component stocks; and (E) equity securities in the portfolio shall be U.S. Component Stocks listed on a national securities exchange and shall be NMS Stocks as defined in Rule 600 of Regulation NMS under the Act; except that no more than 10% of the equity weight of a portfolio may consist of American Depositary Receipts.

[17] Commentary .01(b)(1) to Rule 8.600–E provides that components that in the aggregate account for at least 75% of the fixed income weight of the portfolio each shall have a minimum original principal amount outstanding of $100 million or more.

[18] Commentary .01(b)(5) to NYSE Arca Rule 8.600–E provides that non-agency, non-GSE and privately-issued mortgage-related and other asset-backed securities components of a portfolio shall not account, in the aggregate, for more than 20% of the weight of the fixed income portion of the portfolio.

[19] *See supra* note 17.

[20] According to the Exchange (citing the Securities Industry and Financial Markets Association), the approximate average daily trading volume in agency mortgage-backed securities from 2003–2017 was $249 billion; the average daily trading volume in agency mortgage-backed securities for June 2018 was approximately $223.2 billion; and approximately $6.99 trillion in agency mortgage-backed securities was outstanding as of March 31, 2018.

[21] *See supra* note 10.

[22] *See supra* note 18.

[23] *See supra* note 16.

[24] The Exchange states that for purposes of the filing, non-exchange-traded securities of other registered investment companies do not include money market funds which are cash equivalents under Commentary .01(c) to Rule 8.600–E and for which there is no limitation in the percentage of the portfolio invested in such securities.

securities do not trade in the secondary market.

The Exchange notes that, other than Commentary .01(a)(1), (b)(1), and (b)(5) to Rule 8.600–E, as described above, the Fund's portfolio will meet all other requirements of Rule 8.600–E.

III. Proceedings to Determine Whether to Approve or Disapprove SR–NYSEArca–2018–60 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act [25] to determine whether the proposed rule change should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[26] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, . . . to 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.'' [27]

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[28]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by December 18, 2018. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by January 2, 2019. The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in the Notice,[29] in addition to any other comments they may wish to submit about the proposed rule change.

In this regard, the Commission seeks comment on the Exchange's statements that the Fund will not comply with the requirement in Commentary .01(b)(1) to Rule 8.600–E that components that in the aggregate account for at least 75% of the fixed income weight of the portfolio each shall have a minimum original principal amount outstanding of $100 million or more.[30] In addition, the Commission seeks comment on the Exchange's proposed alternative requirement for the Fund that, except for periods of high cash inflows or outflows,[31] components that in the aggregate account for at least 30% of the fixed income weight of the portfolio each shall have a minimum original principal amount outstanding of $50 million or more. The Commission specifically seeks comment on whether the Exchange has provided enough information relating to this proposed alternative for the Commission to determine that trading of the Fund's Shares, which would not be subject to the requirement in Commentary .01(b)(1) but would be subject to this alternative requirement, would be consistent with the Act.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2018–60 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2018–60. 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 submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2018–60 and should be submitted on or before December 18, 2018. Rebuttal comments should be submitted by January 2, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Brent J. Fields,

Secretary.

[FR Doc. 2018–25881 Filed 11–26–18; 8:45 am]

BILLING CODE 8011–01–P

[25] 15 U.S.C. 78s(b)(2)(B).

[26] *Id.*

[27] 15 U.S.C. 78f(b)(5).

[28] Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[29] *See supra* note 3.

[30] *See supra* note 17.

[31] *See supra* note 10.

[32] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84641; File No. SR–NYSEAMER–2018–52]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Change To Add to the Rules of the Exchange the Twelfth Amended and Restated Operating Agreement of the New York Stock Exchange LLC

November 21, 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 19, 2018, NYSE American LLC (''Exchange'' or ''NYSE American'') 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 add to the rules of the Exchange the Twelfth Amended and Restated Operating Agreement of the New York Stock Exchange LLC (''NYSE LLC''). The proposed change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to add to the rules of the Exchange the Twelfth Amended and Restated Operating Agreement of the NYSE LLC (the ''Twelfth NYSE Operating Agreement'').

NYSE LLC has a wholly-owned subsidiary, NYSE Market (DE), Inc. (''NYSE Market (DE), Inc.''), which owns a majority interest in NYSE Amex Options LLC (''NYSE Amex Options''), a facility of the Exchange. The Exchange and NYSE Market (DE) are the only members of NYSE Amex Options.[4] Because of NYSE LLC's ownership of NYSE Market (DE), the Exchange filed the Eleventh Amended and Restated Operating Agreement of the NYSE LLC (''Eleventh NYSE Operating Agreement'') as a ''rule of the Exchange'' under Section 3(a)(27) of the Exchange Act.[5]

On November 14, 2018, the NYSE LLC amended the Eleventh NYSE Operating Agreement to harmonize certain provisions with similar provisions in the governing documents of the Exchange's national securities exchange affiliates, and parent companies, as well as make clarifying, technical and conforming changes.[6] Such rule change will become operative 30 days from the date on which it was filed, or such shorter time as the Commission may designate.[7]

Consistent with that change, the Exchange is filing to remove the obsolete Eleventh NYSE Operating Agreement as a ''rule of the exchange'' under Section 3(a)(27) of the Act, and replace it with the Twelfth NYSE Operating Agreement as a ''rule of the exchange'' under Section 3(a)(27) of the Act.[8] The Exchange proposes that the rule change become effective on the date that the rule change amending the Eleventh NYSE Operating Agreement becomes operative.

[4] *See* Exchange Act Release No. 75301 (June 25, 2015), 80 FR 37695 (July 1, 2015) (SR–NYSEMKT–2015–44) (notice of filing and immediate effectiveness of proposed rule change amending the members' schedule of the Amended and Restated Limited Liability Company Agreement of NYSE Amex Options LLC).

[5] *See* 15 U.S.C. 78c(a)(27); Securities Exchange Act Release Nos. 82923 (March 22, 2018), 83 FR 13161 (March 27, 2018) (SR–NYSEAmer–2018–10); 79232 (November 3, 2016), 81 FR 78873 (November 9, 2016) (SR–NYSEMKT2016–96); and 75984 (September 25, 2015), 80 FR 59213, 59214 (October 1, 2015) (SR–NYSEMKT2015–71) [sic].

[6] *See* SR–NYSE–2018–56 (November 14, 2018).

[7] *Id.,* at 10.

[8] 15 U.S.C. 78c(a)(27).

The proposed rule change is a non-substantive administrative change that does not impact the governance or ownership of the Exchange, its facility NYSE Amex Options, or NYSE Amex Options' direct and indirect parent entities.

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 with Section 6(b)(1) [10] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange.

The Exchange believes that the proposed rule change would contribute to the orderly operation of the Exchange and would enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Exchange Act and comply and enforce compliance with the provisions of the Exchange Act by its members and persons associated with its members because, by removing the obsolete Eleventh NYSE Operating Agreement and making the Twelfth NYSE Operating Agreement a rule of the Exchange, the Exchange would be ensuring that its rules remain consistent with the NYSE LLC operating agreement in effect.

The Exchange notes that, as with the Eleventh NYSE Operating Agreement, it would be required to file any changes to the Twelfth NYSE Operating Agreement with the Commission as a proposed rule change.[11] In addition, the Exchange believes that the proposed changes are consistent with and will facilitate an ownership structure of the Exchange's facility NYSE Amex Options that will provide the Commission with appropriate oversight tools to ensure that the Commission will have the ability to enforce the Exchange Act with respect to NYSE Amex Options and its direct and indirect parent entities.

For similar reasons, the Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act [12] because the proposed

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(1).

[11] The Exchange notes that any amendment to the Twelfth NYSE Operating Agreement would require that NYSE LLC file a proposed rule change with the Commission.

[12] 15 U.S.C. 78f(b)(5).

rule change would be consistent with and facilitate a governance and regulatory structure that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that obsolete removing the Eleventh NYSE Operating Agreement from its rules and adding the Twelfth NYSE Operating Agreement would remove impediments to the operation of the Exchange by ensuring that its rules remain consistent with the NYSE LLC operating agreement in effect. The Exchange notes that, as with the Eleventh NYSE Operating Agreement, no amendment to the Twelfth Amended [sic] NYSE Operating Agreement could be made without the Exchange filing a proposed rule change with the Commission. For the same reasons, the proposed rule change is also designed to protect investors as well as the public interest.

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 Exchange Act. The proposed rule change is not designed to address any competitive issue but rather is concerned solely with ensuring that the Commission will have the ability to enforce the Exchange Act with respect to NYSE Amex Options and its direct and indirect parent entities.

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 has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and Rule 19b–4(f)(3) [14] 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.

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–NYSEAMER–2018–52 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–NYSEAMER–2018–52. 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–NYSEAMER–2018–52 and should be submitted on or before December 18, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Brent J. Fields,

Secretary.

[FR Doc. 2018–25882 Filed 11–26–18; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(3).

[15] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day Notice.

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA), which requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public of that submission.

DATES: Submit comments on or before December 27, 2018.

ADDRESSES: Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW, 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030 *curtis.rich@sba.gov.*

Copies: A copy of the Form OMB 83–1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION: SBA Form 1050, Settlement Sheet is used in SBA's 7(a) Loan Program to collect information from lenders and borrowers regarding the disbursement of loan proceeds. SBA relies on this information during the guaranty purchase review process as a component in determining whether to honor a loan guaranty. The currently approved form primarily requires the lender and borrower to certify to whether they complied with a series of loan requirements. The current form also requires submission of documentation (*e.g.,* joint payee or

cancelled checks, invoices or paid receipts, and wire transfer records) in support of the certification. SBA has determined that this current information collection lacks enough specificity to yield the information regarding use of proceeds that would enable the agency to effectively monitor compliance with loan disbursement procedures. As a result, SBA is proposing to change both the content and format of the Form 1050.

The form will be divided into several sections to clearly identify the information to be submitted. The revised form will continue to collect the same basic identifying information such as loan amount, loan number and lender's name. In addition, the form will continue to require certifications from both the lender and borrower regarding compliance with the disbursement requirements and accuracy of information submitted. However, generally the enumerated statements will be reduced or combined and replaced with requests for specific information. The revised form will include a listing of all of the uses of loan proceeds. For each applicable use, information regarding the names of the payees, the amount disbursed, and the authorized amount remaining will be collected. The revised form will also include a section to document the borrower's equity injection of cash, assets, and any seller contribution (on full standby for the life of the loan).

These changes will allow the lender to more clearly document all of the sources and uses of funds at the time of loan closing. This additional information will better allow both lenders and SBA staff to ensure that the necessary information is collected at the time of loan origination.

(a) Solicitation of Public Comments

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collections

Title: Settlement Sheet.

Description of Respondents: SBA Lenders and Borrowers.

Form Number: SBA Form 1050.

Estimated Annual Respondents: 28,224.

Estimated Annual Responses: 28,224.

Estimated Annual Hour Burden: 14,112.

Curtis Rich,

Management Analyst.

[FR Doc. 2018–25799 Filed 11–26–18; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 10619]

Notice of Determinations; Culturally Significant Object Imported for Exhibition—Determinations: ''Manet and Modern Beauty'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that a certain object to be included in the exhibition ''Manet and Modern Beauty,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at The Art Institute of Chicago, in Chicago, Illinois, from on or about May 26, 2019, until on or about September 8, 2019, and at The J. Paul Getty Museum, Los Angeles, California, from on or about October 8, 2019, until on or about January 12, 2020, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 236–17 of November 16, 2018.

Jennifer Z. Galt,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–25834 Filed 11–26–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10620]

Determination on Imposition and Waiver of Sanctions Under Sections 603 and 604 of the Foreign Relations Authorization Act, Fiscal Year 2003

Consistent with the authority contained in section 604 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Pub. L. 107–228) (the ''Act'') pursuant to delegated authority, and with reference to the determinations set out in the Report to Congress transmitted pursuant to section 603 of the Act, regarding the extent of noncompliance by the Palestine Liberation Organization (PLO) or the Palestinian Authority with certain commitments, I hereby impose the sanction set out in section 604(a)(1), ''Denial of Visas to PLO and Palestinian Authority Officials.'' This sanction is imposed for a period of 180 days from the date that the report under section 603 of the Act is transmitted to Congress or until such time as the next report under section 603 is required to be transmitted to Congress, whichever is later.

Furthermore, I hereby determine that it is in the national security interest of the United States to waive this sanction, pursuant to section 604(c) of the Act. This waiver shall be effective for a period of 180 days from the date hereof or until such time as the next report under section 603 of the Act is required to be transmitted to Congress, whichever is later.

This Determination shall be reported to Congress promptly and published in the **Federal Register**.

Dated: October 15, 2018.

John J. Sullivan,

Deputy Secretary of State.

[FR Doc. 2018–25729 Filed 11–26–18; 8:45 am]

BILLING CODE 4710–31–P

DEPARTMENT OF STATE

[Public Notice: 10621]

Designation of Hajji 'Abd al-Nasir, aka Hajji Abdelnasser, aka Hajji Abd al-Nasr, aka Taha al-Khuwayt as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the person known as Hajji 'Abd al-Nasir, also known as Hajji Abdelnasser, also known as Hajji

Abd al-Nasr, also known as Taha al-Khuwayt, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: October 1, 2018.

Michael R. Pompeo,

Secretary of State.

[FR Doc. 2018–25849 Filed 11–26–18; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2017–0043]

Motorcyclist Advisory Council to the Federal Highway Administration

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

ACTION: Notice of public meeting.

SUMMARY: This notice announces the third meeting of the Motorcyclist Advisory Council (MAC) to the FHWA. The purpose of this meeting is to advise the Secretary of Transportation, through the Administrator of the FHWA, on infrastructure issues of concern to motorcyclists, including barrier design, road design, construction, and maintenance practices, and the architecture and implementation of intelligent transportation system technologies, pursuant to Section 1426 of the Fixing America's Surface Transportation (FAST) Act.

DATES: The MAC will meet on December 12, 2018, from 8:00 a.m. to 4:30 p.m. EST.

ADDRESSES: The meeting will be held at National Highway Institute, 1310 North Courthouse Road, Suite 300, Arlington, VA 22201.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Griffith, the Designated Federal Official, Office of Safety, 202–366–2829, (*mike.griffith@dot.gov*), or Ms. Guan Xu, 202–366–5892, (*guan.xu@dot.gov*), Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this notice may be downloaded from the **Federal Register**'s home page at: *http://www.archives.gov;* the Government Publishing Office's database at: *https://www.gpo.gov/fdsys/;* or the specific docket page at: *www.regulations.gov.*

Background

Purpose of the Committee: Section 1426 of the FAST Act, Public Law 114–94 required the FHWA Administrator, on behalf of the Secretary, to establish a MAC. The MAC is responsible for providing advice and making recommendations concerning infrastructure issues related to motorcyclist safety including barrier design; road design, construction, and maintenance practices; and the architecture and implementation of intelligent transportation system technologies. On July 28, 2017, the Secretary of Transportation appointed 10 members to the MAC.

Tentative Agenda: The agenda will include a topical discussion of the infrastructure issues described above, namely: Barrier design; road design, construction, and maintenance practices; and the architecture and implementation of intelligent transportation system technologies.

Public Participation: This meeting will be open to the public. Members of the public who wish to attend in person are asked to send an email to *MAC-FHWA@dot.gov* no later than December 1, 2018, in order to facilitate entry and guarantee seating. The Designated Federal Official and the Chair of the Committee will conduct the meeting to facilitate the orderly conduct of business. If you would like to file a written statement with the Committee, you may do so either before or after the meeting by submitting an electronic copy of that statement to *MAC-FHWA@dot.gov* or the specific docket page at: *www.regulations.gov.* If you would like to make oral statements regarding any of the items on the agenda, you should contact Mr. Michael Griffith at the phone number listed above or email your request to *MAC-FHWA@dot.gov.* You must make your request for an oral statement at least 5 business days prior to the meeting. Reasonable provisions will be made to include any such presentation on the agenda. Public comment will be limited to 3 minutes per speaker, per topic.

Services for Individuals with Disabilities: The public meeting will be physically accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to note this when they send an email about attending to *MAC-FHWA@dot.gov* by December 1, 2018.

Minutes: An electronic copy of the minutes from all meetings will be available for download within 60 days of the conclusion of the meeting at: *https://safety.fhwa.dot.gov/motorcycles/*.

Authority: Section 1426 of Pub. L. 114–94.

Issued on: November 20, 2018.

Brandye L. Hendrickson,

Deputy Administrator, Federal Highway Administration.

[FR Doc. 2018–25876 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions of Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of limitation on claims for judicial review of actions by the California Department of Transportation (Caltrans).

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final. The actions relate to a proposed highway project (Interstate 405 [I–405]) from Interstate 5 (I–5) to State Route 55 [SR–55]) in the Cities of Irvine and Costa Mesa, in the County of Orange, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before April 26, 2019. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Smita Deshpande, Branch

Chief, Generalist Branch—Division of Environmental Analysis, Caltrans District 12; 1750 East 4th Street, Suite 100, Santa Ana, CA 92705, 8:00 a.m. to 5:00 p.m., (657) 328–6151, *smita.deshpande@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, FHWA assigned, and Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: Caltrans proposes to add a single general-purpose lane in the northbound and southbound direction of the highway, approximately 8.5 miles. The purpose of the project is to add mainline capacity, reduce corridor congestion, improve mobility, improve ramp capacity and operations, and improve freeway operations including weaving, merging, and diverging. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) with a Finding of No Significant Impact (FONSI), approved on August 17, 2018. The EA with FONSI, and other documents are available by contacting Caltrans at the address provided above. The Caltrans EA with FONSI can be viewed and downloaded from the project website at *http://www.dot.ca.gov/d12/DEA/405/0K710.* The notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. Council on Environmental Quality regulations;
2. National Environmental Policy Act (NEPA);
3. Moving Ahead for Progress in the 21st Century Act (MAP–21);
4. Department of Transportation Act of 1966;
5. Federal Aid Highway Act of 1970;
6. Clean Air Act Amendments of 1990;
7. Noise Control Act of 1970;
8. 23 CFR part 772 FHWA Noise Standards, Policies and Procedures;
9. Department of Transportation Act of 1966, Section 4(f);
10. Clean Water Act of 1977 and 1987;
11. Endangered Species Act of 1973;
12. Migratory Bird Treaty Act;
13. National Historic Preservation Act of 1966, as amended;
14. Historic Sites Act of 1935;
15. Executive Order 13112, Invasive Species; and
16. Title VI of the Civil Rights Act of 1964.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Dated: November 19, 2018.

Matthew Schmitz,

Director, Project Delivery, Federal Highway Administration, Sacramento, California.

[FR Doc. 2018–25878 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT)

ACTION: Notice of limitation on claims for judicial review of actions by the California Department of Transportation (Caltrans).

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, that are final. The actions relate to a proposed highway project, widening of State Route 70 in the County of Butte, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before [Insert date 150 days after publication in the **Federal Register**]. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Kelly McNally, Branch Chief, Caltrans Office of Environmental Management, M–2, California Department of Transportation—District 3, 703 B Street, Marysville, CA 95901. Office Hours: 8:00 a.m.–5:00 p.m., Pacific Standard Time, telephone (530) 741–4134 or email *kelly.mcnally@dot.ca.gov.* For FHWA, contact Larry Vinzant at (916) 498–5040 or email *larry.vinzant@dot.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, FHWA assigned, and Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California.

Caltrans proposes to widen a 6.1-mile portion of State Route 70 (SR70) from Cox Lane to Ophir Lane in Butte County. The State Route 70 Corridor Improvements Project would provide continuous passing opportunities thereby increasing safety and decreasing travel times between the cities of Marysville and Oroville. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (FEA)/Finding of No Significant Impact (FONSI) for the project, issued October 10, 2018, and in other documents in Caltrans' project records. The FEA, FONSI and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans FEA, FONSI and other project records can be viewed and downloaded from the project website at *http://www.bcag.org/documents/SR70_IS-EA_Final_signed_101518.pdf.*

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. Council on Environmental Quality Regulations
2. National Environmental Policy Act of 1969, as Amended, 42 U.S.C. 4321 *et seq.*
3. Federal-Aid Highway Act of 1970, 23 U.S.C 109
4. MAP–21, the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112–141)
5. Clean Air Act Amendments of 1990 (CAAA)
6. Clean Water Act of 1977 and 1987
7. Federal Water Pollution Control Act of 1972 (see Clean Water Act of 1977 & 1987)
8. Federal Land Policy and Management Act of 1976 (Paleontological Resources)
9. Noise Control Act of 1972
10. Safe Drinking Water Act of 1944, as Amended
11. Endangered Species Act of 1973
12. Executive Order 11990, Protection of Wetlands
13. Executive Order 13112, Invasive Species
14. Executive Order 13186, Migratory Birds
15. Fish and Wildlife Coordination Act of 1934, as Amended

16. Migratory Bird Treaty Act
17. Water Bank Act Wetlands Mitigation Banks, ISTEA 1991, Sections 1006–1007
18. Wildflowers, Surface Transportation and Uniform Relocation Act of 1987 Section 130
19. Coastal Zone Management Act of 1972
20. Coastal Zone Management Act Reauthorization Amendments of 1990
21. Executive Order 11988, Floodplain Management
22. Department of Transportation (DOT) Executive Order 5650.2—Floodplain Management and Protection (April 23, 1979)
23. Rivers and Harbors Appropriation Act of 1899, Sections 9 and 10
24. Title VI of the Civil Rights Act of 1964, as amended
25. Executive Order 12898, Federal Actions To Address Environmental Justice and Low-Income Populations

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1).

Dated: November 19, 2018.

Matthew Schmitz,

Director, Project Delivery, Federal Highway Administration, Sacramento, California.

[FR Doc. 2018–25877 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0057]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from eight individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before December 27, 2018.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0057 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2018–0057), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–2018–0057, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2018–0057, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The eight individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section *H. Epilepsy: § 391.41(b)(8),* paragraphs 3, 4, and 5.]

The advisory criteria states the following:

If an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the Medical Examiner in consultation with the treating physician. Before certification is considered, it is suggested that a six-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver had a seizure or an episode of loss of consciousness that resulted from a known medical condition (*e.g.,* drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has recovered fully from that condition, has no existing residual complications, and is not taking anti-seizure medication.

Drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a five-year period or more.

As a result of Medical Examiners misinterpreting advisory criteria as regulation, numerous drivers have been prohibited from operating a CMV in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified Medical Examiner based on the physical qualification standards and medical best practices.

On January 15, 2013, FMCSA announced in a Notice of Final Disposition titled, Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders, (78 FR 3069), its decision to grant requests from 22 individuals for exemptions from the regulatory requirement that interstate CMV drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' Since the January 15, 2013 notice, the Agency has published additional notices granting requests from individuals for exemptions from the regulatory requirement regarding epilepsy found in 49 CFR 391.41(b)(8).

To be considered for an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), applicants must meet the criteria in the 2007 recommendations of the Agency's Medical Expert Panel (MEP) (78 FR 3069).

III. Qualifications of Applicants

Kevin L. Addington

Mr. Addington is a 45-year-old class C driver in Pennsylvania. He has a history of epilepsy and has been seizure free since 1991. He takes anti-seizure medication with the dosage and frequency remaining the same since 2007. His physician states that he is supportive of Mr. Addington receiving an exemption.

Miodrag Djukanovic

Mr. Djukanovic is a 59-year-old class C driver in Oregon. He has a history of epilepsy and has been seizure free since 2018. He takes anti-seizure medication with the dosage and frequency remaining the same since November 2016. His physician states that he is supportive of Mr. Djukanovic receiving an exemption.

Daniel R. Gast

Mr. Gast is a 49-year-old class CM CDL holder in Kansas. He has a history of a seizure disorder and has been seizure free since January 2008. He takes anti-seizure medication with the dosage and frequency remaining the same since September 2016. His physician states that he is supportive of Mr. Gast receiving an exemption.

David R. Johnston

Mr. Johnston is a 49-year-old class B CDL holder in Minnesota. He has a history of a single provoked seizure and has been seizure free since 2017. He does not take anti-seizure medication. His physician states that he is supportive of Mr. Johnston receiving an exemption.

Sheldon R. Martin

Mr. Martin is a 36-year-old class C driver in New York. He has a history of epilepsy and has been seizure free since 2007. He takes anti-seizure medication with the dosage and frequency remaining the same since 2013. His physician states that he is supportive of Mr. Martin receiving an exemption.

Brian L. McDaniel

Mr. McDaniel is a 47-year-old class E driver in Missouri. He has a history of a seizure disorder and has been seizure free since 1992. He takes anti-seizure medication with the dosage and frequency remaining the same since 1992. His physician states that he is supportive of Mr. Mc Daniel receiving an exemption.

Kevin D. Wiggins

Mr. Wiggins is a 51-year-old class B CDL holder in Kentucky. He has a history of a seizure disorder and has been seizure free since 1983. He takes anti-seizure medication with the dosage and frequency remaining the same since 1983. His physician states that she is supportive of Mr. Wiggins receiving an exemption.

Robert R. Woods, Jr.

Mr. Woods is a 60-year-old class A CDL holder in Connecticut. He has a history of a seizure disorder and has been seizure free since 2007. He stopped taking anti-seizure medication in 1975. His physician states that he is supportive of Mr. Woods receiving an exemption.

IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public

[1] See *http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a* and *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

Issued on: November 20, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–25843 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0321]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From SmartDrive Systems, Inc.

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) requests public comment on an application for exemption from SmartDrive Systems, Inc. (SmartDrive) to allow an Advanced Driver Assistance Systems (ADAS) camera to be mounted lower in the windshield than is currently permitted. Mounting the camera in this location does not meet the driver's field of view requirements for windshields. The Federal Motor Carrier Safety Regulations (FMCSR) require devices meeting the definition of ''vehicle safety technology'' to be mounted not more than 4 inches below the upper edge of the area swept by the windshield wipers, or not more than 7 inches above the lower edge of the area swept by the windshield wipers, and outside the driver's sight lines to the road and highway signs and signals. Because the ADAS camera would be mounted outside of the driver's normal sight lines to the road ahead, highway signs, signals or any mirrors, SmartDrive believes that they will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

DATES: Comments must be received on or before December 27, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2018–0321 using any of the following methods:

- *Website: http://www.regulations.gov.* Follow the instructions for submitting comments on the Federal electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery:* Ground Floor, Room W12–140, DOT Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday–Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the exemption process, see the ''Public Participation'' heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the ''Privacy Act'' heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or to Room W12–140, DOT Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Public Participation: The *http://www.regulations.gov* website is generally available 24 hours each day, 365 days each year. You may find electronic submission and retrieval help and guidelines under the ''help'' section of the *http://www.regulations.gov* website as well as the DOT's *http://docketsinfo.dot.gov* website. If you would like notification that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments online.

FOR FURTHER INFORMATION CONTACT: Mr. Luke W. Loy, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV, (202) 366–0676, *Luke.Loy@dot.gov,* Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority to grant exemptions from some of the Federal Motor Carrier Safety Regulations (FMCSRs). Under 49 CFR part 381, FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305(a)).

The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must specify the effective period of the exemption (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.315(c) and 49 CFR 381.300(b)).

SmartDrive's Application for Exemption

SmartDrive has applied for an exemption from 49 CFR 393.60(e)(1) to allow an ADAS camera to be mounted lower in the windshield than is currently permitted. A copy of the application is included in the docket referenced at the beginning of this notice.

Section 393.60(e)(1)(i) of the FMCSRs prohibits the obstruction of the driver's field of view by devices mounted at the top of the windshield. Antennas and similar devices must not be mounted more than 152 mm (6 inches) below the upper edge of the windshield, and outside the driver's sight lines to the road and highway signs and signals. Section 393.60(e)(1)(i) does not apply to vehicle safety technologies, as defined in 390.5, including ''a fleet-related incident management system, performance or behavior management system, speed management system, lane departure warning system, forward collision warning or mitigation system, active cruise control system, and transponder.'' Section 393.60(e)(1)(ii)

requires devices with vehicle safety technologies to be mounted (1) not more than 100 mm (4 inches) below the upper edge of the area swept by the windshield wipers or (2) not more than 175 mm (7 inches) above the lower edge of the area swept by the windshield wipers, and outside the driver's sight lines to the road and highway signs and signals.

In its application, SmartDrive states:

> SmartDrive is making this request so that it becomes possible to introduce Advanced Driver Assistance Systems (ADAS) to our current vehicle safety platform. These new ADAS capabilities include forward collision warnings, short following distance warnings, lane detection and departure warnings, and active monitoring with real-time driver feedback.
>
> This system operates like many other similar systems for which FMCSA has granted exemptions. ADAS requires that a camera be mounted to the upper center area of the windshield in an area where the windshield is swept by the windshield wipers to provide a clear view to the lane markings on the road and other objects in front of the vehicle.
>
> This exemption will accommodate the ADAS camera and housing which is an integral part of our next-generation comprehensive vehicle safety system. The camera housing is approximately 3.71 inches wide (94MM) by 5.2 inches tall (132MM) and will be mounted in the approximate center of the windshield with the bottom edge of the camera housing approximately 8 inches below the upper edge of the area swept by the windshield wipers. The camera is mounted outside of the drivers and passenger's normal sight lines to the road ahead, signs, signals, and mirrors. This location will allow for the optimal functionality of the advanced safety systems supported by the camera.
>
> SmartDrive has piloted the ADAS camera and functionality and found that all drivers and passengers agreed that there was no noticeable obstruction to the normal sight lines to the road ahead, highway signs, signals or any mirrors.

The exemption would apply to all CMV operators utilizing SmartDrive ADAS camera systems. SmartDrive's believes that the installation of the ADAS systems camera within 8 inches below the upper edge of the area swept by the windshield wipers will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on SmartDrive application for an exemption from 49 CFR 393.60(e)(1). All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Issued on: November 20, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–25825 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0331]

Hours of Service of Drivers: National Mobile Shower and Catering Association; Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that it has received an application for exemption from the National Mobile Shower and Catering Association (NMSCA) from various provisions of the Federal hours-of-service (HOS) rules for commercial motor vehicle (CMV) drivers. The NMSCA requests an exemption to allow their member companies operating under a ''Resource Order'' to: (1) Extend the 14-hour duty period to no more than 16 hours; (2) not include ''waiting time'' while not performing duties in the calculation of the 16-hour duty period; (3) not comply with the minimum 30-minute rest break provision; (4) extend the maximum 60 hours on duty in any 7-day period to 80 hours on duty in any 7-day period; (5) extend the 11 hours of driving time to 12 hours; and, (6) extend the ''8 days in 30'' exception in the electronic logging device (ELD) rule to ''12 days in 30.'' The requested exemption is made on behalf of those drivers employed by NMSCA member companies engaged in the transportation of equipment that provides food and water services to Federally-contracted forest firefighters and similar emergency workers who establish temporary base camps and have immediate need of food and water services near fire scenes. FMCSA requests public comment on the NMSCA application for exemption.

DATES: Comments must be received on or before December 27, 2018.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA–2018–0331 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* See the *Public Participation and Request for Comments* section below for further information.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–2722. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2018–0331), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2018–0331'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Request for Exemption

The National Mobile Shower and Catering Association (NMSCA) requests an exemption from certain hours-of-service (HOS) regulations for their member companies' drivers who are responding under a ''Resource Order.'' A Resource Order is a task order issued by a Federal Agency directing firefighters and supporting personnel to respond to forest fires and similar emergencies. They specifically request that while operating under the exemption their drivers and carriers: (1) May extend the 14-hour duty period to no more than 16 hours; (2) need not include ''waiting time'' while performing duties in the calculation of the 16-hour period; (3) need not comply with the minimum 30-minute rest break provision; (4) may extend the maximum 60 hours on duty in any 7 days to 80 hours on duty in any 7 days; (5) may extend the 11 hours of driving time to 12 hours; and, (6) may extend the ''8 days in 30'' provision for exemption from use of an electronic logging device to ''12 days in 30.''

The NMSCA seeks the exemption for a group of approximately 30 member companies who are strategically positioned in the Western states. Wildfires occur frequently during certain months of the year, especially in Western states. To fight these fires, the National Forest Service and similar agencies call upon Federally-contracted private fire-fighting companies, who are exempt from the majority of the Federal Motor Carrier Safety Regulations (FMCSRs) [49 CFR 390.3T(f)(5)] when they respond. Upon arriving near the fire scene, the firefighters establish a base camp where they will remain for a period ranging from a few days to a month, and will quickly require food and drinking water. To meet that need, the responsible government agency will issue a Resource Order to the nearest mobile shower and catering company that is under contract.

Most of the government contract work for these services is seasonal. According to NMSCA, the specialized equipment utilized by their member companies travels comparatively few miles per year, generally not exceeding 5,000 miles, and almost exclusively in response to government contract orders. As there are a limited number of private contractors who have the capability and equipment to fulfill the government contract requirements, the territories covered by each contractor can be quite large. Wildfires and natural disasters are unpredictable and make it difficult to have assets prepositioned for an incident. When one contractor is called out to an incident, the nearest contractor must cover both their regional area and the one no longer covered by a contractor on an incident. At busy times of the year resources are stretched and travel distances are often increased, and therefore NMSCA contractors are often called on to travel hundreds of miles from their facilities at a moment's notice.

According to NMSCA, their member companies' equipment does not qualify for the 49 CFR 390.3T(f)(5) exception for emergency equipment, so, while firefighters respond as emergency equipment and set up their base camps, they have little food or water until NMSCA members' equipment arrives at a later time. The exemption is needed both to expedite response to the scene of an incident and to allow HOS flexibility for the crews while operating for days at the base camps. While there, the crew members often need to drive CMVs to obtain supplies and, in particular, to obtain tanker trucks of needed water. Although the crew members have substantial rest time and have sleeping quarters on-site, the current HOS regulations may at times hinder their mission support.

The NMSCA requests that the exemption be issued under the following terms and conditions: (1) It would be in effect for periods of time when NMSCA members are operating under a ''Resource Order'' or other comparable order issued by a Federal government agency; (2) drivers operating under the exemption must be employed by the NMSCA companies; and (3) drivers must provide proof that they are operating for one of the designated NMSCA member companies, and must produce a copy of the relevant ''Resource Order'', upon request of a law enforcement officer. The NMSCA also indicated in their application, that when operating under the exemption, their drivers and carriers will comply with all other provisions of the FMCSRs—other than those for which they requested an exemption. Furthermore, the NMSCA member companies will mandate that drivers complete the appropriate modules of the North American Fatigue Management Program and will emphasize to all personnel that the CMVs may not be operated when the driver feels fatigued, regardless of the mission assignments, per 49 CFR 392.3.

By way of background, earlier in 2018, the NMSCA had requested a limited waiver from certain HOS regulations which was a nearly identical request to their recent application for exemption summarized in today's **Federal Register** notice. The waiver requested was for drivers employed by NMSCA member companies that are under contract to and have been issued a ''Resource Order'' by a Federal government agency to provide food and water services to contracted private fire-fighting companies. The 90-day waiver was approved by the FMCSA, and recently expired on October 24, 2018. The Agency had determined that granting NMSCA this waiver was in the public interest, and that the waiver was likely to achieve a level of safety equivalent to the level of safety that would be obtained in the absence of the waiver. The NMSCA added in today's exemption request that the 90-day waiver that had received from the Agency was very helpful due to the severity of wildfires in the Western states which allowed them to complete the mission of providing food, water and showers to the Nation's first responders without any disruption to public safety.

A copy of the NMSCA application for exemption is available for review in the docket for this notice.

Issued on: November 20, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–25821 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0135]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 30 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on October 13, 2018. The exemptions expire on October 13, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2018–0135, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On September 10, 2018, FMCSA published a notice announcing receipt of applications from 30 individuals requesting an exemption from the hearing requirement in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (83 FR 45745). The public comment period ended on October 10, 2018, and two comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a person is physically qualified to driver a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5–1951.

49 CFR 391.41(b)(11) was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

III. Discussion of Comments

FMCSA received two comments in this proceeding. Vicky Johnson, of Minnesota Department of Safety, wrote there are no objections to Thomas D. Sneer receiving a hearing exemption. An anonymous commenter indicated that Donald Reamsnyder of Florida, is seeking the exemption for a B CDL with Passenger/School Bus endorsement. The Agency's Federal Hearing Exemption stipulates, that the driver granted a hearing exemption is prohibited from operating a motorcoach or bus with passengers in interstate commerce.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption for up to five years from the hearing standard in 49 CFR 391.41(b)(11) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on current medical information and literature, and the 2008 Evidence Report, ''Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety.'' The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) No studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver's

license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash. In addition, the Agency reviewed each applicant's driving record found in the Commercial Driver's License Information System (CDLIS), for commercial driver's license (CDL) holders, and inspections recorded in the Motor Carrier Management Information System (MCMIS). For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency (SDLA). Each applicant's record demonstrated a safe driving history. Based on an individual assessment of each applicant that focused on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce, the Agency believes the drivers granted this exemption have demonstrated that they do not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the hearing standard in 49 CFR 391.41(b)(11) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must report any crashes or accidents as defined in 49 CFR 390.5; (2) each driver must report all citations and convictions for disqualifying offenses under 49 CFR part 383 and 49 CFR 391 to FMCSA; and (3) each driver is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 30 exemption applications, FMCSA exempts the following drivers from the hearing standard, 49 CFR 391.41(b)(11), subject to the requirements cited above:

David Alagna, (IL)
Matthew H. Albrecht, (PA)
Raymond Amundson, (OK)
Michael Arwood, (TN)
Jonathan D. Ball, (PA)
Gerald Bennett, (NH)
Dominick Booker, (PA)
Michael Borman, (CO)
Russel Brannan, (GA)
Gerald Buoniconti, (MA)
Luke C. Bundrum, (GA)
Steven D. Chambers, (OK)
Michael Dohanish, (OH)
Ralph K. Domel, (TX)
Jacquelyn Hetherington, (OK)
Julian Koch, (TX)
Jeremy Lampart, (SC)
Jay Larson, (TX)
Thomas E. McLaughlin, (NY)
Dustin R. Miller, (MI)
Eric D. Peer, (DE)
Jose B. Ramirez, (IL)
Donald Reamsayder, (FL)
Kenneth W. Reimer, (WI)
Troy Rolland, (TX)
Thomas D. Sneer, (MN)
Carlos Talamantes, (TX)
Kenneth Weaver, (TX)
Paul Whetstone, (AZ)
Jason Wynne, (TX)

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: November 20, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–25842 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0189]

Agency Information Collection Activities; Approval of a New Information Collection Request: Truck and Bus Maintenance Requirements and Their Impact on Safety

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. This new request titled ''Truck and Bus Maintenance Requirements and Their Impact on Safety'' will allow for a study that focuses on vehicle maintenance and aims to determine the impact of vehicle maintenance requirements on overall motor carrier safety. This information collection supports the DOT Strategic Goal of Safety.

DATES: Please send your comments by December 27, 2018. OMB must receive your comments by this date in order to act quickly on the ICR.

ADDRESSES: All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA–2018–0189. 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/Federal Motor Carrier Safety Administration, 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.

FOR FURTHER INFORMATION CONTACT: Quon Y. Kwan, Program Manager, Technology Division, Department of Transportation, Federal Motor Carrier Safety Administration, 6th Floor, West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Telephone: 202–385–2389; Email Address: *quon.kwan@dot.gov.* Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION:

Title: Truck and Bus Maintenance Requirements and Their Impact on Safety.

OMB Control Number: 2126–00XX.

Type of Request: New information collection.

Respondents: Freight motor carriers and passenger carriers.

Estimated Number of Respondents: 578 respondents will complete the Online Recruitment Survey. Of those 578 respondents, 289 will also complete the Carrier Maintenance Manager Survey.

Estimated Time per Response: Varies [Online Recruitment Survey: 5 minutes.

Carrier Maintenance Manager Survey: 45 minutes].

Expiration Date: Three years after approval.

Frequency of Response: Once.

Estimated Total Annual Burden: 265 hours [Online Recruitment Survey: 578 respondents × (5 minutes ÷ 60 minutes) = 48 hours; Carrier Maintenance Manager Survey: 289 respondents × (45 minutes ÷ 60 minutes) = 217 hours].

Background

Background: FMCSA's core mission is to reduce crashes, injuries, and fatalities involving large trucks and buses. To aid in accomplishing this, the Agency uses the Compliance, Safety, Accountability (CSA) enforcement program to prioritize and target interventions of those motor carriers who are most likely to be involved in a future crash. As part of the CSA program, the Agency deploys the Safety Measurement System (SMS). SMS uses inspection, crash, and investigation data captured in the Motor Carrier Management Information System (MCMIS) to calculate a percentile for each motor carrier. A motor carrier's SMS percentile is based on its past compliance with a complete range of safety-based regulations (such as driver safety, hours of service, driver fitness, and vehicle maintenance, among others). The survey described in this notice focuses on the vehicle maintenance component of those safety regulations. The goal of the study is to determine what improvements, ranging from better compliance interventions to better vehicle maintenance requirements, would enhance motor carrier safety.

In 2014, the John A. Volpe National Transportation Systems Center (Volpe) conducted a study to assess the effectiveness of SMS in identifying the highest risk motor carriers to be targeted for interventions. One finding from the study was that motor carriers targeted for intervention due to ''vehicle maintenance'' issues (*i.e.,* violations) had a 65 percent higher crash rate compared to the national average. These violations are based on Federal and State inspections of components critical to the safe operation of the vehicle. It is important to recognize that proper and regular preventative maintenance (*i.e.,* systematic maintenance programs) among carriers—rather than Federal and State inspections, which are by nature limited to the most visible or obvious safety-related components—should be the primary activity applied to ensure safe equipment operation.

While these initial findings are important, they raise additional questions. One such question is prompted by the stipulation in 49 CFR 396.3(a), which states that every carrier must have a program to ''systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all motor vehicles and intermodal equipment subject to its control.'' Though this regulation provides some direction, there is no supporting definition of the word ''systematic,'' and because this term is subjective, it is likely to vary from one carrier to another. The lack of specificity regarding standard intervals for preventative maintenance makes it difficult for Federal and State personnel to evaluate the effectiveness of and compliance with a carrier's maintenance program. Furthermore, the lack of specificity may make it difficult for carriers to ascertain and therefore comply with the regulation's intent.

The current research effort, augmented by the proposed survey, is necessary to improve FMCSA's understanding of the safety impact of preventative vehicle maintenance and to clarify the requirements of section 396.3(a). The study objectives are as follows:

1. Develop an operational definition of ''systematic maintenance.''

2. Evaluate whether current regulations and the intervention process could be modified to improve compliance with vehicle maintenance requirements. Examples of such requirements include: (i) Preventative maintenance intervals, (ii) preventative maintenance inspections with adequately trained/equipped mechanics, and (iii) adequacy of motor carriers' maintenance facilities. [However, the results of the survey will be used only to explore what areas of rulemaking and/or other areas, such as policy guidance and training, might be useful in the future; the results of the survey will not be used for rulemaking, per se.]

3. Gather information to assist in establishing minimum standards for inspection intervals, mechanic qualifications and training, and certification of maintenance facilities.

FMCSA is authorized to conduct this research under 49 U.S.C. 31108, Motor Carrier Research and Technology Program. Under section 31108(a)(3)(C), FMCSA may fund research, development, and technology projects that improve the safety and efficiency of commercial motor vehicle operations through technological innovation and improvement. This information collection supports the U.S. Department of Transportation (USDOT) strategic goal of Safety.

Under contract to FMCSA, the Virginia Tech Transportation Institute (VTTI) at the Virginia Polytechnic Institute and State University (VT) will use online surveys to obtain the data required to address the study objectives. The information collection will be administered in two phases:

Phase I: Online Recruitment Survey. This voluntary, seven-question survey will screen carriers and verify their eligibility for Phase II participation. To be eligible for Phase II participation, carriers must fall into one of two groups: (a) The Recommended Practices (RP) Group, which includes carriers with the lowest Vehicle Maintenance and Crash Indicator Behavior Analysis and Safety Improvement Categories (BASIC) percentiles (*i.e.,* less than or equal to the 33rd percentile); or (b) the Intervention Effects (IE) Group, which includes carriers that have experienced Federal or State interventions in the last 24 months due to vehicle maintenance violations. The BASICs are Unsafe Driving, Crash Indicator, Hours-of-Service (HOS) Compliance, Vehicle Maintenance, Controlled Substances/Alcohol, Hazardous Materials (HM) Compliance, and Driver Fitness. More information on the SMS methodology can be found at *https://csa.fmcsa.dot.gov/Documents/SMSMethodology.pdf.*

Phase II: Carrier Maintenance Management Survey. This voluntary, 106-question survey will include questions about demographics; maintenance practices, intervals, personnel, and facilities; and State and Federal inspections, among other things. The Phase II survey will employ branch logic; as such, carriers will be prompted to complete different sections based on their survey group (and for one section, carrier size). Consequently, no participating carrier will be asked to complete all 106 questions.

In the Phase II survey, carriers (of all sizes) in the RP Group will be asked to provide additional information about maintenance personnel and facilities (*e.g.,* mechanic training levels, tools required for adequate inspection, and certification of facilities) and vehicle maintenance issues that may impact safety. Information from the RP Group will seek to address Objective 1, relating to development of an operational definition of ''systematic maintenance,'' Objective 2, and Objective 3, relating to establishment of minimum standards for inspection intervals, mechanic qualifications and training, and certification of maintenance facilities.

Carriers in the IE Group will be asked to complete the section on intervention effects, which includes questions about

the status of active interventions or investigations; results of closed interventions or investigations; interactions with State versus Federal agencies; intervention activities experienced; the accuracy of violations leading to interventions; actions taken in response to interventions; changes in carrier vehicle maintenance practices as a result of an intervention; significant benefits of interventions; and ways the intervention process could be improved. Information provided by the IE Group will address the portion of Objective 2 regarding sufficiency of regulations and where interventions need to be improved to facilitate complying with these regulations.

Survey responses will be summarized and reported using plots, tables, content analysis, and calculated summary statistics. Plots and tables will provide a visual comparison of multiple choice and checkbox survey responses for successful carriers (*i.e.,* carriers in the RP Group) and those receiving interventions in the last 24 months (*i.e.,* carriers in the IE Group). These methods will also allow researchers to summarize responses by carrier operation type (*i.e.,* truck or bus) and size. Bar charts will be used to plot responses to many survey questions. Some survey responses may be summarized with tables with rows for each of the carrier operation types (truck or bus) and each carrier-size subgroup. To explore and summarize responses to open-ended survey questions, researchers will use content analysis methods. An illustration of an open-ended question in the survey is ''List examples of critical safety-related maintenance activities for trailer vehicle milestones.'' The goal of content analysis of open-ended questions will be to identify common answers.

The results of this information collection will be documented in a technical report to be delivered to and published by FMCSA. In addition, the results will be used to create a ''recommended best practices'' report that will outline minimum standards for inspection intervals, mechanic qualifications and training, and certification of maintenance facilities. Finally, VTTI is required under the contract with FMCSA to compile and analyze the collected information and develop a public-use data set.

This ICR is for a one-time data collection. If this data collection does not take place, the truck and bus industry will continue to operate with the uncertainty of what constitutes a ''systematic maintenance'' program, as currently worded in section 396.3(a). This term's ambiguous definition makes it difficult for Federal and State inspectors to evaluate the effectiveness of a carrier's maintenance program or its compliance with this provision. Furthermore, this uncertainty may make it difficult for carriers to ascertain and therefore comply with the regulation's intent.

On July 16, 2018, FMCSA published a 60-day **Federal Register** notice (83 FR 32950). The Agency received four comments. One anonymous comment was unrelated to the ICR. Both the American Bus Association and the American Trucking Associations voiced support for the ICR in their comment letters. The National School Transportation Association also voiced support for the ICR, but it requested that the survey instrument include questions to identify the type of commercial motor vehicles operated by the respondent. In response, the Agency reviewed and revised three survey questions to better differentiate between various types of passenger-carrying CMVs.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority delegated in 49 CFR 1.87 on: November 20, 2018.

G. Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2018–25839 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0096]

Hours of Service of Drivers: Specialized Carriers & Rigging Association (SC&RA); Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: FMCSA announces its decision to renew the Specialized Carriers & Rigging Association's (SC&RA) exemption from the 30-minute rest break rule of the Agency's hours-of-service (HOS) regulations for certain commercial motor vehicle (CMV) drivers. SC&RA currently holds an exemption valid through November 1, 2018. The exemption renewal is for five years. All qualifying motor carriers and drivers operating mobile cranes with a rated lifting capacity of greater than 30 tons are exempt from the 30-minute break provision.

DATES: The renewed exemption is effective through November 1, 2023. Comments must be received on or before December 27, 2018.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA–2016–0096 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, contact Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–4225. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting

material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2016–0096), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2016–0096'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Background

On December 27, 2011 (76 FR 81133), FMCSA published a final rule amending its HOS regulations for drivers of property-carrying CMVs. The rule requires most drivers to take a rest break during the workday. Generally, if 8 hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes, the driver may not operate a CMV until he or she takes at least 30 minutes off duty (49 CFR 395.3(a)(3)(ii)). FMCSA did not specify when drivers must take the 30-minute break.

IV. Request for Exemption Renewal

The SC&RA's initial application for exemption from the provisions of the 30-minute break rule was submitted in 2014; a copy of that application is in the docket identified at the beginning of this notice. The 2014 application describes fully the nature of SC&RA's operations and CMV drivers. The exemption, limited to drivers of oversize/overweight (OW/OW) vehicles, was granted on June 18, 2015 (80 FR 34957) and extended to June 17, 2020 (see 81 FR 79556, November 14, 2016).

SC&RA subsequently requested an exemption from the 30-minute rest break and the 14-hour driving window for drivers of cranes with a lifting capacity of more than 30 tones. FMCSA granted an exemption from the 30-minute rule, but not from the 14-hour rule, on November 1, 2016 (81 FR 75727). SC&RA requested a renewal of that exemption.

The 2016 exemption excuses drivers operating mobile cranes with a rated lifting capacity of greater than 30 tons from the requirement to take a 30-minute break. SC&RA advises that there are approximately 85,000 trained and certified mobile crane operators in the United States, and, of these, approximately 65,000 operate cranes with a lifting capacity over 30 tons. While some of these cranes require an OS/OW permit, others do not. The 2016 exemption is therefore more inclusive than the 2015 exemption (now extended to 2020). SC&RA states that the HOS rules create complications because it is difficult to find suitable parking when crane drivers are required to go off duty. SC&RA cites data indicating that there is a shortage of parking places for CMVs in the United States and notes ongoing Federal and State efforts to address this problem. Parking for cranes is even more limited because of their size. SC&RA asserts that these two HOS rules often require crane drivers to stop operating a CMV to avoid violating their provisions. The result is that cranes are often parked on the shoulder of public roads. SC&RA states the width of some cranes means they cannot be parked entirely off the travel lanes, creating a safety hazard for their own drivers and others.

SC&RA describes the unpredictable nature of the typical workday of a crane operator. It lists a variety of variables that can complicate the scheduling of operations, including delays waiting for the item to be lifted to arrive at the work site or to be rigged for lifting. Unexpected inclement weather can also trigger delays. SC&RA asserts that the primary result is that the workday may be extended unexpectedly. Thus, timing a crane's movement from the worksite and onto public roads at the end of the day is highly problematic. It notes that State and local restrictions limit the hours of the day, and sometimes the days of the week, that cranes may move on public roads. In addition, the movement of cranes may require a pilot car, the display of signs and lights, and even a police escort. Cranes normally move much slower than the posted speed limit, and are highly susceptible to weather and traffic conditions.

SC&RA does not foresee any negative impact to safety from the requested exemption. It believes that continuing the exemption would have a favorable impact on overall safety by reducing the frequency of cranes being parked along public roads. It points out that its members generally drive a crane less than 2 hours a day and have low crash rates.

FMCSA has not received any reports of accidents attributable to the 30-minute exemption and has concluded that a renewal of the exemption, subject to the terms and conditions imposed, will achieve a level of safety that is equivalent to, or graer than, the level that would be achieved absent such exemption.

It should also be noted that this renewed exemption is broader in scope than the original 2015 exemption (now extended to 2020) because it covers, not just cranes required to have an OS/OW permit, but all cranes with a lifting capacity over 30 tons. As a result, the 2015 exemption may have been largely,

if not entirely, superseded by this exemption. The 2015 exemption (extended to 2020) remains in place, but will expire by its own terms in 2020, while this renewed exemption will remain in effect until November 1, 2023.

Terms of the Exemption

1. All motor carriers and drivers operating mobile cranes with a rated lifting capacity of greater than 30 tons are exempt from the 30-minute break requirement of 49 CFR 395.3(a)(3)(ii). The lifting capacity of the crane must be displayed on a manufacturer's certification plate on the crane or in manufacturer's documentation carried on the vehicle.

2. Drivers must have a copy of this exemption document in their possession while operating under the terms of the exemption. The exemption document must be presented to law enforcement officials upon request.

3. Motor carriers operating under this exemption must have a ''Satisfactory'' safety rating with FMCSA, or be ''Unrated.'' Motor carriers with ''Conditional'' or ''Unsatisfactory'' FMCSA safety ratings are prohibited from using this exemption.

Period of the Exemption

This exemption from the requirements of 49 CFR 395.3(a)(3)(ii) is effective November 1, 2018 through November 1, 2023, 11:59 p.m. local time.

Extent of the Exemption

This exemption is limited to the provisions of 49 CFR 395.3(a)(3)(ii). These motor carriers and drivers must comply with all other applicable provisions of the FMCSRs.

Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

Notification to FMCSA

Any motor carrier utilizing this exemption must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of the motor carrier's CMV drivers operating under the terms of this exemption. The notification must include the following information:

a. Name of Exemption: ''SC&RA cranes'',

b. Name of operating motor carrier and USDOT number,

c. Date of the accident,

d. City or town, and State, in which the accident occurred, or closest to the accident scene,

e. Driver's name and license number and State of issuance,

f. Vehicle number and State license plate number,

g. Number of individuals suffering physical injury,

h. Number of fatalities,

i. The police-reported cause of the accident,

j. Whether the driver was cited for violation of any traffic laws or motor carrier safety regulations, and

k. The driver's total driving time and total on-duty time prior to the accident.

Reports filed under this provision shall be emailed to *MCPSD@DOT.GOV.*

Termination

FMCSA does not believe the drivers covered by this exemption will experience any deterioration of their safety record.

Interested parties or organizations possessing information that would otherwise show that any or all of these motor carriers are not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any information submitted and, if safety is being compromised or if the continuation of the exemption is inconsistent with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA will immediately take steps to revoke the exemption of the company or companies and drivers in question.

Issued on: November 14, 2018.

Raymond P. Martinez,

Administrator.

[FR Doc. 2018–25820 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0196]

30-Day Notice of Proposed Information Collection: Pilot Program To Allow 18- to 21-Year-Old Persons With Military Driving Experience To Operate Commercial Motor Vehicles (CMVs) in Interstate Commerce

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval. Pursuant to Section 5404 of the Fixing America's Surface Transportation Act, 2015 (FAST Act), FMCSA proposes a 3-year period of information collection to determine: (1) Whether the safety outcomes (to include crashes, moving violations, inspection violations, and safety critical events as available) of drivers under the age of 21 with military experience in the operation of heavy vehicles (*i.e.,* ''covered drivers'') participating in interstate commerce are similar to the safety outcomes of CMV drivers between the ages of 21 and 24 (*i.e.,* drivers aged 21, 22, 23, or 24) operating freight-carrying CMVs, and (2) how training and experience impact the safety of the 18- to 20-year-old driving population. FMCSA proposed this pilot program and solicited public comment on August 22, 2016. Two **Federal Register** notices were published on July 6, 2018. One notice requested comments on this proposed information collection request (83 FR 31631) and the other announced programmatic details for participating in the pilot program and responded to comments received on the initial proposal for the pilot program (83 FR 31633). The comment period was open for 60-days and closed on September 4, 2018. In response to the notice, FMCSA received 37 comments.

DATES: Please send your comments by December 28, 2018. OMB must receive your comments by this date in order to act quickly on the ICR.

ADDRESSES: All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA–2017–0196. 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/Federal Motor Carrier Safety Administration, 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.

FOR FURTHER INFORMATION CONTACT: Nicole Michel, Research Division, Federal Motor Carrier Safety Administration, 1200 New Jersey

Avenue SE, Washington, DC 20590–0001, by email at *nicole.michel@dot.gov,* or by telephone at (202) 366–4354. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Title: Proposed Information Collection for a Pilot Program to Allow 18- to 21-Year-Old Persons with Military Driving Experience to Operate CMVs in Interstate Commerce.

OMB Control Number: 2126–NEW.

Type of Request: New information collection.

Respondents: Motor carriers; 21- to 24-year-old entry-level CMV drivers with valid commercial drivers' licenses (CDLs) operating in freight-carrying interstate commerce (control group drivers); 18- to 20-year-old freight-carrying CMV drivers with a valid CDL operating in intrastate commerce (intrastate group drivers); 18- to 20-year-old current or former military personnel with training in heavy-duty vehicle operations (covered drivers) and valid CDLs with a K-restriction.

Estimated Number of Respondents: 1,570. [Motor carriers: 70 in total; 50 at any given time. Control group drivers: 500 in total (Year 1 = 300; Year 2 = 100; Year 3 = 100; Annualized = 166.7). Intrastate group drivers: 500 in total (Year 1 = 300; Year 2 = 100; Year 3 = 100; Annualized = 166.7). Covered group drivers: 500 in total (Year 1 = 300; Year 2 = 100; Year 3 = 100; Annualized = 166.7).

Estimated Time per Response: Motor Carriers: application—20 minutes (one-time response); monthly data submission—45 minutes (per participating driver); miscellaneous additional data submissions—60 minutes per month (*e.g.* notification of a crash with injury or fatality, notification of a driver leaving the carrier or study); monthly supporting information—15 minutes (per sponsored participating driver, monthly; *e.g.,* optional on-board monitoring system [OBMS] logs, investigation findings for crashes). Drivers: background information and informed consent forms—20 minutes (one-time response).

Expiration Date: N/A. This is a new information collection request (ICR).

Frequency of Response: This is a one-time pilot program that will span a 3-year period of data collection. Throughout the 3-year pilot program, the response frequencies are: Motor-carrier applications: one-time response. Driver demographic and release forms: one-time response. Motor carrier driver data submission: monthly (see ''Estimated Time per Response'' for more details).

Estimated Total Annual Burden: 7,974.5 hours annualized. [This includes 7.8 hours annualized for motor carrier applications; 166.67 hours annualized for driver information and informed consent forms; 5,400 hours annualized for monthly driver activity and safety data; 600 hours annualized for miscellaneous tasks; and 1,800 hours annualized for additional supporting data.]

Background

I. Project Summary

Purpose

Pursuant to Section 5404 of the FAST Act, the proposed ICR will support research to determine whether the safety outcomes of covered drivers participating in interstate commerce are similar to the safety outcomes of older entry-level drivers, and how training and experience impact the safety of the 18- to 20-year-old driving population.

FAST Act Mandate

Section 5404 of the FAST Act (Pub. L. 114–94, 129 Stat. 1312, 1549, Dec. 4, 2015) (49 U.S.C. 31315 note) requires the establishment of a data collection program to collect and analyze data regarding crashes involving covered drivers participating in the pilot program, and drivers under the age of 21 operating CMVs in intrastate commerce. A ''covered driver'' is defined as a current or former member of the armed forces or reserve components between the ages of 18 and 21 (*i.e.,* a driver aged 18, 19, or 20), who is qualified in a Military Occupational Specialty (MOS) to operate a CMV or similar vehicle. A report detailing the findings will be submitted to Congress no later than one year after completing data collection. A working group was also established under section 5404 to review this data collection and provide advice to FMCSA.

Regulatory Relief

Drivers of CMVs engaged in interstate commerce must be at least 21 years of age (49 CFR 391.11(b)(1)). This includes CMVs for which CDLs are required and certain other CMVs for which a CDL is not required.

In the May 9, 2011, final rule on ''Commercial Driver's License Testing and Commercial Learner's Permit Standards,'' (76 FR 26854), the Agency set a minimum age of 18 for an individual to obtain a CLP. A CDL holder under the age of 21 must have a ''K'' restriction on their CDL, which limits the driver to operating in *intrastate commerce.* Therefore, the proposed pilot program requires that participating drivers be provided relief from sections of 49 CFR parts 383 and 391 concerning minimum age requirements so that the covered drivers may operate in interstate commerce.

II. Data Collection Plan

Details of the data collection plan for this pilot program are subject to change based on comments in the docket and further review by FMCSA.

The data collection plan calls for 50 motor carriers to be active in the pilot program at a time who will each identify and employ at least one covered group driver in addition to intrastate drivers and/or control group drivers. Carriers will report safety data to FMCSA. Note that while only 50 carriers are expected to participate at any given time, an estimated 70 carriers will participate throughout the 3-year study due to carrier turnover.

FMCSA anticipates an average of 600 drivers participating in the study per year (200 control group, 200 intrastate, and 200 covered drivers). An estimated 300 replacement drivers (100 control group, 100 intrastate, and 100 covered) will participate during each year of the 3-year program due to expected driver turnover.

The information collection can be summarized by the following:

- A motor carrier application (completed once at the time of application) for participation in the pilot program will provide the project team with the carrier's contact information and demographic data.
- Each participating driver will need to complete a driver background information form and sign an informed consent form, which the motor carrier will submit on the driver's behalf. This is a one-time task for each driver.
- On a monthly basis, carriers will submit data on driver activity (*e.g.,* duty hours, driving hours, off-duty time, restart breaks), safety outcomes (*e.g.,* crashes, violations, and safety-critical events) and any additional supporting information (*e.g.,* OBMS logs, investigative reports from previous crashes).
- Carriers will be required to notify FMCSA within 24 hours of: Any injury or fatality crashes involving a participating driver, a participating driver receiving an alcohol-related citation (*e.g.,* driving under the influence, driving while intoxicated), a participating driver choosing to leave the pilot program, a participating driver leaving the carrier, or a participating driver failing a random or post-crash drug/alcohol test.

This pilot limits the definition of CMVs to large trucks and does not include passenger-carrying vehicles, such as buses. The pilot also excludes trucks in special configurations or involved in the transport of hazardous materials.

III. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501–3520) prohibits agencies from conducting information collection (IC) activities until they analyze the need for the collection of information and how the collected data will be managed. Agencies must also analyze whether technology could be used to reduce the burden imposed on those providing the data. The Agency must estimate the time burden required to respond to the IC requirements, such as the time required to complete a particular form. The Agency submits its IC analysis and burden estimate to OMB as a formal ICR; the Agency cannot conduct the information collection until OMB approves the ICR.

IV. Summary of Public Comments Received

A **Federal Register** notice (83 FR 31631) was published on July 6, 2018, which requested comments on this proposed information collection request. The comment period was open for 60-days and closed on September 4, 2018. The notice received 37 comments, which are summarized here.

Of the comments received, 17 were in support for the pilot program with an additional 3 comments in support of the pilot program given certain criteria were met. There were 14 commenters who opposed the pilot program, and 3 additional comments were neutral in their stance toward the pilot program.

Commenters Supportive or Conditionally Supportive of the Pilot Program: There were 17 commenters who acknowledge their support of the pilot program, and an additional three commenters who acknowledged support of the pilot program given certain circumstances. Several of these comments felt this would be a good opportunity for young military personnel to form a career based on their military training. Several comments offered suggestions or considerations, which are detailed below.

1. Consider the size and weight of the vehicle for which the military candidates are licensed to drive to avoid accepting candidates who were trained on or have experience with light military vehicles only. In other words, specify a type of vehicle requirement for military participants to be trained in and have experience on.

FMCSA Response: A review of the vehicles used in each MOS was conducted and it is expected that the military driver will receive a CDL for a class of vehicles that is comparable with the knowledge and experience. The identified MOSs include 88M or 92F for the U.S. Army, E.O. for the U.S. Navy, 3531 for the U.S. Marine Corps, and 2T1, 2F0, or 3E2 for the U.S. Airforce.

2. Consider having drivers pass an approved driver training program before participating in the pilot program.

FMCSA Response: A comparison of the MOS training requirements against the Entry Level Driver Training curriculum requirements was completed and determined that military training programs often exceed the number of classroom and behind-the-wheel training hours that many/most entry level drivers receive. The drivers in the covered group will need to have passed their military training in order to participate in the study.

3. Consider excluding drivers from the control sample for the same reason(s) military personnel would be disqualified from participating (*e.g.,* disqualifications, suspensions, or revocations in the past three years) and extend the requirement that covered drivers may not transport passengers or hazardous materials, or operate doubles or triples to the control group drivers as well.

FMCSA Response: FMCSA does not feel control group drivers or current intrastate drivers should have disqualification standards other than the current FMCSA disqualification regulations found in CFR 49 383.51, as they are otherwise eligible to drive currently. These drivers will not be receiving any exemptions from the current rules and regulations, so as long as they remain in compliance with FMCSA regulations they are eligible to operate a CMV and therefore should be eligible to participate in the pilot program. No drivers participating in the study will be allowed to transport passengers, hazardous cargo, or to operate a vehicle in special configurations, as specified in the FAST Act.

4. Clarify what is meant by ''or be subject to any OOS order'' regarding control driver requirements.

FMCSA Response: FMCSA will remove control drivers from the pilot program if they are subject to any out of service orders issued by the Agency.

5. Specify that control drivers may not be former covered drivers who have aged out of the covered driver group.

FMCSA Response: This is the intended study design, although continuing data on these drivers will be collected as possible to determine trends with individual drivers.

6. Consider balancing the number of covered and control drivers from each carrier to minimize the effects of carrier differences in analysis.

FMCSA Response: This was considered in the original study design; however, it was determined that this could be overly burdensome on small carriers and may deter them from participating; therefore, this is not a requirement for participation in the study.

7. Consider increasing the size of the study groups and not setting a maximum number on carriers who can participate.

FMCSA Response: The size of the groups has been estimated as a minimum required sample size to determine statistically valid results. FMCSA does not have a limit to the number of drivers or carriers that may participate.

8. Consider widening the age range of the control study group to increase small carrier participation.

FMCSA Response: The control study group age was originally proposed to be from 21 to 26 years old in the **Federal Register** Notice titled ''Commercial Driver's Licenses; Proposed Pilot Program to Allow Persons Between the Ages of 18 and 21 with Military Driving Experience to Operate Commercial Motor Vehicles in Interstate Commerce,'' published on August 22, 2016 (81 FRN 56745). Based on comments received on this **Federal Register** Notice, FMCSA modified the control group age range to a smaller, younger control group that would be a better comparison to other new, young drivers.

9. Ensure data is evaluated by an independent third party before being analyzed by the working group.

FMCSA Response: The data and analysis performed for this study will be evaluated by at least three independent peer reviewers who have appropriate credentials prior to the working group reviewing the findings.

10. Exercise caution when using CSA scores to determine motor carrier eligibility.

FMCSA Response: FMCSA will use SMS percentiles in a fair manner to determine carrier eligibility; however, FMCSA has determined that evaluating SMS percentiles prior to carrier acceptance is necessary to ensure safety to both pilot program participants and the general motoring public.

11. Consider collecting additional data, to include: Types of advanced vehicle safety technologies in use, types of vehicles being used by participating drivers, type of freight hauled, type of operating environment, as well as specific details about the type and duration of training the driver has

received, to include both pre-CDL and post-CDL training.

FMCSA Response: FMCSA agrees that this information should be requested, and has updated data collection forms to reflect these items. However, FMCSA will not preclude a carrier from participation for not providing these details if other requirements are met.

13. Consider a formal review process for motor carriers who temporarily fall out of compliance with the pilot program requirements and want to re-enter the program.

FMCSA Response: Carriers who fall out of compliance with the pilot program requirements will be dealt with on an individual basis depending on several factors, including evaluating the severity of their lapse of compliance.

14. Allow for carriers to report driver infractions (*e.g.,* failure of a drug test, crashes, violations, etc.) in one business day as opposed to one 24-hour period.

FMCSA Response: FMCSA does not agree that one business day is the correct time frame for reporting these infractions; however, FMCSA has clarified that they should be reported within one day of the carrier being informed of any of these infractions.

Commenters Opposed to the Pilot Program: Of the 14 commenters who were against the pilot program, 13 comments were submitted by individuals, while one comment was submitted by the Advocates for Highway and Auto Safety (Advocates). Several commenters mentioned general knowledge that younger drivers tend to be less safe than older drivers. One commenter mentioned concern over the potential for younger drivers to be treated harshly by the industry, and several mentioned a lack of experience that would be concerning. Advocates additionally recommended requiring both the use of an Electronic Logging Device (ELD) and the use of an On-Board Monitoring System (OBMS).

FMCSA Response: For those commenters who expressed concern due to immaturity and lack of experience of younger drivers, FMCSA reiterates that the pilot program will have stringent participation criteria which includes military training that exceeds most entry-level driver training programs as well as military experience operating a heavy vehicle that is comparable to a CMV. Participants must be trained in a specific MOS which have been selected as those most closely mirroring experience with CMVs. Drivers will be required to comply with current regulations regarding ELDs, and while most CMVs are equipped with OBMS systems, FMCSA's position is that requiring use of an OBMS would limit the ability of smaller carriers to apply for the program. In an effort to not bias the sample, OBMS data will be collected from participating drivers if the vehicle they operate is already equipped with that system; however, it is not a requirement for participation.

Comments Neutral towards the Pilot Program: There were three commenters who did not voice whether they supported or opposed the pilot program. These comments included one voicing concern over the industry turning away these young drivers due to the difficult nature of the industry and its lifestyle (*e.g.,* long periods away from home), a commenter raising the need for a lot of hands on training for anyone entering the industry, and one commenter who had questions and commentary regarding expanding the pilot program, current regulations, and the practices their carrier follows. This commenter also felt the current study design was too onerous for small carriers and geared more towards large carriers.

FMCSA Response: These comments were not actionable with regard to this pilot program. The FAST Act specifies who should be included in the pilot program, and the military training offers extensive classroom and behind-the-wheel training prior to being certified in one of the relevant MOSs. Regarding the burden on small carriers, FMCSA has designed a study that is open to having all carriers (small, medium, and large) apply to the program, while still being able to meet the safety needs of this pilot program and collect enough data to conduct a statistically meaningful analysis. FMCSA has made several efforts to assist with reducing the burden on small carriers, such as not making OBMS data a requirement, and not requiring carriers to provide a driver for each group on a one-for-one basis.

Issued under the authority delegated in 49 CFR 1.87 on: November 20, 2018.

G. Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2018–25846 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0320]

Qualification of Drivers; Exemption Application; Narcolepsy

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces receipt of an application from Mr. Terry L. Curtner for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against operation of a commercial motor vehicle (CMV) in interstate commerce by persons with either a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a CMV, or a mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his/her ability to drive a CMV safely. If granted, the exemption would enable Mr. Curtner who has been diagnosed with narcolepsy and is receiving medical treatment to operate CMVs in interstate commerce.

DATES: Comments must be received on or before December 27, 2018.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket ID FMCSA–2018–0320 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public-Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224,Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2018–0320), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–2018–0320, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2018–0320, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The individual listed in this notice has requested an exemption from 49 CFR 391.41(b)(8) and (9). Accordingly, the Agency will evaluate the qualifications of the applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a commercial motor vehicle.

The physical qualification standard for drivers found in 49 CFR 391.41(b)(9) states that a person is physically qualified to drive a CMV if that person has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his/her ability to drive a commercial motor vehicle safely.

In addition to the regulations, FMCSA has published advisory criteria[1] to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section *H. Epilepsy: § 391.41(b)(8),* paragraphs 3, 4, and 5.]

The advisory criteria states that if an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the Medical Examiner in consultation with the treating physician. The advisory criteria also states that a variety of functional disorders can cause drowsiness, dizziness, confusion, weakness or paralysis that may lead to incoordination, inattention, loss of functional control and susceptibility to accidents while driving.

In those individual cases where a driver had a seizure or an episode of loss of consciousness that resulted from a known medical condition (*e.g.,* drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has fully recovered from that condition, has no existing residual complications, and is not taking anti-seizure medication.

III. Qualifications of Applicants

Terry L. Curtner

Mr. Curtner, is a commercial driver in Illinois. A letter dated August 10, 2018, from Mr. Curtner's neurologist reports that at his last July 31, 2018, follow-up evaluation, he was stable on a moderate daily dose of Nuvigil, and has not had any narcoleptic attacks or cataplexy in over 20 years.

IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

Issued on: November 20, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–25848 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–EX–P

[1] See *http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a* and *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0208]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 14 individuals for an exemption from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions will enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Comments must be received on or before December 27, 2018.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0208 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2018–0208), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–2018–0208, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2018–0208, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 14 individuals listed in this notice have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

In July 1992, the Agency first published the criteria for the Vision Waiver Program, which listed the conditions and reporting standards that CMV drivers approved for participation would need to meet (Qualification of Drivers; Vision Waivers, 57 FR 31458, July 16, 1992). The current Vision Exemption Program was established in 1998, following the enactment of amendments to the statutes governing exemptions made by § 4007 of the Transportation Equity Act for the 21st Century (TEA–21), Public Law 105–178, 112 Stat. 107, 401 (June 9, 1998). Vision exemptions are considered under the procedures established in 49 CFR part 381 subpart C, on a case-by-case basis upon application by CMV drivers who do not meet the vision standards of 49 CFR 391.41(b)(10).

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past three years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the

studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrated the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used three consecutive years of data, comparing the experiences of drivers in the first two years with their experiences in the final year.

III. Qualifications of Applicants

Doyle L. Bowen

Mr. Bowen, 50, has had a retinal detachment in his right eye since childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/15. Following an examination in 2018, his optometrist stated, ''My medical opinion is that the patient would be safe to operate a commercial vehicle even with the visual deficiency in his right eye.'' Mr. Bowen reported that he has driven straight trucks for 12 years, accumulating 60,000 miles, and tractor-trailer combinations for 12 years, accumulating 12,000 miles. He holds an operator's license from New Mexico. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Guillermo Casio Gamero

Mr. Casio Gamero, 49, has complete loss of vision in his right eye due to a traumatic incident in childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/25. Following an examination in 2018, his optometrist stated, ''In my professional/medical opinion, Guillermo has sufficient vision to perform all the driving tasks required to operate a commercial vehicle, as he has been driving intrastate for many years.'' Mr. Casio Gamero reported that he has driven straight trucks for eight years, accumulating 280,000 miles, and tractor-trailer combinations for eight years, accumulating 280,000 miles. He holds a Class A CDL from Washington. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

William L. Cave

Mr. Cave, 59, has had a retinal detachment in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, light perception. Following an examination in 2018, his ophthalmologist stated, ''In my opinion he has sufficient vision to obtain a commercial driving license and operate a commercial vehicle.'' Mr. Cave reported that he has driven straight trucks for 40 years, accumulating 160,000 miles. He holds an operator's license from Maryland. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Marc C. Goss

Mr. Goss, 59, has had diabetic retinopathy in his right eye since 2014. The visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''It is in my opinion that Marc's condition is stable and he is able to perform the driving tasks required to operate a commercial vehicle.'' Mr. Goss reported that he has driven tractor-trailer combinations for 32 years, accumulating 3.2 million miles. He holds a Class A CDL from Nebraska. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Richard J. Hard

Mr. Hard, 54, has had glaucoma in his right eye since childhood. The visual acuity in his right eye is 20/60, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''In my opinion, Mr. Hard has sufficient vision in his left (better) eye to perform the driving tasks required to operate a commercial vehicle.'' Mr. Hard reported that he has driven straight trucks for 20 years, accumulating 1.2 million miles. He holds an operator's license from Indiana. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Dennis W. Johnson

Mr. Johnson, 64, has had aphakia in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/25, and in his left eye, 20/40. Following an examination in 2018, his optometrist stated, ''I certify that Mr. Johnson has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Johnson reported that he has driven tractor-trailer combinations for 21 years, accumulating 147,420 miles. He holds a Class A CDL license from Missouri. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Ken I. Johnson

Mr. Johnson, 47, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/60, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''Mr. Johnson has sufficient vision to perform driving tasks required to operate a commercial vehicle.'' Mr. Johnson reported that he has driven straight trucks for nine years, accumulating 324,000 miles, and tractor-trailer combinations for 14 years, accumulating 1.7 million miles. He holds a Class A CDL from Georgia. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Ibrahim F. Khashan

Mr. Khashan, 54, has had macular drusen in his right eye since 2015. The visual acuity in his right eye is 20/50, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''In my opinion Mr. Khashan has adequate vision to operate a commercial motor vehicle.'' Mr. Khashan reported that he has driven tractor-trailer

combinations for eight years, accumulating 1.32 million miles. He holds a Class AM CDL from Georgia. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Shelby M. Kuehler

Mr. Kuehler, 39, has had aphakia in his left eye since childhood. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''In my medical opinion Shelby has sufficient vision to perform driving tasks required to operate a commercial vehicle and, in fact, he has been operating commercial vehicles for the past fifteen years.'' Mr. Kuehler reported that he has driven straight trucks for 13 years, accumulating 455,000 miles, and tractor-trailer combinations for 13 years, accumulating 455,000 miles. He holds an operator's license from Kansas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Kendall S. Lane

Mr. Lane, 25, has a corneal scar in his left eye due to a traumatic incident in 2014. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2018, his optometrist stated, ''The fact that he has been doing his job operating a commercial vehicle with his currently stable condition is proof he has sufficient vision to perform his work duties as required.'' Mr. Lane reported that he has driven straight trucks for 30 years, accumulating 300,000 miles. He holds a Class A CDL from Oklahoma. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Leonard Morris

Mr. Morris, 63, has had a chorioretinal scar in his left eye since 2013. The visual acuity in his right eye is 20/20, and in his left eye, hand motion. Following an examination in 2018, his optometrist stated, ''In my opinion he has sufficient vision to operate a commercial vehicle.'' Mr. Morris reported that he has driven tractor-trailer combinations for 43 years, accumulating 2.15 million miles. He holds a Class A CDL from New Jersey. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Gale L. O'Neil

Mr. O'Neil, 60, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/100, and in his left eye, 20/25. Following an examination in 2018, his optometrist stated, ''He has sufficient vision to operate a commercial vehicle.'' Mr. O'Neil reported that he has driven straight trucks for 44 years, accumulating 660,000 miles. He holds an operator's license from Pennsylvania. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Michael L. Sheldon

Mr. Sheldon, 53, has a cataract in his right eye due to a traumatic incident in 2005. The visual acuity in his right eye is 20/300, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''In my opinion Michael has sufficient vision to drive a commercial vehicle.'' Mr. Sheldon reported that he has driven straight trucks for 22 years, accumulating 220,000 miles, and tractor-trailer combinations for 37 years, accumulating 1.48 million miles. He holds an operator's license from Nebraska. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Pedro T. Tellez Alvarez

Mr. Tellez Alvarez, 26, has a chorioretinal scar in his right eye due to an infection in childhood. The visual acuity in his right eye is 20/125, and in his left eye, 20/25. Following an examination in 2018, his optometrist stated, ''However, due to the childhood nature of this visual reduction Mr. Tellez Alvarez should have no difficulties operating a commercial vehicle due to the fact that recent onset visual losses impede drivers significantly more than longstanding vision losses.'' Mr. Tellez Alvarez reported that he has driven tractor-trailer combinations for three years, accumulating 255,000 miles. He holds a Class A CDL from California. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments and material received before the close of business on the closing date indicated in the dates section of the notice.

Issued on: November 21, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–25850 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2018–0203]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 46 individuals from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on October 11, 2018. The exemptions expire on October 11, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2018–0203, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On September 10, 2018, FMCSA published a notice announcing receipt of applications from 46 individuals requesting an exemption from diabetes requirement in 49 CFR 391.41(b)(3) and requested comments from the public (83 FR 45736). The public comment period ended on October 10, 2018, and one comment was received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received one comment in this proceeding. Ms. Johnson stated Minnesota Department of Public Safety is in support of granting the Federal Diabetes exemption to Anthony D. Anderson, Jason R. Miller, and James B. Stevens. In reference to Chad M. Kunkel, Ms. Johnson noted no objection if FMCSA has no issue with the August 2016 crash information on this driver's record. She also noted that FMCSA had previously rescinded this exemption in January 2018. FMCSA requests a Motor Vehicle Record during the diabetes application process and reviews all previous exemption actions to ensure that the necessary equivalent level of safety is achieved to be granted the Federal diabetes exemption. In doing so, FMCSA did not find information that indicates that Mr. Chad M. Kunkel should not be granted this exemption.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for up to five years from the diabetes standard in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on the program eligibility criteria and an individualized assessment of information submitted by each applicant. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the September 10, 2018, **Federal Register** notice (83 FR 45736) and will not be repeated in this notice.

These 46 applicants have had ITDM over a range of 1 to 36 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the past five years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) each driver must report within two business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keeping a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 46 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above:

Anthony D. Anderson (MN)
Larry S. Arringdale (IN)
Brad M.O. Bennett (OR)
Ronald S. Blackwell (ID)
Christine Byrd (IA)
Garrett T. Cameron (OH)
Alfredo Casillas (TX)
Guerschom K. Chiwengo (VA)
David A. Coltrain (IA)
James D. Cosgrove (MA)
Jerome Davis, Sr. (AZ)
Donald R. DeKruger (CO)
Joseph M. Dema (IL)
Lynx D. Gardner (NE)
Timothy M. Getchius (NY)
Jeffrey M. Halida (WI)
Corey A. Harell (IL)
Donald B. Harwell (SC)
John T. Ingin (NY)
James M. Kay (IN)
Marcus E.M. Killman (KS)
Mark R. Kuhn (PA)
Chad M. Kunkel (MN)
Lawrence J. Lucero (WA)
Curtis M. Lyons (IN)
Antonia Madrid (NM)
Nankishore Mangal (CT)
Fernando Martins (NH)
Vincent Matthews (SC)
Lawrence C. Maughan (UT)
Peter M. Meserve (NH)
Jason R. Miller (MN)
Philips Ng (MA)
Don C. Oden (KS)
Charles T. Pappas (WA)
Stacy S. Patterson (VA)
Nathaniel P. Probasco (PA)
Mark K. Pugh (PA)
Anthony Rivera (NJ)
Eddie A. Sellars (NC)
James B. Stevens (MN)

Edwinn D. Strong (IL)
Terelle E. Thomas (VA)
Harvey S. Vaea (CA)
Gene A. Vieira (FL)
Ronald Walker, Sr. (IL)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Issued on: November 20, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–25844 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2016–0128]

Pipeline Safety: Meeting of the Voluntary Information-Sharing System Working Group

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice.

SUMMARY: This notice announces a public meeting of the Voluntary Information-sharing System (VIS) Working Group. The VIS Working Group will convene to discuss proposed recommendations to establish a voluntary information-sharing system.

DATES: The public meeting will be held on December 18, 2018 from 9:00 a.m. to 5:00 p.m. ET and December 19, 2018, from 8:30 a.m. to 5:00 p.m. ET. Members of the public who wish to attend in person should register no later than December 11, 2018. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, may notify PHMSA by December 11, 2018. For additional information, see the **ADDRESSES** section.

ADDRESSES: The meeting will be held at the U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590. The meeting agenda and additional information will be published on the following VIS Working Group registration page at: *https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=141.*

The meeting will not be webcast; however, presentations will be available on the meeting website and posted on the E-Gov website, *https://www.regulations.gov,* under docket number PHMSA–2016–0128 within 30 days following the meeting.

Public Participation: This meeting will be open to the public. Members of the public who attend in person will also be provided an opportunity to make a statement during the meeting.

Written Comments: Persons who wish to submit written comments on the meeting may submit them to the docket in the following ways:

E-Gov Website: https://www.regulations.gov. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

Fax: 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: Room W12–140 on the ground level of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except on Federal holidays.

Instructions: Identify the docket number PHMSA–2016–0128 at the beginning of your comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). Therefore, consider reviewing DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (65 FR 19477), or view the Privacy Notice at *https://www.regulations.gov* before submitting comments.

Docket: For docket access or to read background documents or comments, go to *https://www.regulations.gov* at any time or to Room W12–140 on the ground level of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on PHMSA–2016- 0128.'' The docket clerk will date stamp the postcard prior to returning it to you via the U.S. mail.

Privacy Act Statement

DOT may solicit comments from the public regarding certain general notices. DOT posts these comments, without edit, including any personal information the commenter provides, to *https://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.dot.gov/privacy.*

Services for Individuals With Disabilities

The public meeting will be physically accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Dr. Christie Murray at *christie.murray@dot.gov.*

FOR FURTHER INFORMATION CONTACT: For information about the meeting, contact Dr. Christie Murray by phone at 202–366–4996 or by email at *christie.murray@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The VIS Working Group is an advisory committee established in accordance with Section 10 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016 (Pub. L. 114–183), the Federal Advisory Committee Act of 1972 (5 U.S.C., App. 2, as amended), and 41 CFR 102–3.50(a).

II. Meeting Details and Agenda

The VIS Working Group agenda will include briefings on topics such as mandate requirements, integrity management, data types and tools, in-line inspection and other direct assessment methods, geographic information system implementation, subcommittee considerations, lessons learned, examples of existing information-sharing systems, safety management systems, and more. As part of its work, the committee will ultimately provide recommendations to the Secretary as required and specifically outlined in Section 10 of Public Law 114–183, addressing:

(a) The need for, and the identification of, a system to ensure that dig verification data are shared with in-line inspection operators to the extent consistent with the need to maintain proprietary and security-sensitive data in a confidential manner to improve pipeline safety and inspection technology;

(b) Ways to encourage the exchange of pipeline inspection information and the development of advanced pipeline inspection technologies and enhanced risk analysis;

(c) Opportunities to share data, including dig verification data between operators of pipeline facilities and in-line inspector vendors to expand knowledge of the advantages and disadvantages of the different types of in-line inspection technology and methodologies;

(d) Options to create a secure system that protects proprietary data while encouraging the exchange of pipeline inspection information and the development of advanced pipeline inspection technologies and enhanced risk analysis;

(e) Means and best practices for the protection of safety and security-sensitive information and proprietary information; and

(f) Regulatory, funding, and legal barriers to sharing the information described in paragraphs (a) through (d).

The Secretary will publish the VIS Working Group's recommendations on a publicly available DOT website and in the docket. The VIS Working Group will fulfill its purpose once its recommendations are published online.

PHMSA will publish the agenda on the PHMSA meeting page at: *https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=141,* once it is finalized.

Issued in Washington, DC, on November 20, 2018, under authority delegated in 49 CFR 1.97.

Massoud Tahamtani,

Deputy Associate Administrator for Policy and Programs.

[FR Doc. 2018–25712 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2018–0151]

Privacy Act of 1974; Department of Transportation, Office of the Secretary of Transportation; DOT/ALL–27; Department of Transportation Training Programs

AGENCY: Office of the Departmental Chief Information Officer, Office of the Secretary of Transportation, DOT.

ACTION: Rescindment of Notices and Notice of a New System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Transportation's Office of the Secretary of Transportation (DOT/OST) intends to establish a DOT-wide System of Records titled, ''DOT/ALL–27, Training Programs.'' This system of records will allow the Department of Transportation, to include its Operating Administrations and Secretarial Offices, to collect and maintain contact, registration, and other information about Department of Transportation employees and other individuals related to participation in and management of Department of Transportation training programs. This system, titled Training Programs, will be included in the Department of Transportation's inventory of record systems. The Department also intends to rescind existing Notices for DOT/RITA–O12, TSI Online Catalog and Learning Management System'', and DOT/FHWA–221, ''National Highway Institute website (NHIW) and Course Management Tracking System (CMTS)'', as these records will be part of the new DOT/ALL–27 described in this Notice.

DATES: Written comments should be submitted on or before December 27, 2018. The Department may publish an amended SORN in light of any comments received. This new system will be effective December 27, 2018.

ADDRESSES: You may submit comments, identified by docket number DOT–OST–2018–0151 by any of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Ave. SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

Instructions: You must include the agency name and docket number DOT–OST–2018–0151. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received in any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act statement in the **Federal Register** published on January 17, 2008 (73 FR 3316–3317).

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or to the street address listed above. Follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: For questions, please contact: Claire W. Barrett, Departmental Chief Privacy Officer, Privacy Office, Department of Transportation, Washington, DC 20590; *privacy@dot.gov;* or (202) 527–3284.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Transportation (DOT)/Office of the Secretary of Transportation (OST) proposes to rescind the current system of records notices for DOT/RITA–012 and DOT/FHWA–221, and issue a DOT system of records titled, ''DOT/ALL–27 Training Programs.''

The Department of Transportation provides training courses to its employees, contractors, and others. The Department wishes to create a new system of records for training program registration and participation information, including information pertaining to training course participants, instructors and course developers, and others involved in training course creation, management, and delivery. The Department will use this information to monitor and manage registration in training courses, track and record participation and completion in DOT training courses, schedule courses, assess the effectiveness of training, identify training trends and needs, and schedule training classes and programs. This system of records excludes records associated with training provided by entities other than DOT and training records covered by the Office of Personnel Management's Government-wide System of Records Notice, OPM/GOVT–1, ''General Personnel Records.'' Because DOT-provided training records will be covered by this Department-wide notice, individual notices covering particular DOT offices are not necessary; therefore, this notice also rescinds DOT/RITA–012, ''TSI Online Catalog and Learning Management System'' and DOT/FHWA–221, ''National Highway Institute website (NHIW) and Course Management and Tracking System (CMTS)''. The records covered by DOT/RITA–012 and DOT/FHWA–221 will be managed according to the new DOT/ALL–27.

The routine uses are compatible with the purposes for which the information was collected. Individuals whose personally identifiable information (PII) is in this system of records have provided it to DOT to enable DOT to

document their participation in the course, ensure that the course scheduling and resources are allocated sufficiently to meet participant needs, and to share information with supervisors, instructors, and other entities as necessary to manage training classes and schedules, and verify participation in and completion of the course.

The information contained within this system of records will be collected directly from the individuals who are the subject of the record.

This new system will be included in DOT's inventory of record systems.

II. Privacy Act

The Privacy Act (5 U.S.C. 552a) governs the means by which the Federal Government collects, maintains, and uses personally identifiable information (PII) in a System of Records. A ''System of Records'' is a group of any records under the control of a Federal agency from which information about individuals is retrieved by name or other personal identifier. The Privacy Act requires each agency to publish in the **Federal Register** a System of Records notice (SORN) identifying and describing each System of Records the agency maintains, including the purposes for which the agency uses PII in the system, the routine uses for which the agency discloses such information outside the agency, and how individuals to whom a Privacy Act record pertains can exercise their rights under the Privacy Act (*e.g.,* to determine if the system contains information about them and to contest inaccurate information).

In accordance with 5 U.S.C. 552a(r), DOT has provided a report of this system of records to the Office of Management and Budget and to Congress.

SYSTEM NAME AND NUMBER:
Department of Transportation (DOT)/ALL–27, Training Programs

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at the Department of Transportation and in component offices of the Department of Transportation in both Washington, DC and field offices.

SYSTEM MANAGER(S):

Requests for training records should be submitted to the component office(s) that offers or sponsors the training. Contact information for system manager is provided at time of course registration and/or participation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 23 U.S.C. 504; and 49 U.S.C. 301, 5314, 5315, 20108, 30182, and 40108.

PURPOSE(S):

The purpose of this system is to manage, oversee, and document training provided to DOT employees, contractors, and others. This system will provide DOT with a means to document registration, participation, and completion of DOT provided training, document the particular training that is provided, identify training trends and needs, evaluate course instructors and course quality and context, and schedule training classes, programs, and instructors. The DOT also may use records from this system to document completion of training requirements for other DOT-mission purposes.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former DOT employees, volunteers and contractors; any individual who has participated in or assisted with a DOT training program, including students and instructors; any other Federal employee or private individual, including contractors and others, who has participated in or assisted with training programs sponsored or operated by the DOT; and other participants in training programs, including instructors, course developers, observers, and interpreters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in the system include:

Individual's name;
Individual's date of birth;
Student or other identification number assigned to the individual
Address;
Phone number;
Email address;
Employer Name, address, and contact information, Occupation/Job Title;
Resume/Qualifications (for course instructors)
Applications;
Registration forms;
Course rosters and sign-in sheets;
Instructor lists;
Payment records, including financing, travel and related expenditures;
Grades and student evaluations;
Course evaluations;
Examination and testing materials; and
Other records and reports related to training.

RECORD SOURCE CATEGORIES:

Records are obtained from DOT employees and other individuals who are the subject of such records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DOT as a routine use pursuant to 5 U.S.C. 552a(b)(3).

System Routine Uses

(1) To organizations, including other government entities, sponsoring or providing remuneration for training;

(2) To other Federal agencies as needed to create class schedules, or determine qualifications for participation in classes as students or instructors;

(3) To educational institutions or training providers as evidence of participation or successful completion, as needed to continue education;

Department General Routine Uses

(4) To the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of implementing, investigating, prosecuting, or enforcing a statute, regulation, rule or order, when a record in this system indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, including any records from this system relevant to the implementation, investigation, prosecution, or enforcement of the statute, regulation, rule, or order that was or may have been violated;

(5) To a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary for DOT to obtain information relevant to a DOT decision concerning the hiring or retention or an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit;

(6) To a Federal agency, upon its request, in connection with the requesting Federal agency's hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation or an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information requested is relevant and necessary to the requesting agency's decision on the matter;

(7) To the Department of Justice, or any other Federal agency conducting litigation, when (a) DOT, (b) any DOT employee, in his/her official capacity, or in his/her individual capacity if the

Department of Justice has agreed to represent the employee, or (c) the United States or any agency thereof, is a party to litigation or has an interest in litigation, and DOT determines that the use of the records by the Department of Justice or other Federal agency conducting the litigation is relevant and necessary to the litigation; provided, however, that DOT determines, in each case, that disclosure of the records in the litigation is a use of the information contained in the records that is compatible with the purpose for which the records where collected;

(8) To parties in proceedings before any court or adjudicative or administrative body before which DOT appears when (a) DOT, (b) any DOT employee in his or her official capacity, or in his or her individual capacity where DOT has agreed to represent the employee, or (c) the United States or any agency thereof is a party to litigation or has an interest in the proceeding, and DOT determined that is relevant and necessary to the proceeding; provided, however, that DOT determines, in each case, that disclosure of the records in the proceeding is a use of the information contained in the records that is compatible with the purpose for which the records where collected;

(9) To the National Archives and Records Administration for an inspection under 44 U.S.C. 2904 and 2906;

(10) To another agency or instrumentality of any government jurisdiction for use in law enforcement activities, either civil or criminal, or to expose fraudulent claims; however, this routine use only permits the disclosure of names pursuant to a computer matching program that otherwise complies with the requirements of the Privacy Act;

(11) To appropriate agencies, entities, and persons, when (1) DOT suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) DOT has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by DOT or not) that rely on the compromised information; and (3) the disclosure made to such agencies, entities, or persons is reasonably necessary to assist in connection with DOT's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.;

(12) To the Office of Government Information Services (OGIS) for the purpose of resolving disputes between requesters seeking information under the Freedom of Information Act (FOIA) and DOT, or OGIS' review of DOT's policies, procedures, and compliance with FOIA;

(13) To DOT''s contractors and their agents, DOT's experts, consultants, and others performing or working on a contract, service, cooperative agreement, or other assignment for DOT, when necessary to accomplish an agency function related to this system of records.

(14) To an agency, organization, or individual for the purpose of performing an audit or oversight related to this system or records, provided that DOT determines the records are necessary and relevant to the audit or oversight activity. This routine use does not apply to intra-agency sharing authorized under Section (b)(1) of the Privacy Act; and

(15) To a Federal, State, local, tribal, foreign government, or multinational agency, either in response to a request or upon DOT's initiative, terrorism information (6 U.S.C. 485(a)(5), homeland security information (6 U.S.C. 482(f)(1), or law enforcement information (Guideline 2, report attached to White House Memorandum, ''Information Sharing Environment,'' Nov. 22, 2006), when DOT finds that disclosure of the record is necessary and relevant to detect, prevent, disrupt, preempt, or mitigate the effects of terrorist activities against the territory, people, and interests of the United States, as contemplated by the Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. 108–456, and Executive Order 13388 (Oct. 25, 2005).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are stored electronically and/or on paper in secure facilities. Electronic records may be stored on magnetic disc, tape, digital media, and CD–ROM.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records will primarily be retrieved by individual's name, but may be retrieved by other identifiers in the system.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are typically destroyed when three years old, or 3 years after superseded or obsolete, whichever is appropriate, in accordance with National Archives and Records Administration General Records Schedule 2.6, Item 010. General Records Schedule 2.6, Item 010, also permits agencies to retain these records for a longer period of time, when needed for business use.

ADMINITRATION, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DOT automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RECORD ACCESS PROCEDURES:

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the System Manager at the address identified in ''System Manager and Address'' above. If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Departmental Freedom of Information Act Office, U.S. Department of Transportation, Room W94–122, 1200 New Jersey Ave. SE, Washington, DC 20590, ATTN: FOIA/Privacy Act request.

When seeking records about yourself from this system of records or any other Departmental system of records your request must conform with the Privacy Act regulations set forth in 49 CFR part 10. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Freedom of Information Act Officer, *http://www.dot.gov/foia* or 202.366.4542. In addition you should provide the following:

An explanation of why you believe the Department would have information on you;

- Identify which component(s) of the Department you believe may have the information about you;
- Specify when you believe the records would have been created;
- Provide any other information that will help the FOIA staff determine which DOT component agency may have responsive records; and

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without this bulleted information the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

CONTESTING RECORD PROCEDURES:

See ''Record Access Procedures'' above.

NOTIFICATION PROCEDURE:

See ''Record Access Procedures'' above.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HISTORY:

Not applicable.

Issued in Washington, DC on November 21, 2018,

Claire W. Barrett,

Departmental Chief Privacy Officer.

[FR Doc. 2018–25818 Filed 11–26–18; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

[Docket No. TTB–2018–0001]

Proposed Information Collections; Comment Request (No. 72)

AGENCY: Alcohol and Tobacco Tax and Trade Bureau (TTB); Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of our continuing effort to reduce paperwork and respondent burden, and as required by the Paperwork Reduction Act of 1995, we invite comments on the proposed or continuing information collections listed below in this notice.

DATES: We must receive your written comments on or before January 28, 2019.

ADDRESSES: As described below, you may send comments on the information collections listed in this document using the ''*Regulations.gov*'' online comment form for this document, or you may send written comments via U.S. mail or hand delivery. TTB no longer accepts public comments via email or fax.

- *http://www.regulations.gov:* Use the comment form for this document posted within Docket No. TTB–2018–0001 on ''*Regulations.gov*,'' the Federal e-rulemaking portal, to submit comments via the internet;
- *U.S. Mail:* Michael Hoover, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005.
- *Hand Delivery/Courier in Lieu of Mail:* Michael Hoover, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Suite 400, Washington, DC 20005.

Please submit separate comments for each specific information collection listed in this document. You must reference the information collection's title, form or recordkeeping requirement number, and OMB number (if any) in your comment.

You may view copies of this document, the information collections listed in it and any associated instructions, and all comments received in response to this document within Docket No. TTB–2018–0001 at *http://www.regulations.gov.* A link to that docket is posted on the TTB website at *http://www.ttb.gov/forms/comment-on-form.shtml.* You may also obtain paper copies of this document, the information collections described in it and any associated instructions, and any comments received in response to this document by contacting Michael Hoover at the addresses or telephone number shown below.

FOR FURTHER INFORMATION CONTACT: Michael Hoover, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; telephone 202–453–1039, ext. 135; or email *informationcollections@ttb.gov* (please *do not* submit comments on this notice to this email address).

SUPPLEMENTARY INFORMATION:

Request for Comments

The Department of the Treasury and its Alcohol and Tobacco Tax and Trade Bureau (TTB), as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to comment on the proposed or continuing information collections listed below in this notice, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Comments submitted in response to this notice will be included or summarized in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments are part of the public record and subject to disclosure. Please do not include any confidential or inappropriate material in your comments.

We invite comments on: (a) Whether this information collection is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the information collection's burden; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the information collection's burden on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide the requested information.

Information Collections Open for Comment

Currently, we are seeking comments on the following forms, recordkeeping requirements, or questionnaires:

Title: Authorization to Furnish Financial Information and Certificate of Compliance.

OMB Number: 1513–0004.

TTB Form Number: TTB F 5030.6.

Abstract: The TTB regulations require applicants for alcohol and tobacco permits to provide certain information regarding the funds used to finance the proposed business. The Right to Financial Privacy Act of 1978 (the Act; 12 U.S.C. 3401 *et seq.*) limits government access to records held by financial institutions, provides for certain procedures to gain access to such information, and requires that government agencies certify to a financial institution that the agency has complied with the Act's provisions. To comply with the Act's requirements, TTB uses TTB F 5030.6 as both a customer's authorization to their financial institution allowing it to disclose their financial information to TTB and as the required certification by TTB to the financial institution that TTB has complied with the Act's provisions.

Current Actions: This information collection and its estimated burden remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits; Individuals or households.

Estimated Number of Annual Respondents: 240.

Frequency of Response: On occasion.

Estimated Number of Annual Responses: 240.

Estimated Per-response Burden: 15 minutes.

Estimated Total Annual Burden Hours: 60 hours.

Title: Letterhead Applications and Notices Relating to Wine (TTB REC 5120/2).

OMB Number: 1513–0057.

TTB Recordkeeping Number: TTB REC 5120/2.

Abstract: Provisions of chapter 51 of the Internal Revenue Code (IRC; 26 U.S.C. chapter 51) require regulation of certain aspects of wine production and treatment. The IRC also imposes standards for natural wine, cellar treatment of natural wine, agricultural wine, and the labeling of all wines. Under those IRC authorities, the TTB regulations require proprietors to file letterhead applications and notices relating to certain wine production and treatment activities to ensure that the intended activity are performed in compliance with the law. Under those regulations, activities posing greater jeopardy to the revenue are regulated by letterhead applications subject to TTB approval, while activities posing less jeopardy to the revenue are regulated by a notice requirements that do not require TTB pre-approval.

Current Actions: This information collection and its estimated burden remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Annual Respondents: 1,650.

Frequency of Response: On occasion.

Estimated Number of Annual Responses: 1,650.

Estimated Per-response Burden: 30 minutes.

Estimated Total Annual Burden Hours: 825 hours.

Title: Airlines Withdrawing Stock from Customs Custody (TTB REC 5620/2).

OMB Number: 1513–0074.

TTB Recordkeeping Number: TTB REC 5620/2.

Abstract: Under provisions of the IRC in 26 U.S.C. chapter 51, distilled spirits and wine produced in or imported into the United States are subject to Federal excise tax. However, under the IRC at 26 U.S.C. 5214 and 5362, and subject to such regulations as the Secretary may prescribe, distilled spirits and wine may be removed without payment of tax for use on certain aircraft. In addition, under 19 U.S.C. 1309, and subject to such regulations as the Secretary may prescribe, distilled spirits and wine may be withdrawn from customs custody without payment of tax for use as supplies on aircraft engaged in flights to locations outside the United States. Under those authorities, the TTB regulations require airlines to account for distilled spirits and wine withdrawn from their stocks held in customs custody at airports for use as supplies on aircraft engaged in foreign flights. Accounting for the withdrawals of such products is necessary to protect the revenue by detecting and preventing diversion of the products into the domestic market.

Current Actions: This information collection and its estimated burden remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Annual Respondents: 25.

Frequency of Response: On occasion.

Estimated Number of Annual Responses: 25.

Estimated Per-response Burden: 100 hours.

Estimated Total Annual Burden Hours: 2,500.

Title: Alcohol, Tobacco, and Firearms Related Documents for Tax Returns and Claims (TTB REC 5000/24).

OMB Number: 1513–0088.

TTB Recordkeeping Number: TTB REC 5000/24.

Abstract: Chapters 51 and 52 and sections 4181 and 4182 of the IRC impose Federal excise taxes on distilled spirits, wine, beer, tobacco products, cigarette papers and tubes, and firearms and ammunition, and also impose special occupational taxes related to tobacco products and cigarette papers and tubes. The IRC requires that these excise and special occupational taxes be collected on the basis of a return. The IRC also allows for the filing of claims for the abatement, allowance, credit, drawback, refund, or remission of those taxes under certain circumstances.

The IRC at 26 U.S.C. 5555, 5741, and 5843 authorizes the Secretary of the Treasury to issue regulations to require the keeping of records to document and substantiate the information provided in excise and special occupational tax returns and claims. TTB uses the information contained in such records to determine the appropriate tax liability and verify the correctness of claims and other adjustments to tax liability. The required records may consist of affidavits and effective tax rate determinations, and usual and customary business records such as insurance records, invoices, inventories, production records, shipping records, and other documents that support the information provided on tax returns and claims.

Current Actions: This information collection remains unchanged. However, TTB is increasing the estimated number of annual respondents, responses, and burden hours associated with this collection. These increases result from continued growth in the number of TTB-regulated industry members, particularly in the number of small entities producing alcohol beverages.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits; Not-for-profit institutions; Individuals or households.

Estimated Number of Annual Respondents: 81,000.

Frequency of Response: Bi-monthly, monthly, quarterly, or annually, depending on the taxpayer's circumstances.

Estimated Number of Annual Responses: 8.

Estimated Per-response Burden: 1 hour.

Estimated Total Annual Burden Hours: 648,000 hours.

Title: Records Supporting Drawback Claims on Eligible Articles Brought into the United States from Puerto Rico or the Virgin Islands.

OMB Number: 1513–0089.

TTB Recordkeeping Number: TTB REC 5530/3.

Abstract: The IRC at 26 U.S.C. 7652(g) authorizes the drawback of the Federal excise taxes paid on certain nonbeverage products containing distilled spirits (medicines, medicinal preparations, food products, flavors, flavoring extracts, and perfumes) brought into the United States from Puerto Rico or the U.S. Virgin Islands. Under 26 U.S.C. 7652(g), the drawback provisions of the IRC at 26 U.S.C. 5111–5114 are applicable to such products at the time of entry into the United States. In particular, 26 U.S.C. 5112 authorizes the Secretary to require the keeping of records that are necessary to document nonbeverage product drawback claims. Under this IRC authority, the TTB regulations at 27 CFR 26.174 (for Puerto Rico) and 27 CFR 26.310 (for the U.S. Virgin Islands) require the keeping of certain business records to document and substantiate the data supplied for such nonbeverage product drawback claims so that TTB can verify the claims to protect the revenue.

Current Actions: This information collection remains unchanged. However, TTB is decreasing the estimated number of annual respondents, responses, and burden hours associated with this collection due to a decrease in respondents filing the drawback claims covered under this collection and a decrease in the number of responses filed by each respondent.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Annual Respondents: 10.

Frequency of Response: On occasion.

Estimated Number of Annual Responses: 50.

Estimated Per-response Burden: 1 hour.

Estimated Total Annual Burden Hours: 50 hours.

Title: Beer for Exportation.

OMB Number: 1513–0114.

TTB Form Number: TTB F 5130.12.

Abstract: Under the IRC at 26 U.S.C. 5051, Federal excise tax is imposed on beer removed from domestic breweries for consumption or sale. However, under the IRC at 26 U.S.C. 5053, beer may be removed from the brewery without payment of tax for export or for use as supplies on certain vessels and aircraft, subject to the prescribed regulations. Under that authority, TTB requires brewers to give notice of such removals on form TTB F 5130.12. Alternatively, respondents may apply to TTB to use an alternative method to report beer removed for export via a monthly summary report, provided that the respondent completes TTB F 5130.12 for each export shipment and maintains that form and the related supporting export records, such as bills of lading, at the respondent's premises. TTB requires this information to ensure that exportation of the beer took place as claimed and that untaxpaid beer is not diverted into the domestic market.

Current Actions: This information collection and its estimated burden remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Annual Respondents: 175.

Frequency of Response: On occasion.

Estimated Number of Annual Responses: 6,020.

Estimated Per-response Burden: 1.65 hours.

Estimated Total Annual Burden Hours: 9,933.

Title: Bond for Drawback Under 26 U.S.C. 5111.

OMB Number: 1513–0116.

TTB Form Number: TTB F 5154.3.

Abstract: The IRC at 26 U.S.C. 5111–5114 authorizes drawback (refund) of all but $1.00 per gallon of the Federal excise tax paid on distilled spirits, if the spirits are subsequently used in the manufacture of certain nonbeverage products such as medicines, food products, flavors, and perfumes. Persons making such products must file claims proving their eligibility for drawback, and such claims may be filed on either a monthly or a quarterly basis. However, the IRC at 26 U.S.C. 5114(b) authorizes the Secretary of the Treasury to require persons filing monthly claims to file a bond in order to protect the revenue. Under the TTB regulations, monthly claimants file their bond with TTB using form TTB F 5154.3.

Current Actions: This information collection remains unchanged, and TTB is submitting it only for extension purposes. However, due to a change in agency estimates, TTB is decreasing the number of annual respondents, responses, and burden hours associated with this information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Annual Respondents: 10.

Frequency of Response: On occasion.

Estimated Number of Annual Responses: 10.

Estimated Per-response Burden: 24 minutes.

Estimated Total Annual Burden Hours: 4 hours.

Title: Certificate of Taxpaid Alcohol.

OMB Number: 1513–0131.

TTB Form Number: TTB F 5100.4.

Abstract: Under the TTB regulations at 27 CFR 17.181, flavoring extracts and medicinal preparations produced in the United States and then exported are eligible for drawback of all Federal alcohol excise taxes paid on the distilled spirits used to make the product, as provided in 19 U.S.C. 1313(d). These export drawback claims are made to U.S. Customs and Border Protection (CBP) and may cover either the full rate of the distilled spirits excise tax paid on the alcohol if the respondent has made no nonbeverage drawback claim to TTB under 26 U.S.C. 5114 (see OMB control number 1513–0030), or may cover the remainder of the excise tax paid on the spirits if a claim under 26 U.S.C. 5114 was previously made. When such a drawback claim is to be made, the industry member submits TTB F 5100.4 to TTB, and TTB certifies the form to show that the excise taxes claimed for drawback were paid and not previously refunded. TTB returns the certified form to the respondent, who then submits it to CBP as part of the respondent's export drawback claim.

Current Actions: This information collection remains unchanged, and TTB is submitting it only for extension purposes. However, due to a change in agency estimates, TTB is decreasing the number of annual responses and burden hours associated with this information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Annual Respondents: 10.

Frequency of Response: On occasion.

Estimated Number of Annual Responses: 10.

Estimated Per-response Burden: 0.5 hour.

Estimated Total Annual Burden Hours: 5 hours.

Dated: November 19, 2018.

Amy R. Greenberg,

Director, Regulations and Rulings Division.

[FR Doc. 2018–25530 Filed 11–26–18; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Minority Veterans; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that the Advisory Committee on Minority Veterans will meet on December 11–13, 2018, at the Department of Veterans Affairs, 810 Vermont Avenue NW, Conference Room 230, Washington, DC. The meetings will be held:

Date	Time
Tuesday, December 11, 2018.	8:00 a.m. to 5:00 p.m.
Wednesday, December 12, 2018.	8:00 a.m. to 4:30 p.m.
Thursday, December 13, 2018.	8:00 a.m. to 1:00 p.m.

This meeting is open to the public.

The purposes of the Committee are to: Advise the Secretary on the administration of VA benefits and services to minority Veterans; assess the needs of minority Veterans; and evaluate whether VA compensation, medical and rehabilitation services, outreach, and other programs are meeting those needs. The Committee makes recommendations to the Secretary regarding such activities.

On December 11, the Committee will receive briefings and updates from the Center for Minority Veterans, National Cemetery Administration, Veterans Experience Office, and Veterans Benefits Administration. On December 12, the Committee will receive briefings and updates from the Board of Veterans Appeals, Office of Health Equity, Mental Health, Center for Women Veterans,

Veterans Health Administration, Office of Telehealth, Office of Policy & Planning, Million Veteran Program, and Women's Health Services. On December 13, the Committee will receive briefings and updates from the Office of Diversity & Inclusion, Leadership Development Programs, Ex-Officios Update and hold an exit briefing with VBA, VHA and NCA. The Committee will receive public comments from 10:00 a.m. to 10:15 a.m. After the Leadership Exit Briefing, the Committee will continue to work on their report.

A sign-in sheet for those who want to give comments will be available at the meeting. Individuals who speak are invited to submit a 1–2 page summary of their comments at the time of the meeting for inclusion in the official meeting record. Members of the public may also submit written statements for the Committee's review to Ms. Juanita Mullen, Department of Veterans Affairs, Center for Minority Veterans (00M), 810 Vermont Avenue NW, Washington, DC 20420, or email at *Juanita.Mullen@va.gov.* Because the meeting will be in a Government building, anyone attending must be prepared to show a valid photo ID for checking in. Please allow 15 minutes before the meeting begins for this process. Any member of the public wishing to attend or seeking additional information should contact Ms. Mullen or Mr. Dwayne Campbell at (202) 461–6191 or by fax at (202) 273–7092.

Dated: November 21, 2018.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2018–25783 Filed 11–26–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Notice of Request for Information on the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers (PCAFC)

AGENCY: Department of Veterans Affairs.

ACTION: Request for information.

SUMMARY: The Department of Veterans Affairs (VA) is requesting information regarding its Program of Comprehensive Assistance for Family Caregivers (PCAFC). This notice requests information and comments from interested parties on certain requirements of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 or the VA MISSION Act of 2018 related to PCAFC.

DATES: Comments are due by December 12, 2018.

ADDRESSES: Written comments may be submitted through *http://www.Regulations.gov*; by mail or hand delivery to the Director, Office of Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Avenue NW, Room 1063B, Washington, DC 20420; or by fax to (202) 273–9026 (this is not a toll-free number). Comments should indicate that they are submitted in response to ''Notice of Request for Information on the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers (PCAFC).'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Avenue NW, Room 1063B, Washington, DC 20420, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays). Please call (202) 461–4902 for an appointment (this is not a toll-free number). During the comment period, comments may also be viewed online through the Federal Docket Management System at *www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Margaret Kabat, National Director, Caregiver Support Program (10P4C), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–6780 (this is not a toll-free number), *Margaret.Kabat@va.gov.*

SUPPLEMENTARY INFORMATION: The Program of Comprehensive Assistance for Family Caregivers (PCAFC) was established by title I of Public Law (Pub. L.) 111–163, Caregivers and Veterans Omnibus Health Services Act of 2010, and is codified in section 1720G(a) of title 38 of the United States Code (U.S.C.). VA has been administering PCAFC continuously since May 5, 2011, and has implemented this program through its regulations in Part 71 of title 38 of the Code of Federal Regulations (CFR). Through PCAFC, VA provides family caregivers of eligible veterans and servicemembers (as defined in 38 CFR 71.20) certain benefits, such as training, respite care, counseling, technical support, beneficiary travel (to attend required caregiver training and for an eligible veteran's medical appointments), a monthly stipend payment, and access to health care (if qualified) through the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) 38 U.S.C. 1720G(a)(3), 38 CFR 71.40. For the purposes of this notice, the term veteran includes servicemembers who apply for or participate in PCAFC.

PCAFC is currently available to family caregivers of eligible veterans who incurred or aggravated a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) in the line of duty in the active military, naval, or air service on or after September 11, 2001. 38 U.S.C. 1720G(a)(2)(B). On June 6, 2018, the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 or the VA MISSION Act of 2018 (''MISSION Act''), Public Law 115–182, was signed into law. Section 161 of the MISSION Act amended 38 U.S.C. 1720G to expand eligibility for PCAFC to family caregivers of eligible veterans who incurred or aggravated a serious injury in the line of duty before September 11, 2001, establish new benefits for designated primary family caregivers of eligible veterans, and make other changes affecting program eligibility and VA's evaluation of PCAFC applications. The expansion of PCFAC to family caregivers of eligible veterans who incurred or aggravated a serious injury in the line of duty before September 11, 2001, will occur in two phases, the first of which will begin when VA certifies to Congress that it has fully implemented a required information technology system. During the 2-year period beginning on the date of such certification to Congress, PCAFC will be expanded to include family caregivers of eligible veterans who have a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service on or before May 7, 1975. Two years after the date of submission of the certification to Congress, PCAFC will be expanded to family caregivers of all eligible veterans who have a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service, regardless of when the serious injury occurred.

We are issuing this notice to solicit input on changes to the program required by the MISSION Act, as further explained below. This notice and request for information serves as a means for VA to consult with key stakeholders on how to define and implement changes made to the program by the MISSION Act. After

receipt of this information, we will use the information to inform any changes to this program and its implementing regulations.

This notice and request for information has a comment period of 15 days, during which individuals, groups, and entities may reply to the questions presented below. VA believes that 15 days is sufficient to provide comments, as the individuals, groups, and entities interested in this program likely have information and opinions readily available or can quickly compile and submit such information. Commenters are encouraged to provide complete but concise responses to the questions outlined below. Please note that VA will not respond to comments or other questions regarding policy plans, decisions, or issues regarding this notice. VA may choose to contact individual commenters, and such communications would only serve to further clarify their written comments.

To implement changes to PCAFC consistent with, and pursuant to, the MISSION Act, we are seeking information on the following topics and issues:

Need for Personal Care Services

In addition to expanding PCAFC to eligible veterans who served before September 11, 2001 (subject to the timeline discussed above), section 161 of the MISSION Act amended the eligibility criteria in 38 U.S.C. 1720G to add an additional basis upon which a veteran can be deemed in need of personal care services. Previously, to be eligible for PCAFC, a veteran had to be in need of personal care services because of (1) an inability to perform one or more activities of daily living, (2) a need for supervision or protection based on symptoms or residuals of neurological or other impairment or injury, or (3) such other matters as the Secretary considers appropriate. The MISSION Act amended this section to include ''a need for regular or extensive instruction or supervision without which the ability of the veteran to function in daily life would be seriously impaired'' as another basis upon which a veteran could be deemed in need of personal care services. See 38 U.S.C. 1720G(a)(2)(C)(iii), as amended by Public Law 115–182, section 161(a)(2).

Relatedly, the MISSION Act also modified the definition of personal care services to include ''supervision or protection based on symptoms of residuals of neurological or other impairment or injury,'' and ''regular or extensive instruction or supervision without which the ability of the veteran to function in daily life would be seriously impaired.'' See 38 U.S.C. 1720G(d)(4), as amended by Public Law 115–182, section 161(b). In its regulations, VA has defined ''personal care services'' as care or assistance of another person necessary to support the eligible veteran's health and well-being, and perform personal functions required in everyday living ensuring the eligible veteran remains safe from hazards or dangers incident to his or her daily environment. See, 38 CFR 71.15.

VA is seeking public input on how to define this need for regular or extensive instruction or supervision, how to assess whether the veteran's ability to function in daily life would be seriously impaired, and whether and how to change ''personal care services'' as defined in VA's regulations.

Legal and Financial Services

The MISSION Act also expands upon the benefits available to each family caregiver designated as the primary provider of personal care services for an eligible veteran to include: (1) Financial planning services relating to the needs of injured veterans and their caregivers, and (2) legal services, including legal advice and consultation, relating to the needs of injured veterans and their caregivers. See 38 U.S.C. 1720G(a)(3)(A)(ii)(VI), as amended by Public Law 115–182, section 161(a)(3). VA is seeking public comment on how to define and deliver such additional services.

Request for Information

Through this notice, we are soliciting information on certain changes made to PCAFC by the MISSION Act. We ask respondents to address the following questions, where possible, in the context of the discussion in this document. Commenters do not need to address every question and should focus on those that relate to their expertise or perspectives. To the extent possible, please clearly indicate which question(s) you address in your response. As previously mentioned, responses to this request will inform our updates to PCAFC.

Accordingly, we request comments on the following:

1. How should VA define ''a need for regular or extensive instruction or supervision'' in the new 38 U.S.C. 1720G(a)(2)(C)(iii)?

a. Should this be based upon frequency of intervention needed by the veteran or level of complexity of intervention? Should this be based upon the impact to the veteran if such instruction or supervision is not provided? If so, how should this be measured?

b. What constitutes ''regular'' instruction or supervision?

c. What constitutes ''extensive'' instruction or supervision?

2. How does ''a need for regular or extensive instruction or supervision without which the ability of the veteran to function in daily life would be seriously impaired'' differ from ''a need for supervision or protection based on symptoms of residuals of neurological or other impairment or injury?''

a. How should VA define and assess ''a need for supervision or protection based on symptoms of residuals of neurological or other impairment or injury''?

b. Are there established standards VA should model?

3. How should VA assess whether the ability of the veteran to function in daily life would be seriously impaired without regular or extensive instruction or supervision?

a. Are there existing tools or assessments that could be used?

b. How should ''seriously impaired'' be defined?

i. For example, should there be a standard of time in which a veteran is expected to be able to function without the need for a caregiver, and once that period of time is exceeded, a need for a caregiver is required due to the impairment of the veteran? Is there a minimum period of time lapse that a veteran should be expected to be able to function and upon exceeding that time, might meet this eligibility criterion?

ii. Are there standards that should or could be used to determine when a veteran's ability to function in daily life is considered seriously impaired without regular or extensive instruction or supervision?

iii. How should ''ability to function in daily life'' be defined?

4. What specific financial planning services relating to the needs of injured veterans and their caregivers should be made available to primary family caregivers under the new 38 U.S.C. 1720G(a)(3)(A)(ii)(VI)(aa)?

a. Should entities provide these services for free?

b. Are there specific financial planning services that should be excluded?

c. How should these services be made available and/or delivered? Should these be provided in person, online, and/or via telephone?

d. Should there be a limit as to how many times a primary family caregiver has access to these services? If yes, should it be an annual limit or lifetime limit? Should it be limited by some other measure?

e. What types of private organizations provide these services?

i. What services do they provide?

ii. How are the services provided?

iii. Do these organizations provide these services for free?

iv. Do these organizations contract with other entities to provide these services? Do these organizations receive grants to provide these services?

f. What other Federal/state/local agencies offer these services?

i. What services do they provide?

ii. How are the services provided?

iii. Do these agencies provide these services for free?

iv. Do these agencies contract with other entities to provide these services? Do these agencies receive grants to provide these services?

5. What specific legal services relating to the needs of injured veterans and their caregivers should be made available to primary family caregivers under the new 38 U.S.C. 1720G(a)(3)(A)(ii)(VI)(bb)?

a. Should entities provide these services for free?

b. Are there specific legal services that should be excluded?

c. How should these services be made available? Should these be provided in person, online, and/or via telephone?

d. Should there be a limit as to how many times a primary family caregiver has access to these services? If yes, should it be an annual limit or lifetime limit? Should it be limited by some other measure?

e. What types of private organizations provide these services?

i. What services do they provide?

ii. How are the services provided?

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ii. How are the services provided?

iii. Do these agencies provide these services for free?

iv. Do these agencies contract with other entities to provide these services? Do these organizations receive grants to provide these services?

Paperwork Reduction Act

This request for information constitutes a general solicitation of public comments as stated in the implementing regulations of the Paperwork Reduction Act of 1995 at 5 CFR 1320.3(h)(4). Therefore, this request for information does not impose information collection requirements (*i.e.,* 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.*).

Signing Authority

The Secretary of Veterans Affairs approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Wilkie, Secretary, Department of Veterans Affairs, approved this document on November 19, 2018, for publication.

Dated: November 19, 2018.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2018–25763 Filed 11–26–18; 8:45 am]

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Part II

Department of Transportation

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 171, 172, 173, et al.

Hazardous Materials: Harmonization With International Standards; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 171, 172, 173, 175, 176, 178 and 180

[Docket No. PHMSA–2017–0108 (HM–215O)]

RIN 2137–AF32

Hazardous Materials: Harmonization With International Standards

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to amend the Hazardous Materials Regulations (HMR) to maintain alignment with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. These revisions are necessary to harmonize the HMR with recent changes made to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations Recommendations on the Transport of Dangerous Goods—Model Regulations. Additionally, PHMSA proposes several amendments to the HMR that would allow for increased alignment with the Transport Canada, Transportation of Dangerous Goods (TDG) Regulations.

DATES: Comments must be received by January 28, 2019.

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

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System; U.S. Department of Transportation, Docket Operations, M–30, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: Include the agency name and docket number PHMSA–2017–0108 (HM–215O)] or RIN 2137–AF32 for this rulemaking at the beginning of your comment. Note that all comments received will be posted without change to *http://www.regulations.gov* including any personal information provided. If sent by mail, comments must be submitted in duplicate. Persons wishing to receive confirmation of receipt of their comments must include a self-addressed stamped postcard.

Privacy Act: Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit *http://www.regulations.gov.*

Docket: You may view the public docket through the internet at *http://www.regulations.gov* or in person at the Docket Operations office at the above address (See **ADDRESSES**).

FOR FURTHER INFORMATION CONTACT: Steven Webb, International Program or Aaron Wiener, International Program, telephone (202) 366–8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, East Building, 2nd Floor, Washington, DC 20590–0001.

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I. Executive Summary

The Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to amend the Hazardous Materials Regulations (HMR; 49 CFR parts 171 to 180) to maintain alignment with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. This rulemaking project is part of our ongoing biennial process to harmonize the HMR with international regulations and standards.

In this NPRM, PHMSA proposes to amend the HMR to maintain alignment with various international standards. The following are some of the more noteworthy proposals set forth in this NPRM:

- *Incorporation by Reference:* PHMSA proposes to incorporate by reference the newest versions of various international hazardous materials (hazmat) standards, including: The 2019–2020 Edition of the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions); Amendment 39–18 to the International Maritime Dangerous Goods Code (IMDG Code); the 20th Revised Edition of the United Nations Recommendations on the Transport of Dangerous Goods (UN Model Regulations); Amendment 1 to the 6th Revised Edition of the UN Manual of Tests and Criteria; and the 7th Revised Edition of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS). Additionally, we propose to update our incorporation by reference of the Transport Canada TDG Regulations to include: SOR/2016–95 published June 1, 2016; SOR/2017–137 published July 12, 2017; and SOR/2017–253 published December 13, 2017. Finally, in this NPRM, PHMSA proposes the adoption of updated International Organization for Standardization (ISO) standards.
- *Hazardous Materials Table:* PHMSA proposes amendments to the Hazardous Materials Table (HMT; § 172.101) consistent with recent changes in the Dangerous Goods List of the 20th Revised Edition of the UN Model Regulations, the IMDG Code, and the ICAO Technical Instructions. Specifically, we propose amendments to the HMT to add, revise, or remove certain proper shipping names, hazard

classes, packing groups, special provisions, packaging authorizations, bulk packaging requirements, and passenger and cargo aircraft maximum quantity limits.

• *Articles containing dangerous goods:* PHMSA proposes to add a classification system for articles containing hazardous materials that do not already have a proper shipping name. This proposal would address situations in which hazardous materials or hazardous materials residues are present in articles, and authorize a safe method to transport articles that may be too large to fit into typical packages. Absent these provisions to package and transport these materials safely, these articles may be offered for transport under provisions that do not adequately account for the physical and chemical properties of the substances and may require the issuance of an approval by PHMSA's Associate Administrator for Hazardous Materials Safety.

• *Lithium Battery Test Summary:* PHMSA proposes the inclusion of a lithium battery test summary requirement. The HMR require lithium battery manufacturers to subject their batteries to appropriate UN design tests to ensure they are classified correctly for transport, and develop records of successful test completion. The proposed test summary would include a standardized set of elements that provide traceability and accountability, thereby ensuring that lithium cell and battery designs offered for transport meet the appropriate UN tests.

• *Baggage Equipped with Lithium Batteries:* PHMSA proposes to amend the aircraft passenger provisions for carriage of baggage equipped with lithium batteries intended to power features such as location tracking, battery charging, digital weighing, or motors (sometimes referred to as ''smart luggage''). Specifically, baggage equipped with a lithium battery or batteries would be required to be carried in the cabin of the aircraft unless the battery or batteries are removed.

• *Segregation of Lithium Batteries from Specific Hazardous Materials:* PHMSA proposes requirements to segregate lithium cells and batteries from certain other hazardous materials, notably flammable liquids, when offered for transport or transported on aircraft. PHMSA is taking this action to promote consistency with the ICAO Technical Instructions and a recommendation (A–16–001) from the National Transportation Safety Board (NTSB) stemming from the investigation of the July 28, 2011, in-flight fire and crash of Asiana Airlines Flight 991 incident that resulted in the loss of the aircraft and crew. The investigation report cited as a contributing factor the flammable materials and lithium ion batteries that were loaded together either in the same or adjacent pallets.

• *Alternative criteria for classification of corrosive materials:* PHMSA proposes to include non-testing alternatives for classifying corrosive mixtures that uses existing data on their chemical properties. Currently the HMR require offerors to classify Class 8 corrosive material and assign a packing group based on test data. The HMR authorize a skin corrosion test and various *in vitro* test methods that do not involve animal testing. However, data obtained from testing is currently the only data acceptable for classification and assigning a packing group. These alternatives would afford offerors the ability to make a classification and packing group assignment without the need to conduct physical tests.

• *Provisions for Polymerizing Substances:* PHMSA is proposing to extend the sunset dates for provisions concerning the transportation of polymerizing substances from January 2, 2019 to January 2, 2021. This additional time will allow PHMSA to finalize research and analyze comments and data concerning the issue submitted to the docket for this NPRM. This information will allow us to have a more comprehensive understanding of polymerizing substances and further consider the most appropriate transport provisions for these materials.

If adopted in a final rule, the amendments proposed in this NPRM will result in minimal burdens on the regulated community. The benefits achieved from their adoption include enhanced transportation safety resulting from the consistency of domestic and international hazard communication and continued access to foreign markets by U.S. manufacturers of hazardous materials. PHMSA anticipates that most of the amendments in this NPRM will result in cost savings and will ease the regulatory compliance burden for shippers engaged in domestic and international commerce, including trans-border shipments within North America.

PHMSA solicits comment from the regulated community on these amendments and others proposed in this NPRM pertaining to: Need, benefits, and costs of international harmonization; impact on safety; and any other relevant concerns. In addition, PHMSA solicits comment regarding approaches to reducing the costs of this rule while maintaining or increasing the benefits. In its preliminary analysis, PHMSA concluded that the aggregate benefits of the amendments proposed in this NPRM justify their aggregate costs. Nonetheless, PHMSA solicits comment on specific changes (*i.e.,* greater flexibility with regard to a particular amendment) that might improve the rule.

II. Background

Federal law and policy strongly favor the harmonization of domestic and international standards for hazardous materials transportation. The Federal hazardous materials law (49 U.S.C. 5101 *et seq.*) directs PHMSA to participate in relevant international standard-setting bodies and requires alignment of the HMR with international transport standards to the extent practicable. Although Federal hazmat law permits PHMSA to depart from international standards to promote safety or other overriding public interest, it otherwise encourages domestic and international harmonization (see 49 U.S.C. 5120).

In a final rule published December 21, 1990 (Docket HM–181; 55 FR 52402), PHMSA's predecessor—the Research and Special Programs Administration (RSPA)—comprehensively revised the HMR for international harmonization with the UN Model Regulations. The UN Model Regulations constitute a set of recommendations issued by the United Nations Sub-Committee of Experts (UNSCOE) on the Transport of Dangerous Goods and the United Nations Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (GHS). The UN Model Regulations are amended and updated biennially by the UNSCOE and serve as the basis for national, regional, and international modal regulations, including the IMDG Code and the ICAO Technical Instructions.

Since publication of the 1990 rule, PHMSA has issued 12 subsequent international harmonization rulemakings.[1] These rulemakings were based on biennial updates of the UN Model Regulations, the IMDG Code, and the ICAO Technical Instructions.

Harmonization becomes increasingly important as the volume of hazardous materials transported in international commerce grows. Harmonization not only facilitates international trade by minimizing the costs and other burdens of complying with multiple or inconsistent safety requirements for

[1] HM–215A [59 FR 67390]; HM–215B [62 FR 24690]; HM–215C [64 FR 10742]; HM–215D [66 FR 33316]; HM–215E [68 FR 44992]; HM–215G [69 FR 76044]; HM–215I [71 FR 78595]; HM–215J [74 FR 2200]; HM–215K [76 FR 3308]; HM–215L [78 FR 987]; HM–215M [80 FR 1075]; and HM–215N [82 FR 15796].

transportation of hazardous materials, but it also enhances safety when the international standards provide an appropriate level of protection. PHMSA actively participates in the development of international standards for the transportation of hazardous materials and promotes the adoption of standards consistent with the HMR. When considering alignment of the HMR with international standards, PHMSA reviews and evaluates each amendment on its own merit, its overall impact on transportation safety, and the economic implications associated with its adoption. Our goal is to harmonize with international standards without diminishing the level of safety currently provided by the HMR or imposing undue burdens on the regulated community.

Based on recent review and evaluation, PHMSA proposes to revise the HMR to incorporate changes from the 20th Revised Edition of the UN Model Regulations, Amendment 39–18 to the IMDG Code,[2] and the 2019–2020 Edition of the ICAO Technical Instructions, all of which become effective January 1, 2019.

In addition, PHMSA proposes to incorporate by reference the newest editions of various international standards. The standards incorporated by reference are authorized for use, under specific circumstances, in part 171 subpart C of the HMR. This proposed rule is necessary to incorporate revisions to the international standards and, if adopted in the HMR, will be effective January 1, 2019.

PHMSA published a final rule under Docket HM–215N [82 FR 15796 (March 30, 2017)] that, among other things, added four new Division 4.1 entries for polymerizing substances to the HMT, and added into the HMR defining criteria, authorized packagings, and safety requirements including, but not limited to, stabilization methods and operational controls. In this prior rulemaking, PHMSA indicated that these changes would be in effect until January 2, 2019. During the interim time period between publication of the final rule and January 2, 2019, PHMSA indicated it would review and research the implications of the polymerizing substance amendments, and readdress the issue in the next international harmonization rulemaking.

On January 19, 2017, a Broad Agency Announcement (BAA)[3] was issued soliciting white papers from those interested in undertaking research into the appropriate temperature controls for polymerizing substances across all package sizes and the impact of gas generation from a polymerizing reaction. Submissions were received and reviewed by a team of experts to verify, in accordance with the terms of the BAA, the technical appropriateness of the proposed work, and the past performance of the submitter. Recommendations were submitted to the PHMSA Research and Development staff on February 14th, 2018. The Research and Development staff is undertaking the necessary next steps to initiate the research. By way of this rulemaking, PHMSA also solicits comments and data from shippers and classifiers of polymerizing substances concerning their experiences operating under the transport provisions applied to polymerizing substances in the HM–215N final rule. Specifically, PHMSA seeks information regarding:

- Whether affected entities have experienced difficulties resulting from differing domestic and international requirements for polymerizing substances (*e.g.,* differing temperature thresholds before temperature control is required in portable tanks and requirements for successfully passing Test Series E prior to offering for transport in a portable tank or IBC);
- The experiences of the regulated community in utilizing Test Series E with polymerizing substances; and
- Whether there are alternative tests that can indicate appropriate responses when potentially polymerizing substances are heated under confinement.

As this research project is presently in the pre-award phase prescribed in the BAA and will not be completed prior to the expected publication date of a final rule for this NPRM, PHMSA is proposing to extend the sunset dates for provisions concerning the transportation of polymerizing substances from January 2, 2019 to January 2, 2021. This additional time should allow PHMSA to complete its ongoing research project and analyze all comments and data concerning the issue submitted to the docket for this NPRM. This information will increase our comprehension of polymerizing substances and further consider the most appropriate transport provisions for these materials. This new sunset date is proposed in amendments to §§ 172.101, 172.102, 173.21, and 173.124.

III. Incorporation by Reference Discussion Under 1 CFR Part 51

The UN Model Regulations, Manual of Tests and Criteria, and Globally Harmonized System of Classification and Labelling of Chemicals, as well as all of the Transport Canada Clear Language Amendments, are free and easily accessible to the public on the internet, with access provided through the parent organization websites. The ICAO Technical Instructions, IMDG Code, and all ISO references are available for interested parties to purchase in either print or electronic versions through the parent organization websites. The price charged for those not freely available helps to cover the cost of developing, maintaining, hosting, and accessing these standards. The specific standards are discussed in greater detail in the following analysis.

IV. Harmonization Proposals in This NPRM

In addition to various other revisions to the HMR, PHMSA proposes the following amendments to harmonize the HMR with the most recent revisions to the UN Model Regulations, ICAO Technical Instructions, and IMDG Code, as well as several amendments to further align with the Transport Canada TDG Regulations:

- *Incorporation by Reference:* PHMSA proposes to incorporate by reference the newest versions of various international hazardous materials standards, including the 2019–2020 Edition of the ICAO Technical Instructions; Amendment 39–18 to the IMDG Code; the 20th Revised Edition of the UN Model Regulations; amendment 1 to the 6th Revised Edition of the UN Manual of Tests and Criteria; and the 7th Revised Edition of the GHS. Additionally, we propose to update our incorporation by reference of the Transport Canada TDG Regulations to include SOR/2016–95 published June 1, 2016; SOR/2017–137 published July 12, 2017; and SOR/2017–253 published December 13, 2017. Finally, in this NPRM, PHMSA proposes the adoption of updated ISO standards.
- *Hazardous Materials Table:* PHMSA proposes amendments to the HMT to add, revise, or remove certain proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, bulk packaging requirements, vessel stowage and segregation requirements, and

[2] Amendment 39–18 to the IMDG Code may be voluntarily applied on January 1, 2019; however, the previous amendment remains effective through December 31, 2019.

[3] Broad Agency Announcement (BAA) for innovative research and development projects, January 19, 2017. *https://www.fbo.gov/spg/DOT/PHMSA/PHMSAHQ/DTPH5617PHMSABAA/listing.html.*

passenger and cargo aircraft maximum quantity limits.

• *Articles containing dangerous goods:* PHMSA proposes to add a classification scheme for articles containing hazardous materials that do not already have a proper shipping name. This proposal would address situations in which hazardous materials or hazardous materials residues are present in articles. This proposal would authorize a safe method to transport articles that may be too large to fit into typical packages. Absent these provisions to package and transport these materials safely, these articles may be offered for transport under provisions that do not adequately account for the physical and chemical properties of the substances and may require the issuance of an approval by PHMSA's Associate Administrator for Hazardous Materials Safety.

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• *Alternative criteria for classification of corrosive materials:* PHMSA proposes to include non-testing alternatives for classifying corrosive mixtures that instead uses existing data on the chemical properties. Currently the HMR require offerors to classify Class 8 corrosive material and assign a packing group based on test data. The HMR authorize a skin corrosion test and various *in vitro* test methods that do not involve animal testing. However, data obtained from testing is currently the only data acceptable for classification and assigning a packing group. These alternatives would afford offerors the ability to make a classification and packing group assignment without the need to conduct physical tests.

V. Amendments Not Being Considered for Adoption in This NPRM

PHMSA's goal in this rulemaking is to harmonize the HMR with international requirements. We are not striving to make the HMR identical to the international regulations, but rather to remove or avoid potential barriers to international transportation.

PHMSA proposes changes to the HMR based on amendments adopted in the 20th Revised Edition of the UN Model Regulations, the 2019–2020 Edition of the ICAO Technical Instructions, and Amendment 39–18 to the IMDG Code. It is not, however, proposing to adopt all of the amendments made to the various international standards into the HMR.

In many cases, amendments to the international recommendations and regulations are not adopted into the HMR because the framework or structure of the HMR makes adoption unnecessary. In other cases, we have addressed, or will address, the amendments in separate rulemaking proceedings.

The following is a list of significant amendments to the international standards that PHMSA is not currently proposing:

• *Fuel gas containment systems:* The 20th Revised Edition to the UN Model Regulations added a special provision to allow for the transportation of fuel gas containment systems containing certain gases transported for disposal, recycling, repair, inspection, maintenance, or from where they are manufactured to a vehicle assembly plant. PHMSA does not believe the vehicle specification pressure vessels that are incorporated and authorized by the UN Model Regulations apply to domestic transportation as most fuel gas containment standards addressed are more appropriate for European road and rail regulations. PHMSA invites comment on this amendment in the UN Model Regulations and whether it would benefit industry to include a similar amendment in the HMR.

• *Severely damaged and defective lithium batteries:* The 20th Revised Edition of the UN Model Regulations adopted transportation provisions for damaged and defective cells and batteries of UN Nos. 3090, 3091, 3480 and 3481 liable to rapidly disassemble, dangerously react, or produce a flame, a dangerous evolution of heat, or a dangerous emission of toxic, corrosive, or flammable gases or vapors under normal conditions of transport. In this NPRM, PHMSA is not proposing to adopt changes to the domestic requirements for the treatment of these lithium batteries, as it believes existing packaging and hazard communication requirements in § 173.185(f) sufficiently address consignments of this nature.

• *Road gas elements vehicles:* Amendment 39–18 of the IMDG Code adopted provisions for road gas elements vehicles. These vehicles contain elements (*e.g.* cylinders, tubes, bundles of cylinders, pressure drums, or tanks) intended for the carriage of gases with a capacity of more than 450 L permanently fitted to a vehicle and fitted with necessary service equipment. PHMSA believes the HMR provisions authorizing the transportation of Multi-Element Gas Containers (MEGCs) and tube trailers adequately address the transportation of gases in a similar manner.

• *Competency-based training:* PHMSA is seeking public comments on a Competency Based Training approach in this NPRM. The 2017–2018 ICAO Technical Instructions included proposed revisions to their training provisions in Attachment 4,[4] noting that these provisions would replace the current Part 1; Chapter 4 in the 2019–2020 edition. The provisions presented at the ICAO DGP, and included in the 2017–2018 ICAO Technical Instructions, on utilizing a competency based training approach for dangerous goods have yet to be finalized and adopted. We welcome discussions on improving the quality of employee training and assessment within the scope of the existing training regime. The training provisions as they are currently stated in the HMR are not prescriptive and permit a wide latitude in implementation. Thus, employers can tailor employee training program in a manner that best addresses the job functions performed. Through this flexibility employers can utilize various training methods, including the

Competency Based Training approach. To aid the public in developing comments, three documents from ICAO DGP and UNSCOE containing information pertaining to Competency Based Training have been provided in the public docket for this rulemaking.

Any comments received may be utilized to better inform PHMSA's work in various international forums. Below are some thought starters for consideration for your comments:

- If you currently follow a Competency Based Training approach to meet the requirements in Part 172, Subpart H:
  - ○ Do you have suggestions or lessons learned that you would like to share?
  - ○ What information or tools did/do you consider most helpful in implementing a Competency Based Training approach?
  - ○ Have you reviewed the ICAO guidance provided in the Docket? If so, did you find the guidance helpful?
- If you do not follow a Competency Based Training approach to meet the requirements in Part 172, Subpart H:
  - ○ Have you reviewed the ICAO guidance provided in the Docket? If so, did you find the guidance helpful?
  - ○ Are you aware of any barriers to implementing a Competency Based Training approach?

VI. Section-by-Section Review

The following is a section-by-section review of the amendments proposed in this NPRM:

Part 171

Section 171.7

Section 171.7 provides a listing of all voluntary consensus standards incorporated by reference into the HMR, as directed by the ''National Technology Transfer and Advancement Act of 1996.'' According to the Office of Management and Budget (OMB), Circular A–119, ''Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities,'' government agencies must use voluntary consensus standards wherever practical in the development of regulations. Agency adoption of industry standards promotes productivity and efficiency in government and industry, expands opportunities for international trade, conserves resources, improves health and safety, and protects the environment.

PHMSA actively participates in the development and updating of consensus standards through representation on more than 20 consensus standard bodies and regularly reviews updated consensus standards to consider their merit for inclusion in the HMR. For this rulemaking, PHMSA evaluated updated international consensus standards pertaining to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. It determined that the revised standards provide an enhanced level of safety without imposing significant compliance burdens. These standards have well-established and documented safety histories, and their adoption will maintain the high safety standard currently achieved under the HMR. Therefore, in this NPRM, PHMSA proposes to add and revise the following incorporation by reference materials:

- Paragraph (s)(2) would be added, to incorporate the International Atomic Energy Agency Code of Conduct on the Safety and Security of Radioactive Sources. Section 172.800 references the incorporation by reference of this document; however, this entry does not currently appear in § 171.7. The proposed addition of this paragraph would correct this oversight. The incorporation of this document in § 172.800 provides a list of Category 1 and 2 radioactive sources for which offerors or carriers require a security plan.
- Paragraph (t)(1), which incorporates the *International Civil Aviation Organization* Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), 2015–2016 Edition, would be revised to incorporate the 2019–2020 Edition. These instructions contain the detailed instructions for the international transport of hazardous materials by air.
- Paragraph (v)(2), which incorporates the *International Maritime Organization* International Maritime Dangerous Goods Code (IMDG Code), Incorporating Amendment 38–16 (English Edition), would be revised to incorporate the 39–18 (English Edition), 2018 Edition. This code contains the detailed instructions for the international transport of hazardous materials by vessel.
- Paragraph (w), which incorporates various *International Organization for Standardization* entries, would be revised to incorporate by reference standards for the specification, design, construction, testing, and use of gas cylinders:

—ISO 11118(E), Gas cylinders—Non-refillable metallic gas cylinders—Specification and test methods would be replaced by ISO 11118:2015(E), Gas cylinders—Non-refillable metallic gas cylinders—Specification and test methods in paragraph (w)(53). The purpose of this standard is to provide a specification for the design, manufacture, inspection, and testing of non-refillable metallic gas cylinders for worldwide safe use, handling, and transport.

—ISO 11120(E), Gas cylinders—Refillable seamless steel tubes of water capacity between 150 L and 3000 L—Design, construction and testing, First edition, March 1999 would be replaced by ISO 11120:2015(E), Gas cylinders—Refillable seamless steel tubes of water capacity between 150 L and 3,000 L—Design, construction and testing in paragraph (w)(62). This standard provides a specification for the design, manufacture, inspection and testing of tubes at the time of manufacture for worldwide usage.

—ISO/TR 11364:2012(E), Gas cylinders—Compilation of national and international valve system/gas cylinder neck threads and their identification and marking system would be added in paragraph (w)(77). The purpose of this standard is to list all known cylinder/valve threads currently used and also threads used in the past and to specify a harmonized identification code and marking system for both cylinders and valves.

—ISO 11623(E), Transportable gas cylinders—Periodic inspection and testing of composite gas cylinders, First edition, March 2002 would be replaced by ISO 11623:2015(E), Transportable gas cylinders—Periodic inspection and testing of composite gas cylinders in paragraph (w)(66). This standard specifies the requirements for periodic inspection and testing and to verify the integrity for further service of hoop-wrapped and fully-wrapped composite transportable gas cylinders, with aluminum-alloy, steel or non-metallic liners or of linerless construction (Types 2, 3, 4, and 5), intended for compressed, liquefied or dissolved gases under pressure, of water capacity from .5 L up to 450 L.

—ISO 14246:2014(E), Gas cylinders—Cylinder valves—Manufacturing tests and examination would be added in paragraph (w)(69). This standard covers the function of a cylinder valve as a closure (defined by the UN Model Regulations).

—ISO 16148:2016(E), Gas cylinders—Refillable seamless steel gas cylinders and tubes—Acoustic emission examination (AT) and follow-up ultrasonic examination (UT) for

periodic inspection and testing in paragraph (w)(71). This International Standard describes two methods of AT, defined as Method A and Method B, and a method of follow-up UT. These non-destructive examination techniques are an alternative to conventional testing procedures for cylinders and tubes.

—ISO 17871:2015(E) Gas cylinders—Quick-release cylinder valves—Specification and type testing in paragraph would be added to (w)(72). This standard covers the function of a quick-release cylinder valve as a closure (defined by the UN Model Regulations).

—ISO 21172–1:2015(E), Gas cylinders—Welded steel pressure drums up to 3,000 litres capacity for the transport of gases—Design and construction—Part 1: Capacities up to 1,000 litres would be added in paragraph (w)(75). is to provide a specification for the design, manufacture, inspection, and approval of welded steel gas pressure drums.

—ISO 22434:2006(E), Transportable gas cylinders—Inspection and maintenance of cylinder valves would be added in paragraph (w)(76). This International Standard specifies the requirements for the inspection and maintenance of cylinder valves, including valves with integrated pressure regulators.

• Paragraphs (aa)(1)–(4), which updates 4 existing *Organization for Economic Cooperation and Development* (OECD) guidelines concerning corrosivity testing (Nos. 404, 430, 431, & 435). The references to these standards would be updated to the 2015 versions of the standards.

• Paragraph (bb)(1), which incorporates the *Transport Canada* Transportation of Dangerous Goods Regulations, would add subparagraphs (xx), (xxi), and (xxii), to include SOR/2016–95 published June 1, 2016; SOR/2017–137 published July 12, 2017; and SOR/2017–253 published December 13, 2017, respectively. These proposed additions are to incorporate changes to the *Transport Canada* Transportation of Dangerous Goods Regulations.

• Paragraph (bb)(2) would be added to incorporate by reference Containers for Transport of Dangerous Goods by Rail, a *Transport Canada* standard that was published in 2013. The standard applies to the design, manufacture, maintenance and qualification of tank cars and ton containers and the selection and use of large containers or transport units used in the handling, offering for transport, or transporting of dangerous goods by rail.

• Paragraph (dd)(1), which incorporates the *United Nations* Recommendations on the Transport of Dangerous Goods—Model Regulations, 19th Revised Edition (2015), Volumes I and II, would be revised to incorporate the 20th Revised Edition (2017), Volumes I and II. This standard presents a basic scheme of provisions that allow uniform development of national and international regulations governing the various modes of transport.

• Paragraph (dd)(2)(ii) would be added to incorporate the United Nations Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria, 6th Revised Edition, Amendment 1. This standard contains criteria, test methods, and procedures to be used for the classification of hazardous materials according to the UN Model Regulations.

• Paragraph (dd)(3), which incorporates the *United Nations* Recommendations on the Transport of Dangerous Goods, Globally Harmonized System of Classification and Labelling of Chemicals Sixth revised edition (2015), would be revised to incorporate the *United Nations* Recommendations on the Transport of Dangerous Goods, Globally Harmonized System of Classification and Labelling of Chemicals (GHS), 7th Revised Edition (2017). This standard helps identify the intrinsic hazards found in substances and mixtures and to convey hazard information about these hazards.

Section 171.8

Section 171.8 defines terms generally used throughout the HMR that have broad or multi-modal applicability. In this NPRM, PHMSA is proposing to amend the definition of ''UN pressure receptacle'' to include pressure drums. Additionally, PHMSA proposes to add a definition for ''UN Pressure drum'' to mean a welded transportable pressure receptacle of a water capacity exceeding 150 L and not more than 1,000 L (*e.g.,* cylindrical receptacles equipped with rolling hoops, spheres on skids). These amendments provide defining terms related to pressure drums for which ISO 21172–1:2015(E) Gas cylinders—Welded steel pressure drums up to 3,000 litres capacity for the transport of gases—Design and construction—Part 1: Capacities up to 1,000 litres is proposed for incorporation in § 178.71.

Section 171.12

Section 171.12 prescribes requirements for the use of the Transport Canada TDG Regulations. In a March 30, 2017, final rule [HM–215N; 82 FR 15795], PHMSA amended the HMR to expand recognition of cylinders and pressure receptacles, cargo tank repair facilities, and certificates of equivalency in accordance with the TDG Regulations. The goal of these amendments is to promote flexibility and permit the use of advanced technology for the requalification and use of pressure receptacles; doing so will provide for a broader selection of authorized pressure receptacles, reduce the need for special permits, and to facilitate cross-border transportation of these cylinders. In this NPRM, PHMSA proposes to clarify the recognition of certificates of equivalency issued by Transport Canada. Transport Canada issues equivalency certificates as both a competent authority approval and for an alternative means of compliance with TDG Regulations. PHMSA provides reciprocity for equivalency certificates that are issued by Transport Canada as an alternative to the TDG Regulations; PHMSA does not provide recognition to Canada's competent authority approvals. In this NPRM, PHMSA is proposing to amend paragraph (a)(1) to clarify the extent of reciprocity regarding certificates of equivalency.

Additionally, PHMSA is proposing to amend paragraph (a)(3)(v) to update the standard incorporated by reference to which Canadian rail cars must conform. The existing reference to the Canadian General Standards Board standard 43.147 is replaced with Containers for Transport of Dangerous Goods by Rail (2013).

Part 172

Section 172.101

Section 172.101 contains the HMT and provides instructions for its use. In this NPRM, PHMSA is proposing to revise the instructional text that precedes the HMT for paragraph (e) of this section.

Paragraph (e) of § 172.101 provides instructions for the use of column (4) of the HMT. Column (4) lists the identification number assigned to each proper shipping name. Most identification numbers are preceded by the letters ''UN'' and are associated with proper shipping names, which may be used for both domestic and international transportation. Some proper shipping names are assigned ''NA'' or ''North American'' numbers. As it currently stands, the HMR states that NA numbers are afforded recognition in both the United States and Canada. Furthermore, under § 171.12, the HMR treats transporting hazardous materials to Canada in the same way as domestic transportation. This is problematic, however, because specific dangerous goods are classified

differently in the two countries. The Transport Canada Transportation of Dangerous Goods Regulations limit the use of NA numbers on transport documents to materials classified as ''Consumer commodity,'' and do not allow for documentation of other NA numbers. Therefore, in this NPRM, PHMSA is proposing to revise paragraph (e) to indicate that NA numbers are only recognized for use in the United States.

Hazardous Materials Table (HMT)

In this NPRM, PHMSA is proposing to amend the HMT. Readers should review all changes for a complete understanding of the amendments. For purposes of the Government Printing Office's typesetting procedures, proposed changes to the HMT appear under three sections of the Table, ''remove,'' ''add,'' and ''revise.'' Certain entries in the HMT, such as those with revisions to the proper shipping names, appear as a ''remove'' and ''add.'' Proposed amendments to the HMT include the following:

New HMT Entries

- UN3537 Articles containing flammable gas, n.o.s.
- UN3538 Articles containing non-flammable, non-toxic gas, n.o.s.
- UN3539 Articles containing toxic gas, n.o.s.
- UN3540 Articles containing flammable liquid, n.o.s.
- UN3541 Articles containing flammable solid, n.o.s.
- UN3542 Articles containing a substance liable to spontaneous combustion, n.o.s.
- UN3543 Articles containing a substance which emits flammable gas in contact with water, n.o.s.
- UN3544 Articles containing oxidizing substance, n.o.s.
- UN3545 Articles containing organic peroxide, n.o.s.
- UN3546 Articles containing toxic substance, n.o.s.
- UN3547 Articles containing corrosive substance, n.o.s.
- UN3548 Articles containing miscellaneous dangerous goods, n.o.s.

PHMSA proposes to add a classification scheme for articles containing hazardous materials not otherwise specified by name in the HMR that contain hazardous materials of various hazard classes and divisions. This proposal addresses transportation scenarios where various hazardous materials or hazardous materials residues are present in articles above the quantities currently authorized for dangerous goods in machinery or apparatus. This proposal authorizes safe and secure methods to transport articles that may be too large to fit into typical packagings. Absent provisions to package and transport these materials safely, such articles may be offered for transport under provisions that do not adequately account for the physical and chemical properties of the substances or mode of transport and may require the issuance of an approval by the Associate Administrator for Hazardous Materials Safety.

- UN3535 Toxic solid, flammable, inorganic, n.o.s.

Consistent with the 20th Revised Edition of the UN Model Regulations, this new generic entry addresses toxic solids with a flammable subsidiary risk in Packing Groups I and II.

- UN3536 Lithium batteries installed in cargo transport unit *lithium ion batteries or lithium metal batteries*

This new HMT entry addresses lithium metal and lithium ion batteries installed in a cargo transport unit and designed only to provide power external to the cargo transport unit. The lithium batteries must meet the requirements of § 173.185 and contain the necessary systems to prevent overcharge and over discharge between the batteries. Such units are forbidden for transport on aircraft.

Amendments to Column (2) Hazardous Materials Descriptions and Proper Shipping Names

Section 172.101(c) describes column (2) of the HMT and the requirements for hazardous materials descriptions and proper shipping names. For the entry ''2-Dimethylaminoethyl acrylate,'' the word ''stabilized'' is added to the end, as the substance has been determined to polymerize in certain conditions.

Amendments to Column (5) Packing Group

The HMT entries for articles ''UN3316, Chemical kit'' and ''UN3316, First aid kit'' are revised to remove packing group II and III assignments. This revision would revert the entries to a single row with the packing group column left blank as they existed prior to adding the packing group II and III assignments in a final rule published on January 8, 2015 [Docket No. PHMSA–2013–0260 (HM–215M); 80 FR 1075]. This revision would address situations where materials in the kits are not assigned to a packing group or have packing group I assigned, as permitted by § 173.161.

Amendments to Column (7) Special Provisions

Section 172.101(h) describes column (7) of the HMT, which contains special provisions for each entry in the table. Section 172.102(c) prescribes the special provisions assigned to specific entries in the HMT. The particular modifications to the entries in the HMT are discussed below. See ''Section 172.102 special provisions'' below for a detailed discussion of the proposed additions, revisions, and deletions to the special provisions addressed in this NPRM.

- *Special provision 325.* PHMSA proposes to add special provision 325 to the following HMT entries:

UN2912 Radioactive material, low specific activity (LSA–I) *non fissile or fissile-excepted*
UN2913 Radioactive material, surface contaminated objects (SCO–I or SCO–II), *non-fissile or fissile excepted*
UN2915 Radioactive material, Type A package *non-special form, non fissile or fissile-excepted*
UN2916 Radioactive material, Type B(U) package *non fissile or fissile-excepted*
UN2917 Radioactive material, Type B(M) package *non fissile or fissile-excepted*
UN2919 Radioactive material, transported under special arrangement, *non fissile or fissile excepted*
UN3321 Radioactive material, low specific activity (LSA–II) *non fissile or fissile-excepted*
UN3322 Radioactive material, low specific activity (LSA–III) *non fissile or fissile excepted*

- *Special provision 347.* PHMSA proposes to add special provision 347 to the following HMT entries:

UN0349 Articles, explosives, n.o.s.
UN0367 Fuzes, detonating
UN0384 Components, explosive train, n.o.s.
UN0481 Substances, explosive, n.o.s.

- *Special provision 368.* Special provision 368 is added to the following HMT entry:

UN2908 Radioactive material, excepted package-empty packaging

- *Special provision 369.* Special provision 369 is revised for clarity and is applicable to the following HMT entry:

UN3507 Uranium hexafluoride, radioactive material, excepted package, *less than 0.1 kg per package, non-fissile or fissile-excepted*

- *Special provision 383.* Special provision 383 is removed from the following PG II HMT entries:

UN1133 Adhesives, *containing a flammable liquid*

UN1263 Paint related material *including paint thinning, drying, removing, or reducing compound*
UN1263 Paint *including paint, lacquer, enamel, stain, shellac solutions, varnish, polish, liquid filler and liquid lacquer base*
UN1210 Printing ink, *flammable or* Printing ink related material *(including printing ink thinning or reducing compound), flammable*
UN1866 Resin Solution, *flammable*

• *Special provision 387.* PHMSA proposes revising special provision 387 to extend the sunset dates for provisions concerning the transportation of polymerizing substances from January 2, 2019, to January 2, 2021.

• *Special provision 388.* PHMSA proposes to add new special provision 388 to the following HMT entries:

UN3090 Lithium metal batteries *including lithium alloy batteries*
UN3091 Lithium metal batteries contained in equipment *including lithium alloy batteries*
UN3480 Lithium ion batteries *including lithium ion polymer batteries*
UN3481 Lithium ion batteries packed with equipment *including lithium ion polymer batteries*

• *Special provision 389.* PHMSA proposes to add new special provision 389 to the following new HMT entry:

UN3536 Lithium batteries installed in cargo transport unit *lithium ion batteries or lithium metal batteries*

• *Special provision 391.* PHMSA proposes to add new special provision 391 to the following new HMT entries:

UN3537 Articles containing flammable gas, n.o.s.
UN3538 Articles containing non-flammable, non-toxic gas, n.o.s.
UN3539 Articles containing toxic gas, n.o.s.
UN3540 Articles containing flammable liquid, n.o.s.
UN3541 Articles containing flammable solid, n.o.s.
UN3542 Articles containing a substance liable to spontaneous combustion, n.o.s.
UN3543 Articles containing a substance which emits flammable gas in contact with water, n.o.s.
UN3544 Articles containing oxidizing substance, n.o.s.
UN3545 Articles containing organic peroxide, n.o.s.
UN3546 Articles containing toxic substance, n.o.s.
UN3547 Articles containing corrosive substance, n.o.s.
UN3548 Articles containing miscellaneous dangerous goods, n.o.s.

• *Special provision 421.* PHMSA proposes revising special provision 421 to extend the sunset dates for provisions concerning the transportation of polymerizing substances from January 2, 2019 to January 2, 2021.

• *Special provision A56.* Special provision A56 is revised for clarity.

• *Special provision A105.* PHMSA proposes to revise special provision A105 assigned to the following HMT entry:

UN3363 Dangerous goods in machinery *or* Dangerous goods in apparatus

• *Special provision B136.* PHMSA proposes to add new special provision B136 to the following HMT entries:

UN1363 Copra
UN1386 Seed cake, *containing vegetable oil solvent extractions and expelled seeds, with not more than 10 percent of oil and when the amount of moisture is higher than 11 percent, with not more than 20 percent of oil and moisture combined*
UN1398 Aluminum silicon powder, uncoated
UN1435 Zinc ashes
UN2071 Ammonium nitrate based fertilizer
UN2216 Fish meal, stabilized *or* Fish scrap, stabilized
UN2217 Seed cake *with not more than 1.5 percent oil and not more than 11 percent moisture*
UN2793 Ferrous metal borings *or* Ferrous metal shavings *or* Ferrous metal turnings *or* Ferrous metal cuttings *in a form liable to self-heating*

• *Portable tank special provisions.* PHMSA proposes to revise portable tank special provision TP10 assigned to the following HMT entries:

UN1744 Bromine *or* Bromine solutions

• *Special provisions W31 and W32.* Special provision W32 is removed from the following PG I HMT entries (unless otherwise noted in table 1) and replaced with Special provision W31:

TABLE 1

Proper shipping name	UN No.
Calcium phosphide	UN1360
Aluminum phosphide	UN1397
Calcium carbide	UN1402
Calcium hydride	UN1404
Cesium *or* Caesium	UN1407
Metal hydrides, water reactive, n.o.s.	UN1409
Lithium aluminum hydride	UN1410
Lithium borohydride	UN1413
Lithium hydride	UN1414
Lithium	UN1415
Magnesium, powder *or* Magnesium alloys, powder.	UN1418
Magnesium aluminum phosphide	UN1419

TABLE 1—Continued

Proper shipping name	UN No.
Rubidium	UN1423
Sodium borohydride	UN1426
Sodium hydride	UN1427
Sodium	UN1428
Sodium phosphide	UN1432
Stannic phosphide	UN1433
Zinc phosphide	UN1714
Potassium borohydride	UN1870
Magnesium hydride	UN2010
Magnesium phosphide	UN2011
Potassium phosphide	UN2012
Strontium phosphide	UN2013
Potassium	UN2257
Aluminum hydride	UN2463
Lithium nitride	UN2806
Water-reactive solid, n.o.s	UN2813 (PG I)
Metallic substance, water-reactive, n.o.s.	UN3208
Metallic substance, water-reactive, self-heating, n.o.s.	UN3209
Alkali metal amalgam, solid	UN3401
Alkaline earth metal amalgams, solid.	UN3402
Potassium, metal alloys, solid	UN3403
Potassium sodium alloys, solid	UN3404

• *Special provision W40.* Special provision W40 is removed from the following HMT entries:

UN1398 Aluminum silicon powder, uncoated
UN1403 Calcium cyanamide *with more than 0.1 percent of calcium carbide*

Amendments to Column (10) Vessel Stowage Requirements

Section 172.101(k) explains the purpose of column (10) of the HMT and prescribes the vessel stowage and segregation requirements for specific entries. Column (10) is divided into two columns: Column (10A) [Vessel stowage] specifies the authorized stowage locations on board cargo and passenger vessels, and column (10B) [Other provisions] specifies special stowage and segregation provisions. The meaning of each code in column (10B) is set forth in § 176.84.

Recent revisions to the stowage categories for Class 1 goods greatly simplified the stowage categories, but increased the difficulty in shipping explosives as break bulk cargo. Some shippers have found it difficult to meet the new stowage categories, particularly stowage category 04, which requires shipment on deck in a closed cargo transport unit or under deck in a closed cargo transport unit. Many of the items contained in these shipments are large and robust articles and are difficult to pack in a closed cargo transport unit. This has resulted in unnecessary delays and added expense.

The following table addresses this issue through modification of the stowage categories for individual UN numbers for which under deck stowage

was previously permitted prior to Amendment 36–12 of the IMDG Code. Table 2 contains the proposed changes listed in numerical order by UN identification number and additionally lists the proper shipping name, the current column (10A) entry, and the proposed column (10A) entry.

TABLE 2

Proper shipping name	UN No.	Current code column (10a)	Proposed code column (10a)
Cartridges for weapons, *with bursting charge*	0005	05	03
Cartridges for weapons, *with bursting charge*	0006	04	03
Cartridges for weapons, *with bursting charge*	0007	05	03
Bombs, *with bursting charge*	0033	05	03
Bombs, *with bursting charge*	0034	04	03
Bombs, *with bursting charge*	0035	04	03
Bombs, photo-flash	0037	05	03
Bombs, photo-flash	0038	04	03
Boosters, *without detonator*	0042	04	03
Bursters, *explosive*	0043	04	03
Charges, demolition	0048	04	03
Charges, depth	0056	04	03
Charges, shaped, *without detonator*	0059	04	03
Charges, supplementary explosive	0060	04	03
Cord, detonating, *flexible*	0065	04	03
Fracturing devices, explosive, *without detonators for oil wells*	0099	04	03
Cord, detonating *or* Fuze, detonating *metal clad*	0102	04	03
Jet perforating guns, charged *oil well without detonator*	0124	04	03
Mines *with bursting charge*	0136	05	03
Mines *with bursting charge*	0137	04	03
Mines *with bursting charge*	0138	04	03
Projectiles, *with bursting charge*	0167	05	03
Projectiles, *with bursting charge*	0168	04	03
Projectiles, *with bursting charge*	0169	04	03
Rockets, *with bursting charge*	0180	05	03
Rockets, *with bursting charge*	0181	04	03
Rockets, *with bursting charge*	0182	04	03
Rockets, *with inert head*	0183	04	03
Rocket motors	0186	04	03
Sounding devices, explosive	0204	05	03
Warheads, torpedo *with bursting charge*	0221	04	03
Charges, propelling, for cannon	0242	04	03
Charges, propelling	0271	04	03
Charges, propelling	0272	04	03
Cartridges, power device	0275	04	03
Cartridges, oil well	0277	04	03
Charges, propelling, for cannon	0279	04	03
Rocket motors	0280	04	03
Boosters, *without detonator*	0283	04	03
Grenades, *hand or rifle, with bursting charge*	0284	04	03
Grenades, *hand or rifle, with bursting charge*	0285	04	03
Warheads, rocket *with bursting charge*	0286	04	03
Warheads, rocket *with bursting charge*	0287	04	03
Cord, detonating *or* Fuze, detonating *metal clad*	0290	04	03
Bombs, *with bursting charge*	0291	05	03
Grenades, *hand or rifle, with bursting charge*	0292	05	03
Grenades, *hand or rifle, with bursting charge*	0293	05	03
Mines *with bursting charge*	0294	05	03
Rockets, *with bursting charge*	0295	05	03
Sounding devices, explosive	0296	05	03
Cartridges for weapons, *with bursting charge*	0321	04	03
Projectiles, *with bursting charge*	0324	05	03
Cartridges for weapons, blank	0326	04	03
Cartridges for weapons, blank *or* Cartridges, small arms, blank	0327	04	03
Cartridges for weapons, inert projectile	0328	04	03
Torpedoes *with bursting charge*	0329	04	03
Torpedoes *with bursting charge*	0330	05	03
Projectiles, *with burster or expelling charge*	0346	04	03
Cartridges for weapons, *with bursting charge*	0348	05	03
Warheads, rocket *with bursting charge*	0369	05	03
Warheads, rocket *with burster or expelling charge*	0371	05	03
Sounding devices, explosive	0374	04	03
Sounding devices, explosive	0375	04	03
Cartridges, power device	0381	04	03
Fuzes, detonating, *with protective features*	0408	04	03
Fuzes, detonating, *with protective features*	0409	04	03

TABLE 2—Continued

Proper shipping name	UN No.	Current code column (10a)	Proposed code column (10a)
Cartridges for weapons, blank	0413	04	03
Charges, propelling, for cannon	0414	04	03
Charges, propelling	0415	04	03
Cartridges for weapons, inert projectile *or* Cartridges, small arms	0417	04	03
Projectiles, *with burster or expelling charge*	0426	05	03
Projectiles, *with burster or expelling charge*	0427	05	03
Rockets, *with expelling charge*	0436	04	03
Rockets, *with expelling charge*	0437	04	03
Charges, shaped, *without detonator*	0439	04	03
Charges, explosive, commercial *without detonator*	0442	04	03
Charges, explosive, commercial *without detonator*	0443	04	03
Cases, combustible, empty, without primer	0447	04	03
Torpedoes *with bursting charge*	0451	04	03
Charges, bursting, plastics bonded	0457	04	03
Charges, bursting, plastics bonded	0458	04	03
Articles, explosive, n.o.s.	0462	04	03
Articles, explosive, n.o.s.	0463	04	03
Articles, explosive, n.o.s.	0464	04	03
Articles, explosive, n.o.s.	0465	05	03
Articles, explosive, n.o.s.	0466	04	03
Articles, explosive, n.o.s.	0467	04	03
Articles, explosive, n.o.s.	0468	04	03
Articles, explosive, n.o.s.	0469	05	03
Articles, explosive, n.o.s.	0470	04	03
Articles, explosive, n.o.s.	0472	05	03
Rockets, *with inert head*	0502	04	03

Consistent with changes to Amendment 39–18 of the IMDG Code, PHMSA proposes numerous changes to the special stowage and segregation provisions [Other provisions] indicated in column (10B) of the HMT.

Amendment 39–18 of the IMDG Code amended multiple entries to ensure proper segregation between acids and both amines and cyanides. Amines react dangerously with acids, evolving heat, and the heat of reaction has the potential to generate corrosive vapors. Cyanides react with acids to generate toxic vapors. However, current vessel segregation requirements are inconsistent. Therefore, PHMSA proposes to apply stowage codes 52, 53, and 58—which require stowage ''separated from acids,'' ''separated from alkaline compounds'', and ''separated from cyanides,'' respectively—to column 10B of the HMT, as shown in Table 3, below.

Consistent with changes adopted in Amendment 39–18 of the IMDG Code, PHMSA proposes to add existing stowage codes 12 and 25 to entries in the HMT. Vessel stowage code 12 requires keeping the cargo as cool as reasonably practicable. Vessel stowage code 25 requires protecting shipments from sources of heat. PHMSA proposes to add codes 12 and 25 to Nitrocellulose with alcohol *with not less than 25 percent alcohol by mass, and with not more than 12.6 percent nitrogen, by dry mass,* UN 2556. The addition of these two vessel stowage codes will help ensure that nitrocellulose is stowed so as to keep it as cool as practicable during transportation and to avoid possible loss of stabilization material in packages. Additionally, PHMSA proposes to add stowage code 25 to Dipropylamine, UN 2383 consistent with changes adopted in Amendment 39–18 of the IMDG Code.

PHMSA proposes to add vessel stowage codes to multiple HMT entries for uranium hexafluoride. In a previous final rule [Docket No. PHMSA–2015–0273 (HM–215N); 82 FR 15796] a subsidiary hazard of 6.1 was added to the UN 2977 and UN 2978 Uranium hexafluoride entries, and the primary hazard for UN 3507, Uranium hexafluoride, radioactive material, excepted package was changed from 8 to 6.1. Consequential amendments to the stowage and segregation requirements codes for these materials were not addressed at the time of these changes in the IMDG Code or the HMR. In this NPRM, PHMSA is proposing to add existing vessel stowage code 74 and new vessel stowage code 151 to UN 2977 and UN 2978. Additionally, PHMSA proposes to add new vessel stowage code 152 to UN 3507. Stowage code 74 requires stowage separated from oxidizers. See section by section discussion on proposed changes to § 176.84 for a description of stowage code 151 and 152. These proposed amendments are necessary to ensure appropriate stowage and segregation provisions that account for the subsidiary and tertiary hazards of these commodities.

Finally, we propose to add new stowage provision 154 and assign it to the NA 0123, NA 0494, UN 0494, and UN 0124 jet perforating gun HMT entries. This proposed new stowage provision indicates that notwithstanding the stowage category assigned to the entries in the HMT, jet perforating guns may be stowed in accordance with the provisions of packing instruction US 1 in § 173.62. See the discussion on stowage provision 154 in the § 176.84 section by section portion of this rulemaking.

TABLE 3

Proper shipping name	UN No.	Addition(s)
Jet perforating guns, charged *oil well, with detonator*	NA0124	154

TABLE 3—Continued

Proper shipping name	UN No.	Addition(s)
Jet perforating guns, charged *oil well, without detonator*	UN0124	154
Jet perforating guns, charged *oil well, with detonator*	NA0494	154
Jet perforating guns, charged *oil well, without detonator*	UN0494	154
Dimethylamine, anhydrous	UN1032	52
Ethylamine	UN1036	52
Hydrogen fluoride, anhydrous	UN1052	53, 58
Methylamine, anhydrous	UN1061	52
Trimethylamine, anhydrous	UN1083	52
Amylamines	UN1106 PG II & III	52
n-Butylamine	UN1125	52
Diethylamine	UN1154	52
Diisopropylamine	UN1158	52
Ethyl chloroformate	UN1182	53, 58
Ethyldichlorosilane	UN1183	53, 58
Isobutylamine	UN1214	52
Isopropylamine	UN1221	52
Methyl chloroformate	UN1238	53, 58
Methyldichlorosilane	UN1242	53, 58
Methyltrichlorosilane	UN1250	53, 58
Propylamine	UN1277	52
Trichlorosilane	UN1295	53, 58
Trimethylamine, aqueous solutions *with not more than 50 percent trimethylamine by mass*	UN1297 all PG's	52
Trimethylchlorosilane	UN1298	53, 58
Vinyltrichlorosilane	UN1305	53, 58
Cacodylic acid	UN1572	53, 58
Dimethyl sulfate	UN1595	53, 58
Acetic anhydride	UN1715	53, 58
Acetyl bromide	UN1716	53, 58
Acetyl chloride	UN1717	53, 58
Butyl acid phosphate	UN1718	53, 58
Allyl chloroformate	UN1722	53, 58
Allyl iodide	UN1723	53, 58
Allyltrichlorosilane, stabilized	UN1724	53, 58
Aluminum bromide, anhydrous	UN1725	53, 58
Aluminum chloride, anhydrous	UN1726	53, 58
Ammonium hydrogendifluoride, solid	UN1727	53, 58
Amyltrichlorosilane	UN1728	53, 58
Anisoyl chloride	UN1729	53, 58
Antimony pentachloride, liquid	UN1730	53, 58
Antimony pentachloride, solutions	UN 1731 all PG's	53, 58
Antimony pentafluoride	UN1732	53, 58
Antimony trichloride, liquid *and* solid	UN1733	53, 58
Benzoyl chloride	UN1736	53, 58
Benzyl bromide	UN1737	53, 58
Benzyl chloride *and* Benzyl chloride *unstabilized*	UN1738	53, 58
Benzyl chloroformate	UN1739	53, 58
Hydrogendifluoride, solid, n.o.s	UN1740 all PG's	53, 58
Boron trifluoride acetic acid complex, liquid	UN1742	53, 58
Boron trifluoride propionic acid complex, liquid	UN1743	53, 58
Bromine solutions	UN1744 all entries	53, 58
Bromine pentafluoride	UN1745	53, 58
Bromine trifluoride	UN1746	53, 58
Butyltrichlorosilane	UN1747	53, 58
Chloroacetic acid, solution	UN1750	53, 58
Chloroacetic acid, solid	UN1751	53, 58
Chloroacetyl chloride	UN1752	53, 58
Chlorophenyltrichlorosilane	UN1753	53, 58
Chlorosulfonic acid (with or without sulfur trioxide)	UN1754	53, 58
Chromic acid solution	UN1755 all PG's	53, 58
Chromic fluoride, solid	UN1756	53, 58
Chromic fluoride, solution	UN1757 all PG's	53, 58
Chromium oxychloride	UN1758	53, 58
Cupriethylenediamine solution	UN1761 all PG's	52
Cyclohexenyltrichlorosilane	UN1762	53, 58
Cyclohexyltrichlorosilane	UN1763	53, 58
Dichloroacetic acid	UN1764	53, 58
Dichloroacetyl chloride	UN1765	53, 58
Dichlorophenyltrichlorosilane	UN1766	53, 58
Diethyldichlorosilane	UN1767	53, 58
Difluorophosphoric acid, anhydrous	UN1768	53, 58
Diphenyldichlorosilane	UN1769	53, 58
Diphenylmethyl bromide	UN1770	53, 58

TABLE 3—Continued

Proper shipping name	UN No.	Addition(s)
Dodecyltrichlorosilane	UN1771	53, 58
Ferric chloride, anhydrous	UN1773	53, 58
Fluoroboric acid	UN1775	53, 58
Fluorophosphoric acid anhydrous	UN1776	53, 58
Fluorosulfonic acid	UN1777	53, 58
Fluorosilicic acid	UN1778	53, 58
Formic acid with more than 85% acid by mass	UN1779	53, 58
Fumaryl chloride	UN1780	53, 58
Hexadecyltrichlorosilane	UN1781	53, 58
Hexafluorophosphoric acid	UN1782	53, 58
Hexamethylenediamine solution	UN1783 all PG's	52
Hexyltrichlorosilane	UN1784	53, 58
Hydrofluoric acid and Sulfuric acid mixtures	UN1786	53, 58
Hydrobromic acid, *with more than 49 percent hydrobromic acid*	UN1788 all PG's	53, 58
Hydrochloric acid	UN1789 all PG's	53, 58
Hydrofluoric acid	UN1790 all PG's	53, 58
Hypochlorite solutions	UN1791 all PG's	53, 58
Iodine monochloride, solid	UN1792	53, 58
Isopropyl acid phosphate	UN1793	53, 58
Lead sulfate *with more than 3 percent free acid*	UN1794	53, 58
Nitrating acid mixtures	UN1796 all PG's	53, 58
Nitrohydrochloric acid	UN1798	53, 58
Nonyltrichlorosilane	UN1799	53, 58
Octadecyltrichlorosilane	UN1800	53, 58
Octyltrichlorosilane	UN1801	53, 58
Perchloric acid *with not more than 50 percent acid by mass*	UN1802	53, 58
Phenolsulfonic acid, liquid	UN1803	53, 58
Phenyltrichlorosilane	UN1804	53, 58
Phosphoric acid solution	UN1805	53, 58
Phosphorus pentachloride	UN1806	53, 58
Phosphorus pentoxide	UN1807	53, 58
Phosphorus tribromide	UN1808	53, 58
Phosphorus trichloride	UN1809	53, 58
Phosphorous oxychloride	UN1810	53, 58
Potassium hydrogendifluoride solid	UN1811	53, 58
Propionyl chloride	UN1815	53, 58
Propyltrichlorosilane	UN1816	53, 58
Pyrosulfuryl chloride	UN1817	53, 58
Silicon tetrachloride	UN1818	53, 58
Nitrating acid mixtures, spent	UN1826 all PG's	53, 58
Stannic chloride, anhydrous	UN1827	53, 58
Sulfur chlorides	UN1828	53, 58
Sulfur trioxide, stabilized	UN1829	53, 58
Sulfuric acid with more than 51 percent acid	UN1830	53, 58
Sulfuric acid, fuming *with less than 30 percent free sulfur trioxide*	UN1831	53, 58
Sulfuric acid, fuming *with 30 percent or more free sulfur trioxide*	UN1831	53, 58
Sulfuric acid, spent	UN1832	53, 58
Sulfurous acid	UN1833	53, 58
Sulfuryl chloride	UN1834	53, 58
Thionyl chloride	UN1836	53, 58
Thiophosphoryl chloride	UN1837	53, 58
Titanium tetrachloride	UN1838	53, 58
Trichloroacetic acid	UN1839	53, 58
Zinc chloride, solution	UN1840	53, 58
Propionic acid *with not less than 10% and less than 90% acid by mass*	UN1848	53, 58
Perchloric acid *with more than 50 percent but not more than 72 percent acid, by mass*	UN1873	53, 58
Acetyl iodide	UN1898	53, 58
Diisooctyl acid phosphate	UN1902	53, 58
Selenic acid	UN1905	53, 58
Sludge, acid	UN1906	53, 58
Bromoacetic acid solution	UN1938 all PG's	53, 58
Phosphorus oxybromide	UN1939	53, 58
Thioglycolic acid	UN1940	53, 58
Nitric acid *other than red fuming*	UN2031 all entries	53, 58
Nitric acid, red fuming	UN2032	53, 58
2-Dimethylaminoethanol	UN2051	52
Phthalic anhydride *with more than .05 percent maleic anhydride*	UN2214	53, 58
Maleic anhydride	UN2215 all entries	53, 58
Acrylic acid, stabilized	UN2218	53, 58
Benzotrichloride	UN2226	53, 58
Chromosulfuric acid	UN2240	53, 58
Di-n-butylamine	UN2248	52

TABLE 3—Continued

Proper shipping name	UN No.	Addition(s)
1,2-Propylenediamine	UN2258	52
Tripropylamine	UN2260	52
Dimethylcarbamoyl chloride	UN2262	53, 58
N,N-Dimethylcyclohexylamine	UN2264	52
Dimethyl-N-propylamine	UN2266	52
Dimethyl thiophosphoryl chloride	UN2267	53, 58
3,3′-Iminodipropylamine	UN2269	52
2-Ethylhexylamine	UN2276	52
Hexamethylenediamine, solid	UN2280 all PG's	52
Isophoronediamine	UN2289	52
Nitrobenzenesulfonic acid	UN2305	53, 58
Nitrosylsulfuric acid, liquid	UN2308	53, 58
Trimethylcyclohexylamine	UN2326	52
Trimethylhexamethylenediamines	UN2327	52
Zinc chloride, anhydrous	UN2331	53, 58
Allylamine	UN2334	52
Butyryl chloride	UN2353	53, 58
Cyclohexylamine	UN2357	52
Diallylamine	UN2359	52
Diisobutylamine	UN2361	52
Dipropylamine	UN2383	25, 52
Isobutyryl chloride	UN2395	53, 58
Isopropyl chloroformate	UN2407	53, 58
Dibenzyldichlorosilane	UN2434	53, 58
Ethylphenyldichlorosilane	UN2435	53, 58
Methylphenyldichlorosilane	UN2437	53, 58
Trimethylacetyl chloride	UN2438	53, 58
Sodium hydrogendifluoride	UN2439	53, 58
Stannic chloride pentahydrate	UN2440	53, 58
Trichloroacetyl chloride	UN2442	53, 58
Vanadium oxytrichloride	UN2443	53, 58
Vanadium tetrachloride	UN2444	53, 58
Vanadium trichloride	UN2475	53, 58
Iodine pentafluoride	UN2495	53, 58
Propionic anhydride	UN2496	53, 58
Valeryl chloride	UN2502	53, 58
Zirconium tetrachloride	UN2503	53, 58
Ammonium hydrogen sulfate	UN2506	53, 58
Chloroplatinic acid, solid	UN2507	53, 58
Molybdenum pentachloride	UN2508	53, 58
Potassium hydrogen sulfate	UN2509	53, 58
2-Chloropropionic acid	UN2511	53, 58
Bromoacetyl bromide	UN2513	58
Furfurylamine	UN2526	52
Methacrylic acid, stabilized	UN2531	53, 58
Nitrocellulose with alcohol *with not less than 25 percent alcohol by mass, and with not more than 12.6 percent nitrogen, by dry mass.*	UN2556	12, 25
Trichloroacetic acid, solution	UN2564 all PG's	53, 58
Dicyclohexylamine	UN2565	52
Alkylsulfuric acids	UN2571	53, 58
Phosphorus oxybromide, molten	UN2576	53, 58
Phenylacetyl chloride	UN2577	53, 58
Phosphorus trioxide	UN2578	53, 58
Aluminum bromide, solution	UN2580	53, 58
Aluminum chloride, solution	UN2581	53, 58
Ferric chloride, solution	UN2582	53, 58
Alkyl sulfonic acids, solid *or* Aryl sulfonic acids, solid, *with more than 5 percent free sulfuric acid*	UN2583	53, 58
Alkyl sulfonic acids, liquid *or* Aryl sulfonic acids, liquid *with more than 5 percent free sulfuric acid*	UN2584	53, 58
Alkyl sulfonic acids, solid *or* Aryl sulfonic acids, solid *with not more than 5 percent free sulfuric acid*	UN2585	53, 58
Alkyl sulfonic acids, liquid *or* Aryl sulfonic acids, liquid *with not more than 5 percent free sulfuric acid*	UN2586	53, 58
Boron trifluoride diethyl etherate	UN2604	53, 58
Triallylamine	UN2610	52
Benzyldimethylamine	UN2619	52
Chloric acid aqueous solution, *with not more than 10 percent chloric acid*	UN2626	53
Fluoroacetic acid	UN2642	53, 58
Cyanuric chloride	UN2670	53, 58
3-Diethyamino-propylamine	UN2684	52
N,N-Diethylethylenediamine	UN2685	52
2-Diethylaminoethanol	UN2686	52
Phosphorus pentabromide	UN2691	58
Boron tribromide	UN2692	53, 58
Tetrahydrophthalic anhydrides *with more than 0.05 percent of maleic anhydride*	UN2698	53, 58

TABLE 3—Continued

Proper shipping name	UN No.	Addition(s)
Trifluoroacetic acid	UN2699	53, 58
Butyric anhydride	UN2739	53, 58
n-Propyl chloroformate	UN2740	53, 58
Chloroformates, toxic, corrosive, flammable, n.o.s	UN2742	53, 58
n-Butyl chloroformate	UN2743	53, 58
Cyclobutyl chloroformate	UN2744	53, 58
Chloromethyl chloroformate	UN2745	53, 58
Phenyl chloroformate	UN2746	53, 58
2-Ethylhexyl chloroformate	UN2748	53, 58
Diethylthiophosphoryl chloride	UN2751	53, 58
Acetic acid, glacial *or* Acetic acid solution, *with more than 80 percent acid, by mass*	UN2789	53, 58
Acetic acid solution	UN2790 all entries	53, 58
Batteries, wet, filled with acid, *electric storage*	UN2794	53, 58
Sulfuric acid with not more than 51% acid	UN2796	53, 58
Phenyl phosphorus dichloride	UN2798	53, 58
Phenyl phosphorus thiodichloride	UN2799	53, 58
Copper chloride	UN2802	53, 58
N-Aminoethylpiperazine	UN2815	52
Ammonium hydrogendifluoride, solution	UN2817 all PG's	53, 58
Amyl acid phosphate	UN2819	53, 58
Butyric acid	UN2820	53, 58
Crotonic acid, solid	UN2823	53, 58
Ethyl chlorothioformate	UN2826	53, 58
Caproic acid	UN2829	53, 58
Phosphorous acid	UN2834	53, 58
Di-n-amylamine	UN2841	52
Boron trifluoride dihydrate	UN2851	53, 58
Hydroxylamine sulfate	UN2865	52, 53, 58
Titanium trichloride mixtures	UN2869 all PG's	53, 58
Selenium oxychloride	UN2879	53, 58
N-Methylbutylamine	UN2945	52
Sulfamic acid	UN2967	53, 58
Radioactive material, uranium hexafluoride *non fissile or fissile-excepted*	UN2978	74, 151
Radioactive material, uranium hexafluoride, fissile	UN2977	74, 151
Chlorosilanes, flammable, corrosive, n.o.s	UN2985	53, 58
Chlorosilanes, corrosive, flammable, n.o.s	UN2986	53, 58
Chlorosilanes, corrosive, n.o.s	UN2987	53, 58
Chlorosilanes, water-reactive, flammable, corrosive, n.o.s	UN2988	53, 58
2-(2-Aminoethoxy) ethanol	UN3055	52
Methanesulfonyl chloride	UN3246	53, 58
Chloroacetic acid, molten	UN3250	53, 58
Corrosive solid, acidic, inorganic, n.o.s	UN3260 all PG's	53, 58
Corrosive solid, acidic, organic, n.o.s	UN3261 all PG's	53, 58
Corrosive liquid, acidic, inorganic, n.o.s	UN3264 all PG's	53, 58
Corrosive liquid, acidic, organic, n.o.s	UN3265 all PG's	53, 58
Chloroformates, toxic, corrosive, n.o.s	UN3277	53, 58
Chlorosilanes, toxic, corrosive, n.o.s	UN3361	53, 58
Chlorosilanes, toxic, corrosive, flammable, n.o.s	UN3362	53, 58
Formic acid	UN3412 all PG's	53, 58
Boron trifluoride acetic acid complex, solid	UN3419	53, 58
Boron trifluoride propionic acid complex, solid	UN3420	53, 58
Potassium hydrogendifluoride solution	UN3421 all PG's	53, 58
Bromoacetic acid, solid	UN3425	53, 58
Phosphoric acid, solid	UN3453	53, 58
Nitrosylsulphuric acid, solid	UN3456	53, 58
Propionic acid *with not less than 90% acid by mass*	UN3463	53, 58
Crotonic acid, liquid	UN3472	53, 58
Iodine monochloride, liquid	UN3498	53, 58
Uranium hexafluoride, radioactive material, excepted package, *less than 0.1 kg per package, non-fissile or fissile-excepted.*	UN3507	152

Appendix B to § 172.101

Appendix B to § 172.101 lists marine pollutants regulated under the HMR. Based on test data submitted to PHMSA, the USCG, and the IMO, Amendment 39–18 of the IMDG Code was updated to indicate that 1-dodecene is not a marine pollutant. In this NPRM, PHMSA is proposing to amend the entry for ''Dodecene'' in the list of marine pollutants in appendix B to § 172.101 to indicate that 1-dodecene is not a marine pollutant, and as a result, shipments of 1-dodecene are not subject to the provisions of the HMR applicable to marine pollutants.

Section 172.102 Special Provisions

Section 172.102 lists special provisions applicable to the transportation of specific hazardous materials. Special provisions contain

packaging requirements, prohibitions, and exceptions applicable to particular quantities or forms of hazardous materials. In this NPRM, PHMSA proposes the following revisions to § 172.102 special provisions:

• *Special provision 132.* This special provision prescribes conditions for use of description ''UN 2071, Ammonium nitrate based fertilizer, Class 9.'' As the composition limits and requirement on self-sustaining decomposition were replaced by a flow chart in sub-section 39.5 of the new Manual of Tests and Criteria, part III, section 39, the corresponding UN Model Regulations special provision 193 was revised by removing the specific conditions and making a reference to the applicable section of the UN Manual of Tests and Criteria. Consistent with these changes to the UN Model Regulations, in this NPRM, PHMSA is proposing to revise special provision 132 by removing the specific conditions applicable to use of this description and clarifying that UN 2071 may only be used for ammonium nitrate-based compound fertilizers and that they must be classified in accordance with the procedure as set out in the Manual of Tests and Criteria, part III, section 39.

• *Special provision 150.* This special provision prescribes conditions for use of description ''UN 2067, Ammonium nitrate based fertilizer, Division 5.1.'' As the composition limits were replaced by a flow chart in sub-section 39.5 of the new Manual of Tests and Criteria, part III, section 39, the corresponding UN Model Regulations special provision 307 was revised by removing the specific conditions and making a reference to the applicable section of the UN Manual of Tests and Criteria. Consistent with these changes to the UN Model Regulations, in this NPRM, PHMSA is proposing to revise special provision 150 by removing the specific conditions applicable to use of this description by clarifying that UN 2067 may only be used for ammonium nitrate-based fertilizers and that they must be classified in accordance with the procedure as set out in the Manual of Tests and Criteria, part III, section 39.

• *Special provision 238.* Special provision 238 prescribes requirements for neutron radiation detectors containing boron trifluoride. In a final rule published under Docket Number PHMSA 2015–0273 (HM–215N) [82 FR 15795], special provision 238 was revised to align with special provision 373 of the UN Model Regulations. In reformatting the special provision for alignment, several of the preexisting references to paragraphs within the special provision were not revised accordingly. Specifically, in this NPRM, PHMSA is proposing to remove the first instance of the text ''a.'' in the introductory text as it is not necessary and inadvertently results in two paragraphs with the same letter header. In paragraph e, the references to preceding paragraphs within the special provision are revised from a(1), a(2), and a(3) to a, b, and c, respectively.

• *Special provision 325.* Consistent with a pre-existing Special provision 325 in the UN Model Regulations, PHMSA proposes to add new special provision 325 to assist shippers of this material by clarifying that in the case of non-fissile or fissile-excepted uranium hexafluoride, the material must be classified as ''UN2978 Radioactive material, uranium hexafluoride *non fissile or fissile-excepted.*''. In this NPRM, PHMSA proposes to assign Special provision 325 to the following entries to aid shippers:

UN2912 Radioactive material, low specific activity (LSA–I) *non fissile or fissile-excepted*
UN2913 Radioactive material, surface contaminated objects (SCO–I or SCO–II), *non-fissile or fissile excepted*
UN2915 Radioactive material, Type A package *non-special form, non fissile or fissile-excepted*
UN2916 Radioactive material, Type B(U) package *non fissile or fissile-excepted*
UN2917 Radioactive material, Type B(M) package *non fissile or fissile-excepted*
UN2919 Radioactive material, transported under special arrangement, *non fissile or fissile excepted*
UN3321 Radioactive material, low specific activity (LSA–II) *non fissile or fissile-excepted*
UN3322 Radioactive material, low specific activity (LSA–III) *non fissile or fissile excepted*

• *Special provision 347.* Special provision 347 restricts the use of certain HMT entries classed as Division 1.4S explosive materials to those articles successfully passing Test series 6(d) of Part I of the UN Manual of Tests and Criteria. A Division 1.4 explosive is defined as an explosive that presents a minor explosion hazard such that hazardous effects are confined to a package and no projection of fragments of appreciable size or range are expected; and that an external fire must not cause virtually instantaneous explosion of almost the entire contents of a package containing a Division 1.4 explosive. Explosive articles or substances are assigned to Division 1.4, Compatibility Group S (1.4S) if hazardous effects are confined within a package or the blast and projection effects do not significantly hinder emergency response efforts.

Special provision 347 is presently assigned to eight (8) Division 1.4S entries in the HMT including shaped charges, detonators, power device cartridges, detonator assemblies, and plastic bonded bursting charges. Following a review of other Division 1.4S entries, the UN Working Group on Explosives supported applying Special provision 347 to entries for articles and substances whose classification as 1.4S that are generic ''not otherwise specified'' (n.o.s.) and to UN 0367 (Fuzes, detonating) that are normally package dependent, noting that generic entries normally warrant more systematic testing. Therefore, in this NPRM, consistent with the UN Model Regulations, PHMSA proposes to add special provision 347 to the following entries:

UN0349 Articles, explosives, n.o.s.
UN0367 Fuzes, detonating
UN0384 Components, explosive train, n.o.s.
UN0481 Substances, explosive, n.o.s.

PHMSA requests comments on whether this proposed provision—to add special provision 347 to the four entries—is likely to have net benefits.

• *Special provision 368.* Special provision 368 prescribes requirements for non-fissile or fissile-excepted uranium hexafluoride that must be described as UN3507 or UN2978, as appropriate. Based on an informal working paper submitted at the 50th session of the UN SCOE on the Transport of Dangerous Goods that highlighted potential errors in the 19th revised edition of the Model Regulations, it was agreed that Special provision 368 should have been assigned to ''UN 2908, Radioactive material, excepted package—empty packaging'' because empty uncleaned packagings containing residues of non-fissile or fissile-excepted uranium hexafluoride should be classified under UN3507 or UN2978 as appropriate. Therefore, in this NPRM, PHMSA proposes to assign special provision 368 to the following entry to aid shippers: UN2908 Radioactive material, excepted package—empty packaging.

• *Special provision 369.* Special provision 369 prescribes requirements for UN3507, Uranium hexafluoride, radioactive material, excepted package, *less than 0.1 kg per package, non-fissile or fissile-excepted.* In this NPRM, PHMSA proposes to revise the first sentence of the special provision for

editorial clarity by replacing the words ''a radioactive material and corrosive subsidiary risk'' with ''radioactivity and corrosive subsidiary risks.''

• *Special provision 383.* PHMSA proposes to remove special provision 383 which allows certain high viscosity flammable liquids, when offered for transportation by motor vehicle, to be reassigned to Packing Group III when packaged in UN metal drums with a capacity not exceeding 220 L (58 gallons). Proposed amendments to § 173.121 in this NPRM, if adopted, would provide a larger capacity package, additional packaging options, and more modes of transport (all modes except air). PHMSA believes these amendments to § 173.121 provide more regulatory relief than the existing provisions of special provision 383, and thus are proposing the deletion of special provision 383 and the removal of the special provision from the HMT for those entries to which it is assigned.

• *Special provision 388.* Consistent with the UN Model Regulations, PHMSA proposes to add new special provision 388, which prescribes requirements for lithium batteries containing both primary lithium metal cells and rechargeable lithium ion cells that are not designed to be externally charged and for which the existing provisions for lithium batteries do not adequately address. Such batteries must meet the following conditions: (1) The rechargeable lithium ion cells can only be charged from the primary lithium metal cells; (2) Overcharge of the rechargeable lithium ion cells is precluded by design; (3) The battery has been tested as a primary lithium battery; and (4) Component cells of the battery must be of a type proved to meet the respective testing requirements of the UN Manual of Tests and Criteria, part III, subsection 38.3. Lithium batteries conforming to special provision 388 must be assigned to UN Nos. 3090 or 3091, as appropriate. When such batteries are transported in accordance with § 173.185(c), the total lithium content of all lithium metal cells contained in the battery must not exceed 1.5 g and the total capacity of all lithium ion cells contained in the battery must not exceed 10 Wh.

• *Special provision 389.* In conjunction with the new HMT entry ''UN3536, Lithium batteries installed in cargo transport unit *lithium ion batteries or lithium metal batteries,*'' PHMSA proposes to add new special provision 389, which prescribes requirements for lithium ion batteries or lithium metal batteries installed in a cargo transport unit and designed only to provide power external to the cargo transport unit. As explained in working paper submitted at the 48h session of the UN SCOE on the Transport of Dangerous Goods: ''These units generally consist of banks of lithium ion or lithium metal batteries, electrically connected and with the necessary battery management systems, which are secured to racks, cabinets, or similar structures which, in turn, are securely attached to the interior structure of closed cargo transport units (typically either freight containers or freight vehicles). Thus, in effect, the closed cargo transport unit is the casing for a very large lithium battery. These battery systems are used in a variety of electric grid and similar applications, such as storage of energy generated by farms of large wind turbines, and also as a source for emergency power''.

This proposed special provision which captures many of the safety elements included in previous approvals issued by PHMSA would specify that the lithium batteries must meet the requirements of § 173.185(a) and contain the necessary systems to prevent overcharge and over discharge between the batteries. The batteries inside the cargo transport unit are not subject to marking or labelling requirements of part 172 subparts D and E of this subchapter. The cargo transport unit shall display the UN number in a manner in accordance with § 172.332 of this subchapter and be placarded on two opposing sides.

The batteries must be securely attached to the interior structure of the cargo transport unit (*e.g.,* by means of placement in racks, cabinets, etc.) in such a manner as to prevent short circuits, accidental operation, and significant movement relative to the cargo transport unit under the shocks, loadings, and vibrations normally incidental to transport. Further, hazardous materials necessary for the safe and proper operation of the cargo transport unit (*e.g.,* fire extinguishing systems and air conditioning systems), must be properly secured to or installed in the cargo transport unit and are not otherwise subject to this subchapter. Lastly, hazardous materials not necessary for the safe and proper operation of the cargo transport unit must not be transported within the cargo transport unit.

• *Special provision 391.* As part of the classification and packaging framework for ''Articles containing dangerous goods'' proposed in this rulemaking, PHMSA proposes to add new special provision 391, which prohibits articles containing certain high-hazard materials of Division 2.3, Division 4.2, Division 4.3, Division 5.1, Division 5.2, or Division 6.1 (substances with a inhalation toxicity of Packing Group I) and articles containing more than one of the following hazards from being offered for transport or transported, except under conditions approved by the Associate Administrator for Hazardous Materials Safety: (1) Gases of Class 2; (2) Liquid desensitized explosives of Class 3; or (3) Self-reactive substances and solid desensitized explosives of Division 4.1.

• *Special provision 422.* PHMSA proposes revising special provision 422 to remove the transition period authorizing lithium battery Class 9 labels conforming to requirements in place on December 31, 2016 to continue to be used until December 31, 2018.

• *Special provision A56.* Special provision A56 prescribes requirements for radioactive materials with subsidiary hazards when transported by aircraft. In this NPRM, PHMSA proposes to revise special provision A56 consistent with the revisions made to special provision A78 in the 2019–2020 ICAO Technical Instructions. Specifically, the revisions provide guidance for when the subsidiary risk of a radioactive material is explicitly forbidden for transport on either a passenger or cargo-only aircraft.

• *Special provision A105.* PHMSA proposes to revise special provision A105, which prescribes requirements for the air transport of machinery or apparatus containing hazardous materials as an integral element of the machinery or apparatus. Where the quantity of hazardous materials contained as an integral element in machinery or apparatus exceeds the limits permitted for air transport in § 173.222, and the hazardous materials meet the provisions of § 173.222 for other than air transport, the machinery or apparatus may be transported by aircraft only with the prior approval of the Associate Administrator for Hazardous Materials Safety.

• *Special provision B136.* Consistent with the 20th Revised Edition of the UN Model Regulations, PHMSA proposes to add new special provision B136 that authorizes non-specification closed bulk bins for the following solid substances:

UN1363 Copra

UN1386 Seed cake, *containing vegetable oil solvent extractions and expelled seeds, with not more than 10 percent of oil and when the amount of moisture is higher than 11 percent, with not more than 20 percent of oil and moisture combined*

UN1398 Aluminum silicon powder, uncoated

UN1435 Zinc ashes

UN2071 Ammonium nitrate based fertilizer
UN2216 Fish meal, stabilized *or* Fish scrap, stabilized
UN2217 Seed cake *with not more than 1.5 percent oil and not more than 11 percent moisture*
UN2793 Ferrous metal borings *or* Ferrous metal shavings *or* Ferrous metal turnings *or* Ferrous metal cuttings *in a form liable to self-heating*

• *Portable tank special provisions* PHMSA proposes to revise Portable Tank Special Provision TP10 to authorize a three-month extension for the transportation of bromine portable tanks for the purposes of performing the next required test—after emptying, but before cleaning.

• *Special provisions W31 and W32.* Special provision W32 currently requires non-bulk packagings to be hermetically sealed, except for solid fused material. Amendment 39–18 of the IMDG Code removed the qualifying text from the equivalent special packaging provision. Discussions at the International Maritime Organization noted that when a substance evolves in contact with water flammable gases at the rate and quantity meeting the classification requirements for a Division 4.3 material, that there is no safety justification to permit their transportation in packagings which are not hermetically sealed. In Amendment 39–18, the text ''except for solid fused material'' was removed from special packing provision PP31 in packing instruction P403. PHMSA agrees, and in this NPRM we are proposing deleting special provision W32 and assigning W31, which requires non-bulk packagings to be hermetically sealed regardless of the form of the material.

• *Special provision W40.* Special provision W40 prohibits the use of non-bulk bags. This requirement typically applies to solid substances in Packing Group II. Consistent with changes made in Amendment 39–18 of the IMDG Code, PHMSA is proposing that Special provision W40 be removed from the following HMT entries:

UN1396/(PG III) Aluminum powder, uncoated
UN1398 Aluminum silicon powder, uncoated
UN1403 Calcium cyanamide *with more than 0.1 percent of calcium carbide*
UN1405/(PG III) Calcium silicide
U3208/(PG III) Metallic substance, water-reactive, n.o.s.

Additionally, PPHMSA is proposing to add special provision W40 to the following HMT entries:

UN1405/(PG II) Calcium silicide
UN3208/(PG II) Metallic substance, water-reactive, n.o.s.

Section 172.203

Section 172.203 prescribes additional description requirements for shipping papers. In this NPRM, PHMSA proposes to require, in revised § 172.203(o), that the words ''TEMPERATURE CONTROLLED'' be added to the proper shipping name if not already indicated in the HMT, when appropriate. This proposed amendment would provide notice to those in the transport chain that a material is being offered under temperature control. Additionally, PHMSA proposes to add polymerizing substances to the list of types of materials paragraph (o) additional documentation requirements apply to.

Section 172.407

Section 172.407 prescribes specifications for hazard communication labels. Consistent with changes made in Amendment 39–18 of the IMDG Code and the 2019–2020 ICAO Technical Instructions, PHMSA is proposing to amend paragraph (c)(1) to remove the requirement that the width of the solid line forming the inner border of labels must be at least 2 mm. Additionally, we are proposing to amend the requirement that the solid line inner border, currently required to be 5 mm inside and parallel to the edge, to include the word ''approximately'' before 5 mm. These changes provide flexibility for minor labeling variations that do not have an appreciable impact on transportation safety. Finally, paragraph (c)(1)(iii) which contains a transitional exception allowing for labels in conformance with the requirements of 49 CFR 172.407(c)(1) (revised as of October 1, 2014) to continue to be used until December 31, 2018, is removed and reserved.

Section 172.514

Section 172.514 prescribes placarding requirements and exceptions for a bulk packaging containing a hazardous material. The general placarding requirements prescribe that bulk packagings are to be placarded on each side and each end. Due to the form and shape (*e.g.,* round) of flexible bulk containers it is impractical to require placards on each side and each end. Consistent with the IMDG Code, in this NPRM, PHMSA is proposing to allow flexible bulk containers to be placarded in two opposing positions.

Section 172.604

Section 172.604 prescribes requirements for emergency response telephone numbers. Paragraph (d) identifies materials for which an emergency response telephone number is not required when offered for transportation. In a March 30, 2017 final rule [HM–215N; 82 FR 15795], PHMSA harmonized the HMR with international regulations by adopting separate HMT entries for internal combustion engines based on the fuel, *i.e.,* engine, internal combustion, flammable liquid powered and engine, internal combustion, flammable gas powered. Previously, a single HMT entry covered all engines. At that time, we did not amend § 172.604(d)(2) to ensure that ''engines, internal combustion'' offered under any of the new proper shipping names would continue to be excepted from the emergency response telephone requirements of § 172.604. In this NPRM, PHMSA proposes amending paragraph (d)(2) to list all possible proper shipping names for engines per the original intent.

Section 172.800

Section 172.800 prescribes the requirements for developing and implementing plans to address security risks related to the transportation of hazardous materials in commerce. During review of existing references that are incorporated by reference in the HMR it was noted that the IAEA Code of Conduct Category 1 and 2, while referenced in paragraph (b)(15) was not appropriately incorporated by reference (see § 171.7). In this NPRM, PHMSA is proposing to incorporate by reference the IAEA Code of Conduct on the Safety and Security of Radioactive Sources into paragraph (b)(15). Furthermore, we are proposing to revise a reference to known radionuclides in forms listed as RAM–QC by the Nuclear Regulatory Commission, to Nuclear Regulatory Commission, Category 1 and Category 2 radioactive materials as listed in Table 1, Appendix A to 10 CFR part 37. Lastly, we are listing the reference to Highway Route Controlled Quantities separately in this paragraph. This proposed amendment does not require the creation and retention of security plans by any new individuals, but simply incorporates by reference the appropriate IAEA reference and clarifies the existing requirement.

Part 173

Section 173.2a

Section 173.2a outlines classification requirements for materials having more than one hazard. PHMSA is proposing to amend paragraph (a) to indicate the appropriate classification precedence for the new ''Articles'' HMT entries

proposed in this NPRM. This change will give guidance to offerors and shippers using the new HMT entries numbers that do not conform to a single hazard class.

Section 173.6

Section 173.6 provides authorization for certain hazardous materials meeting the definition of a material of trade (MOT) to be transported by motor vehicle in conformance with this section and be excepted from all other requirements of this subchapter if certain quantity limitations, packaging provisions, and hazard communication requirements are met. In two recent rulemakings [HM–218H; 81 FR 35483] and [HM–215N; 82 FR 15795] PHMSA removed packing group assignments from Column (5) of the HMT for all organic peroxides (Division 5.2), self-reactive substances (Division 4.1), explosives (Class 1), and articles containing hazardous materials. This removal of an indication of packing group for these materials and articles has led to questions on the ability of these materials and articles to utilize the MOTs exceptions provided in § 173.6. Further, in this NPRM the addition of twelve new proper shipping names for articles is proposed. These proposed new proper shipping names are also not assigned a packing group. See ''Section 172.101 Hazardous Materials Table (HMT)'' for a detailed discussion of this proposal.

It was not the intention of these previous rulemakings or this NPRM to exclude these materials and articles from the ability to utilize the MOTs exceptions, provided the hazardous materials within the articles comply with the existing quantity limitations and other transport provisions of § 173.6. In this NPRM, PHMSA proposes to add a new paragraph (a)(7) to clarify that materials and articles for which Column (5) of the Hazardous Materials Table in § 172.101 does not indicate a packing group are authorized to utilize the MOTs exceptions as applicable, and indicate the appropriate quantity limits applicable to those materials in articles. In addition, PHMSA proposes to revise paragraph (b)(3) to clarify the securement requirement for the transportation of articles under the MOTS exceptions.

The packaging section 173.232 proposed in this NPRM for the new proper shipping names for articles requires packaging at the Packing Group II performance level. Non-specification packaging and transportation unpackaged is also authorized.

In addition, the two previous rulemakings removed packing groups from all organic peroxides (Division 5.2), self-reactive substances (Division 4.1), explosives (Class 1), and the specific articles indicated in Table 4 below. All articles and materials for which a packing group was recently removed from the HMT, the corresponding section referenced in Column (8) of the § 172.101 Table requires either packaging meeting Packing Group II or III performance level requirements or non-specification packaging is authorized. Thus, PHMSA believes clarifying that materials and articles that are not assigned a Packing Group in the HMT are eligible to utilize the MOTs exception, and indicating that the appropriate quantity limit for these materials and articles based on the PG II or PG III levels shown in § 173.6(a)(1)(ii) or as shown in § 173.6(a)(3) for articles containing Division 4.3 materials is appropriate to remove any doubt concerning MOTs applicability to these materials and articles.

TABLE 4

Proper shipping name	UN No.	Class/division
Ammunition, tear-producing, non-explosive, without burster or expelling charge, non-fuzed	UN2017	6.1
Ammunition, toxic, non-explosive, without burster or expelling charge, non-fuzed	UN2016	6.1
Batteries, containing sodium	UN3292	4.3
Lithium ion batteries *including lithium ion polymer batteries*	UN3480	9
Lithium ion batteries contained in equipment *including lithium ion polymer batteries*	UN3481	9
Lithium ion batteries packed with equipment *including lithium ion polymer batteries*	UN3481	9
Lithium metal batteries *including lithium alloy batteries*	UN3090	9
Lithium metal batteries contained in equipment *including lithium alloy batteries*	UN3091	9
Lithium metal batteries packed with equipment *including lithium alloy batteries*	UN3091	9
Mercury contained in manufactured articles	UN3506	8
Oxygen generator, chemical *(including when contained in associated equipment, e.g., passenger service units (PSUs), portable breathing equipment (PBE), etc)*..	UN3356	5.1
Safety devices, *electrically initiated**	UN3268	9
Tear gas candles	UN1700	6.1

Section 173.62

Section 173.62 outlines specific packaging requirements for explosives. In paragraph (c), in the Table of Packing Methods, Packing Instruction US 1 containing packing instructions for jet perforating guns, PHMSA is proposing to increase the maximum authorized amount of explosive contents per tool pallet and cargo vessel compartment from 90.8 kg to 95 kg. These limits are consistent with a provision added to Amendment 39–18 of the IMDG Code authorizing jet perforating guns to be transported to or from offshore oil platforms, mobile offshore drilling units, and other offshore installations in offshore well tool pallets, cradles, or baskets. PHMSA notes that the amendments adopted in section 7.1.4.4.5 of Amendment 39–18 of the IMDG Code require both ends of jet perforating guns to be protected by means of steel end caps. PHMSA is not proposing to adopt this additional requirement for steel end caps noting the safe transportation record of these explosive articles under the existing requirements of the HMR.

Section 173.121

Section 173.121 provides criteria for the assignment of packing groups to Class 3 materials. Paragraph (b) provides criteria for viscous flammable liquids of Class 3 (*e.g.,* paints, enamels, lacquers, and varnishes) to be placed in packing group III on the basis of their viscosity, coupled with other criteria. Consistent with recent changes to the IMDG Code, PHMSA is proposing to amend paragraph (b)(1)(iii) to authorize a packaging capacity up to 450 L (119 gallons), an increase from the presently authorized 30 L. A working paper submitted to the IMO Sub-Committee on Carriage of Cargoes and Containers (CCC), noted that both the UN Model Regulations and The European Agreements Concerning the

International Carriage of Dangerous Goods by Road (ADR) and Rail (RID) allow receptacles up to 450 L, and that due to the nature of viscous materials (*e.g.* lower flow rate in the event of damage to a receptacle, and lower levels of solvent vapors) which present a lower fire risk than non-viscous flammable liquids there has been a history of safe transport of these materials by road and rail since the introduction of the provision. The working paper also explained that:

> Recognizing that global transport of dangerous goods is inherently multi-modal, the harmonization of the IMDG Code with other modes will aid trade and reduce incidents of non-compliance due to misunderstandings. At the point of packing, the manufacturer will not know which route (by road/rail/inland waterway or sea) the package will take. This leads to the possibility of accidental consignment by sea of packages between 30 and 450 litres.

This proposed change would increase the allowed volume of viscous liquids in a single package and would be applicable to all modes except for air. Specifically, in this NPRM, PHMSA is proposing to increase the packaging limits for viscous flammable liquids of packing group II material that may be placed in packing group III. For transport by vessel, PHMSA proposes an increase from 30 L to 450 L. For transport by rail and highway, PHMSA proposes an increase from 100 L to 450 L. Consistent with the ICAO Technical Instructions, the packaging quantity limits to air will remain 30 L for passenger aircraft and 100 L for cargo aircraft.

Section 173.124

Section 173.124 contains definitions for Class 4, Divisions 4.1, 4.2, and 4.3. In this NPRM, PHMSA is proposing to amend paragraph (a)(4)(iv) to extend the sunset dates for provisions concerning the transportation of polymerizing substances from January 2, 2019, to January 2, 2021. See the background section of this rulemaking for a more detailed discussion on polymerizing substances.

Section 173.127

Section 173.127 provides a definition and criteria for the assignment of packing groups for Division 5.1 Oxidizers. A new Section 39 in the UN Manual of Tests and Criteria was introduced containing all provisions for the classification of ammonium nitrate based fertilizers. As a consequence of the new section, existing text in both the Manual and the Model Regulations was amended or removed to avoid duplicative provisions in both publications. In this NPRM, PHMSA is proposing to revise the classification criteria for solid ammonium nitrate based fertilizers by requiring that they are classified in accordance with the procedures prescribed in the UN Manual of Tests and Criteria, Part III, Section 39. These proposed changes are not intended to result in changes to the current classification provisions for ammonium nitrate fertilizers, but rather consolidate the provisions for ease of use and prevent inadvertent misclassification.

Section 173.134

Section 173.134 provides definitions and exceptions for infectious substances. Consistent with the UN Model Regulations, PHMSA is proposing to revise the definition for ''patient specimen'' in paragraph (a)(4) by removing redundant references to humans and animals.

Section 173.136

Section 173.136 provides the definition for corrosive materials. In the UN Model Regulations, the definition for corrosive materials was revised to align with the current text in Chapter 3.2 of the UN GHS and the Organization for Economic Cooperation and Development (OECD) Test Guidelines for Testing of Chemicals. PHMSA is proposing to amend the definition in paragraph (a) for a corrosive material by replacing the text ''full thickness destruction'' with ''irreversible damage.''

Section 173.137 and Appendix I to Part 173

Section 173.137 prescribes the requirements for assigning a packing group to Class 8 materials. Currently the HMR require offerors to classify Class 8 corrosive material and assign a packing group based on test data. The HMR authorize a skin corrosion test and various *in vitro* test methods that do not involve animal testing. However, data obtained from either currently authorized test is generally the only data acceptable for classification and assignment of a packing group. In this NPRM, consistent with changes to the UN Model Regulations, PHMSA proposes to include alternative packing group assignment methods for making a corrosivity classification determination for mixtures that do not involve testing. These proposed amendments include bridging principles and a calculation method for the classification of mixtures.

In a new paragraph (d), PHMSA proposes creating an alternative, tiered approach to classification and packing group assignment depending on how much information is available about the mixture itself, similar mixtures, and/or the mixture's ingredients. When sufficient data is available on similar mixtures to estimate skin corrosion hazards for bridging, the bridging principle method may be used to classify and assign a packing group. When no bridging data is available, the more conservative calculation method may be used. This tiered approach ensures an appropriate level of safety in situations where reliable data may not be available. These alternatives for classifying corrosive mixtures allow offerors the ability to make a classification and packing group assignment without having to conduct physical tests.

Additionally, the new corrosivity classification methods are much more closely aligned with those found in the UN GHS. However, not all GHS corrosivity classification methods were incorporated in the new UN Model Regulations corrosivity requirements. For example, the use of extreme pH values to assign corrosivity were not addressed in the UN Model Regulations, and as such are not proposed in this NPRM. Consistent with the proposed change to the definition of a corrosive material in § 173.136, PHMSA is proposing to replace all instances of the text ''full thickness destruction'' with ''irreversible damage.'' PHMSA is also proposing to add a new appendix I to part 173, containing a flow chart for use with the calculation method.

Finally, PHMSA is proposing to update the four existing OECD Guidelines currently incorporated by reference in this section to their 2015 versions (Test Nos. 404, 430, 431, and 435). OECD Guideline 404 and OECD Guideline 435 contain minor variations in the types of information to be recorded as a part of the test report in relation to the previously incorporated versions. OECD Guideline 430 and OECD Guideline 431 were updated to include a reference to a developed document on integrated approaches to testing and assessment. OECD Guideline 431.

Section 173.159

Section 173.159 prescribes requirements applicable to the transportation of electric storage batteries containing electrolyte acid or alkaline corrosive battery fluid (*i.e.,* wet batteries). Consistent with the UN Model Regulations, PHMSA is proposing several editorial amendments in paragraphs (a) and (d) to specify that electrically non-conductive packaging materials must be used and that contact

with other electrically conductive materials must be prevented.

Section 173.185

Section 173.185 prescribes requirements for lithium cells and batteries. The introductory paragraph defines terms as used in this section. In this NPRM, PHMSA is proposing to clarify in the introduction that a single cell battery is considered a ''cell'' and must be transported in accordance with the requirements for cells. In § 173.185(a), the HMR describe UN cell and battery design testing, general cell and battery design safety requirements, and packaging requirements. In this NPRM, PHMSA proposes to amend § 173.185(a) to include a lithium cell and battery test summary with a standardized set of elements. Manufacturers and subsequent distributers of lithium cells and batteries manufactured after June 30, 2003, must make this information available to others in the supply chain. This action is intended to provide subsequent distributors and consumers the information necessary to ensure that lithium cells and batteries offered and reoffered for transport meet the appropriate UN design tests. This test summary is intended to provide a signal to users that the battery is from a legitimate and compliant source, and allowing those in the transport chain to more easily identify non-counterfeit products. PHMSA, believes that potential ancillary benefits from this proposed lithium battery test summary include; a reduction in shipments of counterfeit cells and batteries, incremental safety gains in transport and use due to an increase in the use of batteries that are of a tested and approved type, and additional benefits received by consumers from a higher quality battery (*e.g.,* a higher capacity factor, slower decay rate, longer life expectancy, better warranties, more reliable customer service).

PHMSA developed a guidance document to assist manufacturers and distributors with understanding and implementing this requirement. The guidance includes an explanation of the requirement, a sample test summary, and questions and answers. A copy of this guidance is available in the docket for this rulemaking. PHMSA requests comments on the usefulness of the guidance material and comments to improve its clarity and additional questions to add to the guidance.

The HMR in § 173.185(b) require lithium cells and batteries to be packed in inner packagings in such a manner as to prevent short circuits, including movement which could lead to short circuits. These inner packagings must be placed in an outer package conforming to the requirements of part 178, subparts L and M, at the Packing Group II performance level. PHMSA proposes several amendments to § 173.185(b) to update and clarify various provisions. PHMSA proposes to amend § 173.185(b)(2)(ii) to specify that lithium cells and batteries including lithium cells or batteries packed with, or contained in, equipment, must be packaged in a manner that prevents damage caused by movement or placement within the package. The current text requires lithium batteries to be packaged in a manner to prevent movement. This could be interpreted as to require no movement within the package. This proposed amendment would minimize ambiguity in the current requirements and only prohibit movement that leads to damage within the package.

Further, PHMSA proposes to amend § 173.185(b)(3)(i) to specify that inner packagings must be separated from *electrically* conductive materials. This proposed change is based on revisions to the UN Model Regulations that revised the existing requirement that inner packagings separate lithium cells and batteries from conductive materials to require separation from ''electrically conductive'' materials. PHMSA proposes to amend § 173.185(b)(6) to clarify the provisions for the use of large packagings. Currently, large packagings are authorized for the transport of a single battery including a battery contained in equipment. This amendment would clarify that large packagings are limited to a single battery or to a single item of equipment. This acknowledges that a single item of equipment may contain one or more batteries. Finally consistent with revisions to the ICAO Technical Instructions, PHMSA proposes to add a new paragraph (b)(7) to prohibit the placement of lithium batteries in the same outer packaging as substances and articles of the following classes and divisions: Class 1 (explosives) other than Division 1.4S; Division 2.1 (flammable gases); Class 3 (flammable liquids); Division 4.1 (flammable solids); or Division 5.1 (oxidizers) when offered for transport or transported by aircraft. PHMSA is proposing this action to promote consistency with the ICAO Technical Instructions and in response to a recommendation (A–16–001) from the National Transportation Safety Board (NTSB) stemming from the investigation of the July 28, 2011, in-flight fire and crash of Asiana Airlines Flight 991 that resulted in the loss of the aircraft and crew. The investigation report cited as a contributing factor the flammable materials and lithium ion batteries that were loaded together either in the same or adjacent pallets. Logically, if the materials are not allowed to be stowed in the same or adjacent pallets, segregation within the same package also would result in decreased risk in the event of a fire.

From our experience with public comments on this issue related to ICAO and the UN, PHMSA understands it is not common industry practice nor a desired option for U.S. shippers to pack lithium batteries with other hazardous materials in the same outer package. There appears to be limited U.S. market interest in this type of packing configuration. Therefore. PHMSA expects codifying this provision to have negligible negative implications to U.S. shippers while leveling the playing field by applying the provision to non-US originating shipments imported into the U.S.

Section 173.185(c) of the HMR describes provisions for the carriage of up to eight small lithium cells or two small lithium batteries per package with alternative hazard communication that replaces the Class 9 label with a lithium battery mark. Additional conditions for the transport of small lithium cells and batteries by air are contained in § 173.185(c)(4). In this NPRM, PHMSA proposes several amendments to § 173.185(c)(2), (c)(3), and (c)(4) to align the HMR with the UN Model Regulations and the ICAO Technical Instructions, address the hazards associated with placing lithium batteries next to other hazardous materials, and clarify specific provisions. PHMSA proposes to amend § 173.185(c)(2) to except equipment that is robust enough to protect lithium batteries from damage or short circuit from the requirement to be packaged. The current regulations provide an exception from the requirement for the package to be rigid, but otherwise requires the equipment to be placed into a package. This proposed amendment would remove an unnecessary requirement to package otherwise robust equipment that protect lithium batteries from damage or short circuits. This proposal further aligns the HMR with the UN Model Regulations provisions found in special provision 188 for packaging of lithium cells batteries and equipment. PHMSA proposes to add a new § 173.185(c)(3)(iii) to require that when packages of lithium cells or batteries required to bear the lithium battery mark are placed in an overpack, the lithium battery mark must either (1) be clearly visible through the overpack; or

(2) the lithium battery mark must also be affixed on the outside of the overpack, and the overpack must be marked with the word ''OVERPACK'' in lettering at least 12 mm (0.47 inches) high. PHMSA proposes to amend § 173.185(c)(4)(ii) to adopt an ''OVERPACK'' marking minimum size requirement consistent with the proposed requirement for surface transport in § 173.185(c)(3)(iii). PHMSA proposes to clarify the limits for spare batteries in § 173.185(c)(4)(iv) to state that up to ''two spare sets'' of cells or batteries can be placed in a package with equipment. For the purposes of this paragraph, a spare set is equal to the number of individual spare cells or batteries required to power each piece of equipment. For example, if a single item of equipment requires two lithium batteries to operate, a maximum of four additional batteries (two spare sets) may be placed in the package provided the package continues to meet the other conditions of § 173.185(c). PHMSA proposes to add a new § 173.185(c)(4)(v) to specify that for air transport, lithium cells and batteries may not be placed in the same package as other hazardous materials. Further, packages containing small lithium cells and batteries must not be placed into an overpack with packages containing Class 1 (explosives) other than Division 1.4S, Division 2.1 (flammable gases), Class 3 (flammable liquids), Division 4.1 (flammable solids) or Division 5.1 (oxidizers). Each of the remaining sub-paragraphs in § 173.185(c)(4) would be renumbered and remain unchanged. PHMSA is proposing this action to promote consistency with the ICAO Technical Instructions and in response to a recommendation (A–16–001) from the National Transportation Safety Board (NTSB) stemming from the investigation of the July 28, 2011, in-flight fire and crash of Asiana Airlines Flight 991 that resulted in the loss of the aircraft and crew. The investigation report cited as a contributing factor the flammable materials and lithium ion batteries that were loaded together either in the same or adjacent pallets. Logically, if the materials are not allowed to be stowed in the same or adjacent pallets, segregation within the same package also would result in decreased risk in the event of a fire.

Section 173.185(d) of the HMR describes provisions for the transport of lithium cells and batteries for disposal or recycling. In this NPRM, PHMSA proposes to authorize the use of certain rigid large packagings to transport a single large battery or a single large item of equipment. This will provide additional packaging options to transport large batteries and equipment that by nature of their size or shape cannot fit into a non-bulk package. The UN Model Regulations do not include large packagings as an option for lithium batteries shipped for disposal or recycling. Nevertheless, PHMSA expects that large batteries and equipment would potentially require large packagings. Like the authorizations for the use of large packagings elsewhere in § 173.185, PHMSA would authorize the use of a large packaging for a single large battery or a single item of equipment containing batteries. PHMSA proposes to separate the existing § 173.185(d) into separate subparagraphs (d)(1) and (2) to accommodate these amendments.

Section 173.185(e) of the HMR describes provisions for the transport of low production and prototype lithium cells and batteries including equipment. In this NPRM, PHMSA proposes an editorial amendment to the § 173.185(e) introductory paragraph to clarify that the ''transported for purposes of testing'' condition applies to prototype cells and batteries and that both low production and prototype lithium cells and batteries may be contained in equipment. PHMSA also proposes an editorial amendment to paragraphs (e)(1) and (2) to specify that cushioning material must be electrically non-conductive instead of the existing ''non-conductive'' requirement. In addition, PHMSA proposes a new paragraph (e)(4) to authorize the use of certain rigid large packagings to transport a single large battery or a single large item of equipment. This will provide additional packaging options to transport large batteries and equipment that by nature of their size or shape cannot fit into a non-bulk package. Each of the remaining sub-paragraphs in § 173.185(e) would be renumbered and remain unchanged.

Section 173.185(f) of the HMR describes provisions for the transport of lithium batteries that have been damaged or identified by the manufacturer as being defective for safety reasons, and that have the potential of producing a dangerous evolution of heat, fire, or short circuit (*e.g.,* those being returned to the manufacturer for safety reasons). PHMSA proposes an editorial amendment to § 173.185(f)(2) to specify that cushioning material must be electrically non-conductive, which would harmonize the HMR with the international standards. PHMSA also proposes to amend § 173.185(f)(3) to clarify the provisions for the use of large packagings. Currently, large packagings are authorized for the transport of a single battery including a battery contained in equipment. This amendment would clarify that large packagings are limited to a single battery and to a single item of equipment. This acknowledges that a single item of equipment may contain one or more batteries.

Section 173.218

Section 173.218 contains packaging requirements for shipments of stabilized fish meal and fish scrap. Stabilization of fish meal and fish scrap by applying antioxidants is required in order to offer the material under a Class 9 stabilized proper shipping name. Historically, the IMDG Code and the HMR only reference one antioxidant—ethoxyquin—by name although other antioxidants exist. In response to testing performed by the International Fishmeal and Fish Oil Organization (IFFO) [5] that indicated that of concentrations of 50 ppm (mg/kg) of ethoxyquin, 100 ppm (mg/kg) of butylated hydroxytoluene (BHT), and 250 ppm (mg/kg) of tocopherol-based antioxidant are effective in stabilizing fish meal, the UN and the IMO adopted allowances for the use of two additional antioxidants (butylated hydroxytoluene and tocopherols) and a reduction in the required ethoxyquin concentration at time of shipment from 100 ppm to 50 ppm.

In this NPRM, PHMSA is proposing to amend paragraph (c) of this section to lower the required ethoxyquin level at the time of shipment in bulk in freight containers for transportation by vessel from 100 ppm to 50 ppm and to specify acceptable levels of for butylated hydroxytoluene (100 ppm) and for tocopherols (250 ppm) in shipments of fish meal or fish scrap transported by vessel in bulk in freight containers. Reducing the required minimum concentration of ethoxyquin and permitting the use of additional antioxidants would potentially reduce cost, add flexibility while maintaining an equivalent level of safety.

Section 173.220

Section 173.220 prescribes transportation requirements and exceptions for internal combustion engines, vehicles, machinery containing internal combustion engines, battery-powered equipment or machinery, and fuel cell-powered equipment or machinery.

Special provision 135 is assigned to the HMT entries for certain vehicles. It specifies that if a vehicle is powered by

[5] *https://www.unece.org/fileadmin/DAM/trans/doc/2016/dgac10c3/ST-SGAC.10-C.3-2016-82e.pdf.*

both a flammable liquid and a flammable gas internal combustion engine, it must be consigned under the entry ''Vehicle, flammable gas powered.'' Special provision 135 does not, however, clearly indicate that a flammable gas powered vehicle must also comply with the requirements applicable to the quantity of flammable liquid in the fuel tank in addition to all of the applicable provisions for flammable gas-powered vehicle. Consistent with the ICAO Technical Instructions, PHMSA proposes to clarify in a new paragraph (b)(2)(ii)(C) that if a vehicle is powered by a flammable liquid and a flammable gas internal combustion engine, the flammable liquid fuel tank requirements of paragraphs (b)(1) of this section must also be met.

In this NPRM, PHMSA is proposing to make an editorial amendment to the requirements for vehicles powered by lithium batteries in paragraph (d). Specifically, we are clarifying that when a lithium battery is removed from the vehicle and is packed separately from the vehicle in the same outer packaging, the package must be classified as ''UN 3481, Lithium ion batteries packed with equipment'' or ''UN 3091, Lithium batteries packed with equipment,'' and is not eligible for classification as ''UN3171, Battery-powered vehicle *or* Battery-powered equipment.'' This clarification is a result of a working paper submitted at the 26th Meeting of the ICAO Dangerous Goods Panel (ICAO DGP/26) concerning the carriage of battery powered vehicles such as ''e-bikes'' and it addresses instances where a shipper removes the lithium battery from the battery powered vehicle and subsequently packs the battery in a separate packaging which is then placed with the vehicle in the same outer packaging. Although this was the result of an amendment to the ICAO Technical Instructions, we believe that it provides clarification of a preexisting requirement for all modes of transport.

Section 173.222

Section 173.222 specifies the requirements for dangerous goods in machinery or apparatus. During the course of reviewing provisions associated with the new HMT entries for ''Articles containing hazardous materials, n.o.s.,'' PHMSA found that the quantity limits prescribed in § 173.222 are inconsistent with certain international standards. The current authorized quantity of hazardous materials in one item of machinery or apparatus are as follows: 1 kg for solids; 0.5 L for liquids, and 0.5 kg for Division 2.2 gases. These quantity limits are consistent with the ICAO Technical Instructions; however, they are not aligned with the UN Model Regulations or the IMDG Code. Special provision 301 of the UN Model Regulations and the IMDG Code authorize up to the limited quantity amount for each item of dangerous goods contained in the machinery or apparatus.

In a previous final rule published on March 5, 1999 [Docket No. RSPA–98–4185 (HM–215C); 64 FR 10741] PHMSA's predecessor agency, the Research and Special Projects Administration (RSPA), aligned the HMR with the ICAO Technical Instructions by adding ''Dangerous goods in machinery *or* Dangerous goods in apparatus'' to the HMT. The proper shipping name was assigned identification number ''NA8001,'' special provision 136 was added for directions on class assignment, and § 173.222 was added containing requirements applicable to the new entry. In the HM–215C rulemaking, RSPA stated that upon the assignment of a UN identification number, it would revise the entry accordingly [81 FR 53935]. This was accomplished in the 11th revised edition of the UN Model Regulations, in which identification number UN3363 and Class 9 were assigned to this entry. The ICAO Technical Instructions were amended to be consistent with the UN Model Regulations. Subsequently, the HMR was updated accordingly in a final rule published on June 21, 2001 [Docket No. RSPA–2000–7702 (HM–215D); 66 FR 33315]. While the HMR were amended to incorporate the identification number and Class 9 designation, the quantity limit was not amended to allow up to the limited quantity amount authorized by the UN Model Regulations; therefore, the ICAO quantity limits were retained for all modes of transport.

In the 20th Revised Edition of UN Model Regulations and Amendment 39–18 of IMDG Code, the new ''Articles containing hazardous materials, n.o.s.'' entries apply to articles which contain only hazardous materials that exceed the permitted limited quantity amount for UN3363. The ICAO addressed the difference between the quantity authorized in the Technical Instructions and both the UN Model Regulations and the IMDG Code by amending ICAO special provision A107. The revised special provision A107 indicates that where the quantity of dangerous goods contained as an integral element in machinery or apparatus exceeds the limits permitted by ICAO Technical Instructions Packing Instruction 962 (same as the existing HMR authorization), and the dangerous goods meet the provisions of Special Provision 301 of the UN Model Regulations, the machinery or apparatus may be transported as UN3363 only with the prior approval of the appropriate authority of the State of Origin and the State of the Operator under the written conditions established by those authorities.

In order to more closely align with the UN Model Regulations and IMDG Code, for other than air transportation, PHMSA is proposing to increase the quantity limits for liquids and solids in paragraph (c) up to the limited quantity amount prescribed in the corresponding section of Part 173 referenced in Column (8A) of the § 172.101 Table. Without this amendment, the HMR would differ from the UN Model Regulations and IMDG Code for application of the new ''Articles, n.o.s.'' entries, and an approach used by the ICAO Technical Instructions would be necessary for all modes. The authorized quantity for gases would remain unchanged for all modes of transport.

Section 173.224

Section 173.224 establishes packaging and control and emergency temperatures for self-reactive materials. The Self-Reactive Materials Table in paragraph (b)(7) of this section specifies self-reactive materials authorized for transportation without first being approved for transportation by the Associate Administrator for Hazardous Materials Safety, as well as requirements for transporting these materials. In paragraph (b)(7), PHMSA proposes to add a new entry ''Phosphorothioic acid, O-[(cyanophenyl methylene) azanyl] O,O-diethyl ester'' to the Self-Reactive Materials Table. In addition, a new ''Note 5'' assigned to this entry would be added to the list following the table.

Paragraph (c) of this section prescribes requirements for new self-reactive materials, formulations, and samples. In paragraph (c)(4), PHMSA proposes to authorize small samples of certain potentially explosive or self-reactive substances when transported for testing purposes. These substances usually consist of organic molecules which are active ingredients, building blocks, or intermediates for pharmaceutical or agricultural chemicals. The molecules of the substances often carry functional groups listed in tables A6.1 and/or A6.2 in Annex 6 (Screening Procedures) of the UN Manual of Tests and Criteria, that would indicate explosive or self-reactive properties; however, these substances are not designed to be explosives of Class 1. This amendment is necessary

because during the early development phase of a new product, complete test data is often unavailable but the substances must be transported for further testing. The provisions proposed in paragraph (c)(4) prescribe applicability criteria and packaging conditions for these substances to be transported as samples for the purpose of testing. These criteria and packaging conditions are based on submissions to the UNSCOE on the Transport of Dangerous Goods showing the effectiveness of the packaging method proposed in this NPRM.

Consistent with the UN Model Regulations, PHMSA is proposing to revise paragraph (b)(4) to authorize the transportation of self-reactive substances packed in accordance with packing method OP8 (non-bulk packaging authorization) where transport in IBCs or portable tanks is permitted in accordance with § 173.225, provided that the control and emergency temperatures specified in the instructions are complied with. This proposed change allows materials that are authorized in bulk packagings to also be transported in appropriate non-bulk packagings.

Section 173.225

Section 173.225 prescribes packaging requirements and other provisions for organic peroxides. The UN Model Regulations continually update their Organic Peroxide Table based on data submitted by governments and industry groups with consultative status to account for new peroxides and formulations that have become commercially available. Consistent with revisions to the UN Model Regulations, PHMSA proposes to revise the Organic Peroxide Table in paragraph (c) by adding the entries: ''Di-(4-tert-butylcyclohexyl)peroxydicarbonate [as a paste],'' ''Diisobutyryl peroxide [as a stable dispersion in water],'' and ''1-Phenylethyl hydroperoxide.'' We propose to revise the Organic Peroxide IBC Table in paragraph (e) to maintain alignment with the UN Model Regulations by adding new entries for ''Cumyl peroxyneodecanoate, not more than 52%, stable dispersion, in water,'' ''2,5-Dimethyl-2,5-di(tert-butylperoxy)hexane, not more than 52% in diluent type A,'' ''3,6,9-Triethyl-3,6,9-trimethyl-,4,7-triperoxonane not more than 27% diluent type A,'' and ''tert-Amyl peroxy-2-ethylhexanoate, not more than 62% in a diluent type A'' and by adding a type 31HA1 IBC authorization to the existing entry for ''tert-Butyl hydroperoxide, not more than 72% with water.''

In addition, consistent with the UN Model Regulations, PHMSA is proposing that organic peroxides may also be transported packed in accordance with packing method OP8 where transport in IBCs or portable tanks is permitted, provided that the control and emergency temperatures specified in the instructions are complied with.

Section 173.232

New section 173.232 prescribes requirements for articles not otherwise specified by name in the HMR that contain hazardous materials of various hazard classes and divisions. This proposal addresses situations in which hazardous materials or hazardous materials residues are present in articles in quantities greater than the amounts authorized for dangerous goods in machinery or apparatus. This proposal authorizes a safe method to transport articles that may be too large to fit into typical packages. Absent these provisions to package and transport these materials safely, these articles may be offered for transport under provisions that do not adequately account for the physical and chemical properties of the substances and may require the issuance of an approval by PHMSA's Associate Administrator for Hazardous Materials Safety. PHMSA believes this will be especially beneficial to new articles coming to market as they would no longer require an approval or an amendment to the Hazardous Materials Table to authorize transport.

Section 173.301b

Section 173.301b describes additional requirements when shipping gases in UN pressure receptacles. In paragraph (c)(1), PHMSA is proposing to incorporate ISO 17871:2015 containing specification and type testing requirements for quick release cylinder valves. In paragraph (d)(1), PHMSA is phasing out ISO 13340:2001, Transportable gas cylinders—Cylinder valves for non-refillables cylinders—Specification and prototype testing, which can be utilized until December 31, 2020. ISO 13340:2001 is being phased out because the applicable valve standard in ISO 13340:2001 has been incorporated into ISO 11118:2015.

Section 173.304b

Section 173.304b contains additional requirements for shipment of liquefied compressed gases in UN pressure receptacles. In this NPRM, consistent with a change made by in the 20th Revised Edition of the UN Model Regulations, PHMSA is proposing to amend paragraph (b)(5) by replacing ''liquid phase'' with ''liquefied gas'' and ''compressed'' with ''compressed gas'' to better describe the phases of the material being stored and to align with the UN language.

Section 173.422

Section 173.422 contains additional requirements for excepted packages containing Class 7 (radioactive) materials. Shipments of excepted packages containing Class 7 materials are not required to meet the general shipping paper requirements found in the HMR. Amendments 39–18 of the IMDG Code adopted a requirement that vessels carrying these excepted packages include information concerning these packages (*e.g.,* UN ID Number and location on board the vessel) on the Dangerous Cargo Manifest (DCM). Historically, the HMR has not required any documentation to accompany shipments of excepted packages containing radioactive material when offered for transportation by vessel. In this NPRM, PHMSA proposes to amend the DCM requirements in § 173.60 to require information about these shipments to be included in the DCM carried aboard the vessel. Without a corresponding amendment to § 173.422 to require the information to be provided to the vessel operator, the vessel operator would not have the information available that would be required to be included on the DCM.

In this NPRM, PHMSA proposes to add a new paragraph (f) that would require excepted packages of radioactive materials offered for transportation by vessel to have a special transport document such as a bill of lading, air waybill, or other similar document that includes the UN identification number for the material being offered, the name and address of the consignor and consignee, and a container packing certificate, in accordance with the requirements in § 176.27. This proposed amendment provides for the conveyance of necessary information to the vessel operator for creation of the DCM.

Part 174

Section 174.50

Section 174.50 prescribes regulations for the movement of nonconforming or leaking packages by rail. Under the HMR, no person may offer for transportation or transport a bulk hazmat packaging (typically a tank car) by rail unless that packaging is marked, represented, maintained, reconditioned, repaired, and retested in accordance with the HMR (§ 171.2(g)). However, § 174.50 authorizes the movement of a

non-conforming bulk hazmat package moved by rail when: (1) The movement is necessary to reduce or eliminate an immediate threat or harm to human health or the environment; or (2) the movement is approved by the Federal Railroad Administration's (FRA's) Associate Administrator for Railroad Safety.

Approvals issued by FRA's Associate Administrator for Railroad Safety are commonly referred to as One-Time Movement Approvals (OTMAs).[6] Transport Canada issues similar approvals for the movement of non-conforming bulk hazmat packages and tank cars, which are referred to as Temporary Certificates. Historically, for movements of non-conforming tank cars from Canada to or through the United States, the offeror would have to obtain both an OTMA from FRA and a Temporary Certificate from Transport Canada. These applications initiate administrative processes and safety reviews by both governments that nearly always result in the same conclusion. Since the safety analysis used to evaluate Temporary Certificates in Canada is similar to the safety analysis used to evaluate OTMAs by FRA, the requirement to obtain two government approvals for a cross border movement provides no additional safety benefit and is redundant and burdensome. Thus, to facilitate cross border trade, for movements to or through the United States from Canada, PHMSA proposes to amend the regulation to recognize Temporary Certificates issued by Transport Canada. This amendment would reduce the duplicative requirement to apply for both an OTMA from the United States and a Temporary Certificate from Canada, should the non-conforming package need to be transported over the United States-Canadian border.

On July 12, 2007, Transport Canada published, ''Regulations Amending the Transportation of Dangerous Goods Regulations (International Harmonization Update, 2016).'' In this publication, Transport Canada indicated that recognition of OTMA may be included in a future amendment. This amendment aims to facilitate international transportation and at the same time ensures the safety of people, property, and the environment. Finally, for low-risk movements of non-conforming tank cars, Transport Canada authorizes the one-time movement without the need to obtain a temporary certificate (see TP–14877). For clarification, such movements under the TDG Regulations are already authorized by § 171.12, provided the movements are compliant with all applicable requirements in the TDG Regulations and § 171.12.

Part 175

Section 175.10

Section 175.10 specifies the conditions for which passengers, crew members, or an operator may carry hazardous materials aboard an aircraft. Consistent with revisions to the ICAO Technical Instructions, in this NPRM, PHMSA is proposing several revisions to this section.

PHMSA proposes to revise paragraph (a)(2) to account for lighters powered by lithium batteries (*e.g.,* laser plasma lighters, tesla coil lighters, flux lighters, arc lighters, and double arc lighters). The assigned provisions would be consistent with a combination of the existing requirements applicable to portable electronic devices powered by lithium batteries and battery powered portable electronic smoking devices. Specifically, each lithium battery must be of a type which meets the requirements of each test in the UN Manual of Tests and Criteria, Part III, Subsection 38.3 and must not exceed the size limits authorized for portable electronic devices. Recharging of the devices and/or the batteries on board the aircraft is not permitted consistent with the requirements for portable electronic smoking devices. In addition, lithium battery powered lighters without a safety cap or means of protection against unintentional activation are prohibited in carry-on baggage, checked baggage, and as when carried on one's person.

PHMSA proposes to revise paragraph (a)(3), to authorize medical devices containing radioactive material fitted externally as the result of medical treatment, consistent with the ICAO Technical Instructions. In addition, the reference to implanted medical devices containing lithium batteries would be removed. For medical devices containing lithium batteries (including those implanted, externally fitted, or carried by passengers or crew members) the quantity limits provided in (a)(18)(i) or (ii) apply, as applicable.

PHMSA proposes to revise paragraph (a)(14) for consistency with the ICAO Technical Instructions and other paragraphs in this section. The first sentence is revised to clarify that the paragraph is applicable to battery powered heat-producing devices rather than ''electrically powered'' articles. For lithium battery powered devices, quantity limits would be added in new paragraphs (i) and (ii) consistent with the existing requirements applicable to portable electronic devices powered by lithium batteries and battery powered portable electronic smoking devices. The requirements for spare batteries would be revised to reference the provisions for spare batteries in paragraph (a)(18).

PHMSA proposes to revise paragraph (a)(15) by adding a new paragraph (vi) to separate and clarify the handling requirements applicable to each ''non-spillable'' and ''dry sealed'' batteries both presently prescribed in paragraph (v). PHMSA also proposes to add a new paragraph (vii) to authorize passengers with restricted mobility to carry a spare non-spillable or dry sealed battery for their mobility aid. Presently, spare lithium batteries are permitted for passengers with lithium battery-powered mobility aids; this was deemed acceptable for mobility aids equipped with non-spillable or dry sealed batteries.

PHMSA proposes to amend provisions for carriage of wheelchairs or other mobility aids equipped with a lithium ion battery by removing the requirement that ''collapsible'' mobility aids necessitate removal of the battery. The intent of the existing requirement was to allow the removal of the batteries from lightweight collapsible mobility aids when these do not afford any protection to the batteries. However, the existing text in both the HMR and ICAO Technical Instructions can be construed to mean that if the battery was designed to be removable from the mobility aid, that it must be removed in all circumstances, even when adequate protection to the batteries is provided. In cases when the batteries are adequately protected, it is preferable that they remain installed in the mobility aid; however, there may be situations when that is not possible or safe to do so and in these cases the batteries must be removed. Therefore, in this NPRM, PHMSA is proposing to amend (a)(17)(v) by removing the word ''collapsible'' and clarifying that when the wheelchair or mobility aid does not provide adequate protection to the battery, that the battery must be removed and handled in accordance with the existing conditions prescribed in (a)(17)(v)(A) through (E).

PHMSA proposes to amend the provisions for carriage of personal electronic devices (PEDs) containing lithium batteries to address safety concerns related to recent security restrictions requiring passengers to carry personal electronic devices in checked baggage. Consistent with the ICAO

[6] On October 7, 2014 FRA issued guidance on One-Time Movement Approvals titled *One-Time Movement Approval Procedures, HMG–127.*

Technical Instructions, § 175.10(a)(18) would be revised to require that when portable electronic devices powered by lithium batteries are in checked baggage, they must be completely powered off and protected to prevent unintentional activation or damage.

PHMSA proposes to revise the carriage requirements for battery-powered portable electronic smoking devices in paragraph (a)(19). The 2015–2016 Edition of the ICAO Technical Instructions incorporated provisions prohibiting passengers and crew from carrying such devices in checked baggage or recharging them in the cabin, and requiring that any spare batteries be protected from short circuit. In a working paper submitted by the United States at ICAO DGP/26 meeting, it was reported that even after the prohibition, ten incidents involving these devices were documented between May 2015 and May 2017. As described in the working paper, seven of the incidents occurred inside a passenger aircraft and three occurred inside an airport. These incidents typically involved the electronic smoking device while it was being transported in carry-on baggage, with the suspected cause of the majority of these incidents being the accidental activation of the device. Specifically, in this NPRM, PHMSA is proposing to align the HMR with the ICAO Technical Instructions by requiring passengers or crew to take effective measures for preventing accidental activation of the heating element of the device when transporting such devices in carry-on baggage on board passenger aircraft. Examples of effective measures include, but are not limited to: Removing the battery from the electronic smoking device; separating the battery from the heating coil; placing the electronic smoking device into a protective case; using a protective cover, safety latch, or locking device on the electronic smoking device's heating coil activation button; and electronics or technology in the device designed to prevent accidental activation, such as those requiring the electronic smoking device to be powered on before the heating coil button can be activated. In most electronic smoking devices, the battery can either be easily removed or easily separated from the heating element.

PHMSA proposes to add a new paragraph (a)(26) that would amend the passenger provisions for carriage of baggage equipped with lithium batteries (*e.g.,* smart baggage) intended to power features designed to make travel easier, such as location tracking, PED battery charging, short range wireless connections, digital weighing, or motors. To address concerns that passengers would check baggage containing lithium batteries (*e.g.,* power banks) despite existing requirements that articles whose primary purpose is to provide power to another device be carried as spare batteries in the cabin as carry-on baggage, the ICAO Technical Instructions were amended to require that passengers remove lithium batteries from baggage they intend to check, in accordance with the provisions for spare batteries. Specifically, baggage equipped with a lithium battery or batteries would be required to be carried as carry-on baggage, unless the battery or batteries are removed from the baggage. Once the battery or batteries are removed from baggage intended to be checked, the battery or batteries must be carried in the cabin in accordance with the provisions for spare batteries prescribed in paragraph (a)(18). This restriction in checked baggage would not apply to baggage containing lithium metal batteries with a lithium content not exceeding 0.3 grams, or lithium ion batteries with a Watt-hour rating not exceeding 2.7 Wh.

Section 175.33

Section 175.33 establishes requirements for shipping papers and for the notification of the pilot-in-command when hazardous materials are transported by aircraft. In paragraph (a)(11), applicable to ''UN 1845, Carbon dioxide, solid (dry ice),'' PHMSA proposes that the text ''hold'' be replaced with the word ''cargo compartment.'' This would be consistent with use of the term ''compartment'' in other areas of the HMR and ICAO Technical Instructions. Consistent with revisions to the ICAO Technical Instructions, in paragraph (a)(13)(i), PHMSA proposes to include the airport at which the lithium batteries will be unloaded on the information to the pilot-in-command when a summary is used for lithium batteries. Including the airport at which the batteries will be unloaded is consistent with the authorization to use a summary instead of the default information to the pilot in command for ''UN 1845, Carbon dioxide, solid (dry ice).''

Section 175.78

Section 175.78 prescribes the stowage compatibility of hazardous materials offered for transportation by aircraft. Consistent with international standards, in a March 30, 2017, final rule [HM–215N; 82 FR 15795], PHMSA added new Class 3 HMT entry ''UN 3528,'' applicable to the fuel contained in engines and machinery powered by Class 3 flammable liquids. In accordance with the segregation requirements prescribed in this section, engines and machinery classified under the new UN 3528 entry in Class 3 are required to be segregated from dangerous goods with a primary or subsidiary hazard of Division 5.1. Prior to the addition of the UN 3528 HMT entry, such engines and machinery were classed in Class 9 and therefore not required to be segregated from Division 5.1 materials. The packing requirements by air for UN 3528 require engines to be drained and the tank caps fitted securely. These precautions ensure that there is only a negligible amount of residual fuel remaining. There is no indication that, as prepared for transport, UN 3528 poses any more hazard now that would require these items to be segregated than when these items were previously identified as a Class 9. Therefore, in this NPRM, PHMSA is proposing to add an exception from the segregation requirement by adding a ''Note 3'' to the paragraph (b) Segregation Table and adding a new paragraph (c)(8) stating that materials consigned under UN 3528 need not be segregated from packages containing hazardous materials in Division 5.1.

Consistent with the ICAO Technical Instructions, PHMSA is proposing to require that packages and overpacks containing lithium cells and batteries that bear the Class 9 label must not be stowed on an aircraft next to, in contact with, or in a position that would allow interaction with, packages or overpacks containing other hazardous materials in Class 1 (other than Division 1.4S), Division 2.1, Class 3, Division 4.1 and Division 5.1. Specifically, the current paragraph (b) would be reformatted into two paragraphs. A new paragraph (b)(2) would be added to prescribe the segregation requirements applicable to lithium cells and batteries. The existing Segregation Table would be revised by adding the necessary columns and rows representing hazard classes not presently in the Table. These changes to the Table would indicate that hazardous materials in the classes described above must be segregated from packages and overpacks containing lithium cells or batteries prepared in accordance with § 173.185(b)(3) and (c)(4)(vi). PHMSA is proposing this action to promote consistency with the ICAO Technical Instructions and in response to a recommendation (A–16–001) from the National Transportation Safety Board (NTSB) stemming from the investigation of the July 28, 2011, in-flight fire and crash of Asiana Airlines Flight 991 that resulted in the loss of the aircraft and

crew. The investigation report cited as a contributing factor the flammable materials and lithium ion batteries that were loaded together either in the same or adjacent pallets.

Part 176

Section 176.30

Section 176.30 prescribes requirements for DCM's, lists, or stowage plans required to be carried aboard vessels transporting hazardous materials. In this NPRM, PHMSA is proposing to add a new paragraph (a)(9) to require that DCMs include information on shipments of excepted packages containing Class 7 materials. For shipments of excepted packages containing Class 7 material only the UN identification number, the name and address of the consignor and the consignee, and the stowage location of the hazardous material on board the vessel would be required to be entered on the DCM, list, or stowage plan carried aboard the vessel.

Section 176.84

Section 176.84 prescribes the meanings and requirements for numbered or alphanumeric stowage provisions for vessel shipments listed in column (10B) of the § 172.101 HMT. The provisions in § 176.84 are broken down into general stowage provisions, which are defined in the ''table of provisions'' in paragraph (b), and the stowage provisions applicable to vessel shipments of Class 1 explosives, which are defined in the table in paragraph (c)(2). In a previous final rule [Docket No. PHMSA–2015–0273 (HM–215N); 82 FR 15796], a subsidiary hazard of 6.1 was added to the UN 2977 and UN 2978 uranium hexafluoride entries, and the primary hazard for UN 3507, Uranium hexafluoride, radioactive material, excepted package was changed from 8 to 6.1. Consequential amendment to the stowage and segregation requirements codes for these materials were not addressed at the time of these changes in the IMDG Code or the HMR. In this NPRM, we propose to create new stowage provisions that clarify what segregation requirements apply to shipments of uranium hexafluoride.

PHMSA proposes to create a new stowage provision 151 and assign it to the UN 2977 and UN 2978 uranium hexafluoride entries. This new stowage provision will require segregation for Class 7 materials to apply to uranium hexafluoride shipped under these two UN numbers.

Additionally, consistent with Amendment 39–18 of the IMDG Code, PHMSA proposes to create a new stowage provision 152 and assign it to UN 3507, Uranium hexafluoride, radioactive material, excepted package. This proposed new stowage provision requires segregation as for Class 8, but excepts segregation in relation to Class 7 materials. This exception to the general segregation requirements between Class 8 and Class 7 materials allows shipments of excepted packages of uranium hexafluoride to be stowed in close proximity to shipments of fully regulated uranium hexafluoride.

Based on changes to the IMDG Code to address the appropriate segregation requirements for shipments of uranium hexafluoride, PHMSA proposes to create a new stowage provision 153 and assign it to the UN 2977 and UN 2978 uranium hexafluoride HMT entries. This proposed new stowage provision requires these materials to be stowed ''separated longitudinally by an intervening complete compartment or hold from'' Divisions 1.1, 1.2, and 1.5.

Based on changes to the IMDG Code to provide additional flexibility in the stowage requirements for jet perforating guns, PHMSA proposes to create a new stowage provision 154 and assign it to the NA 0123, NA 0494, UN 0494, and UN 0124 jet perforating gun HMT entries. This proposed new stowage provision indicates that, notwithstanding the stowage category assigned to the entries in the HMT, jet perforating guns may be stowed in accordance with the provisions of packing instruction US 1 in § 173.62. These jet perforating guns are currently assigned to stowage categories ''02'' and ''04.'' Both stowage categories require stowage in closed cargo transport units. The inclusion of new stowage provision 154 clarifies that regardless of the stowage category assigned, jet perforating guns offered in accordance with US 1 in § 173.62 are not required to be offered for transport or transported in closed cargo transport units.

Part 178

Section 178.71

Section 178.71 prescribes specifications for UN pressure receptacles. Consistent with the UN Model Regulations, PHMSA proposes to amend paragraphs (d)(2), (i), (j), and (q)(12), to reflect the adoption of the latest ISO standards for the design, construction, and testing of gas cylinders and their associated service equipment. In paragraph (d)(2), PHMSA is proposing to phase out ISO 13340:2001, which is authorized for valves manufactured until December 31, 2020, and to incorporate by reference ISO 14246:2014 (E) ''Gas cylinders—Cylinder valves—Manufacturing tests and examination'', which addresses initial inspection and testing requirements for valves. ISO 13340:2001 is being phased out because the applicable valve has been incorporated into ISO 11118:2015. In paragraph (f), PHMSA is proposing to amend the title of the paragraph to include pressure drums and to add ISO 21172–1:2015(E), ''Gas cylinders—Welded steel pressure drums up to 3 000 litres capacity for the transport of gases—Design and construction—Part 1: Capacities up to 1 000 litres'' in new paragraph (f)(4). A note was added to the UN Mode Regulations that authorizes welded steel gas pressure drums with dished ends convex to pressure to be used for the transport of corrosive substances provided all applicable additional requirements are met, irrespective of section 6.3.3.4 of this standard which prohibits such use. Therefore, PHMSA is proposing the same deviation from the ISO standard in (p).

In addition, in paragraph (i), PHMSA is proposing to phase out ISO 11118:1999 ''Gas Cylinders for Non-refillable Metallic Gas Cylinders,'' which is authorized until December 31, 2022, and to replace it with new standard, ISO 11118:2015. In paragraph (j), PHMSA is proposing to phase out ISO 111120:1999, ''Gas Cylinders for Refillable Seamless Steel Tubes,'' which is authorized until December 31, 2022, and to replace it with ISO 111120:2015. In paragraph (q)(12), PHMSA is incorporating ISO/TR 11364, ''Gas cylinders—Compilation of national and international valve stem/gas cylinder neck threads and their identification and marking system'' to specify a harmonized identification code and marking system for both cylinders and valves.

Section 178.75

Section 178.75 prescribes specifications for MEGCs. In paragraph (d)(3)(v), PHMSA is proposing to phase out ISO 11120:1999, which is authorized for construction and testing of receptacles of MEGCs until December 31, 2020, and to authorize the new, updated standard ISO 11120:2015. Changes to the new edition of this standard include the addition of an annex outlining typical chemistry groupings for seamless steel tubes, the addition of nickel chromium molybdenum steel, the modification of ultrasonic examination provisions, and revisions to the provisions for the design of tubes for embrittling gases.

Section 178.601

Section 178.601 prescribes the general requirements for test procedures for non-bulk packagings and packages. A test report must be prepared and made available to a user of a packaging or a DOT representative upon request. In this NPRM, PHMSA is proposing to require in paragraph (l)(2)(viii) that the test report for plastic packagings that are subject to the hydraulic pressure test must include the temperature of the water used for the test. Tests with different water temperatures applied to one design type can produce different test results (pass or fail). This action is consistent with amendments to the UN Model Regulations.

Section 178.801

Section 178.801 prescribes the general requirements for test procedures of an IBC containing a hazardous material. A test report for an IBC must be prepared and made available to a user of a packaging or a DOT representative upon request. In this NPRM, PHMSA is proposing to require in paragraph (l)(2)(viii) that the test report for rigid plastics and composite IBCs that are subject to the hydraulic pressure test must include the temperature of the water used for the test. Tests with different water temperatures applied to one design type can produce different test results (pass or fail). The inclusion of the temperature of the water used for the test will allow for tests that more accurately simulate the original design type testing when such additional testing is performed.

Section 178.810

Section 178.810 prescribes the requirements for an IBC drop test. In paragraph (c)(1), PHMSA proposes to clarify that the same IBC or a different IBC of the same design type may be utilized for the required drop tests.

Part 180

Section 180.207

Section 180.207 prescribes requirements for requalification of UN pressure receptacles. In March 2017, PHMSA published a final rule under Docket HM–215N [82 FR 15796 (March 30, 2017)]. In this rule, PHMSA amended the HMR to expand recognition of cylinders and pressure receptacles, cargo tank repair facilities, and certificates of equivalency in accordance with the Transport Canada TDG Regulations. The goal of these amendments is to promote flexibility and permit the use of advanced technology for the requalification and use of pressure receptacles, to provide for a broader selection of authorized pressure receptacles, reduce the need for special permits, and to facilitate cross-border transportation of these cylinders. In the HMR in § 171.12 (a)(4) permit the transportation of a cylinder authorized by Transport Canada TDG Regulations to, from, or within the United States. In HM–215N, PHMSA amended (a)(4)(ii) to authorize the use of Canadian manufactured cylinders. Specifically, PHMSA authorized the transportation of CTC, CRC, BTC, and TC cylinders that have a corresponding DOT specification cylinder prescribed in the HMR. HM–215N did not remove or amend existing requirements for DOT specification cylinders; rather, PHMSA is providing that a shipper may use either a DOT specification cylinder or a TC cylinder, as appropriate.

In this NPRM, PHMSA proposes to clarify the amendments in HM–215N and allow for the requalification of ''CAN'' marked UN cylinders in the United States. Cylinders marked with the letters ''CAN'' for Canada as a country of manufacture or a country of approval may be requalified in the United States, provided the requirements in §§ 178.69, 178.70, and 178.71, as applicable, are met. This amendment aims to facilitate international transportation, while ensuring the safety of people, property, and the environment

Consistent with changes to the UN Model Regulations, PHMSA proposes to revise paragraph (d)(1) to incorporate ISO 16148:2016, which addresses the requalification of seamless steel cylinders and tubes. This proposed addition will allow the internal inspection and hydraulic pressure test for seamless steel ISO cylinders and tubes to be replaced by non-destructive testing methods identified in ISO 16148:2018. Additionally, in paragraph (d)(4), PHMSA is proposing to phase out ISO 11623:2002, which is authorized for inspection and testing of composite UN cylinders until December 31, 2020, and authorizing the new standard, ISO 11623:2015. Finally, PHMSA proposes adding new paragraph (d)(6) to incorporate inspection and maintenance requirements for cylinder valves preformed during requalification, as found in ISO 22434:2006 ''Transportable gas cylinders—Inspection and maintenance of cylinder valves.'' Changes to the revised standard include; up-to-date terminology particularly for the various types of composite cylinders, up-to-date normative references for steel and aluminum-alloy liner materials, and an update of some photographs to provide sharper examples of damage.

VII. Regulatory Analyses and Notices

A. Statutory/Legal Authority for This Rulemaking

This proposed rule is published under the statutory authority of Federal hazardous materials transportation law (49 U.S.C. 5101 *et seq.*). Section 5103(b) of Federal hazmat law authorizes the Secretary of Transportation to prescribe regulations for the safe transportation, including security, of hazardous materials in intrastate, interstate, and foreign commerce. This proposed rule would amend regulations to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. To this end, the proposed rule amends the HMR to more fully align with the biennial updates of the UN Model Regulations, the IMDG Code, and the ICAO Technical Instructions.

The following external agencies were consulted in the development of this rule:

- Federal Aviation Administration;
- Federal Motor Carrier Safety Administration;
- Federal Railroad Administration; and
- U.S. Coast Guard.

Section 49 U.S.C. 5120(b) of Federal hazmat law authorizes the Secretary to ensure that, to the extent practicable, regulations governing the transportation of hazardous materials in commerce are consistent with standards adopted by international authorities. This rule proposes to amend the HMR to maintain alignment with international standards by incorporating various amendments to facilitate the transport of hazardous material in international commerce. To this end, as discussed in detail above, PHMSA proposes to incorporate changes into the HMR based on the 20th Revised Edition of the UN Model Regulations, Amendment 39–18 to the IMDG Code [7], and the 2019–2020 Edition of the ICAO Technical Instructions, which become effective January 1, 2019. The large volume of hazardous materials transported in international commerce warrants the harmonization of domestic and international requirements to the greatest extent possible.

[7] Amendment 39–18 to the IMDG Code may be voluntarily applied on January 1, 2019; however, the previous amendment remains effective through December 31, 2019.

B. Executive Order 12866, Executive Order 13563, and DOT Regulatory Policies and Procedures

This notice is not considered a significant regulatory action under section 3(f) of Executive Order 12866 (''Regulatory Planning and Review'') and, therefore, was not reviewed by the Office of Management and Budget. This notice is not considered a significant rule under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034).

Cost-Reducing Aspects of Harmonization

General Harmonization Benefit: Given current available information, PHMSA has developed an estimate of the avoided compliance costs of harmonization, and discusses and requests comment on additional benefits.

To estimate the benefits to affected industries from avoided compliance costs, PHMSA relies on a benefit-transfer value of the hazard communication cost savings utilized in previous PHMSA international harmonization rulemakings [8], based on an Occupational Safety and Health Administration (OSHA) study. The original rulemaking harmonized U.S. regulations with international standards so that industry did not have to adhere to two separate hazard communication systems.[9] This value—$0.001 per dollar of hazardous materials output—is based on OSHA's estimate of the costs for industry to comply with the revised Hazard Communication Standard [10] and an estimate of the value of hazardous material in trade. The savings then accrue to all exporters, who would otherwise incur theses costs of hazard communication.

Using this estimate of the avoided hazard communication costs, PHMSA estimated the potential benefits to exporters of harmonizing the HMR with international standards. PHMSA relied on the 2012 Bureau of Economic Analysis' (BEA) International Accounts Products for Detailed Goods Trade Data to value industry imports and exports.[11]

PHSMA updated our estimate of value of hazardous materials involved in international trade by using U.S. trade in goods seasonally adjusted, Census-based total gross imports, and gross exports in the fuels and lubricants, chemicals, and medicinal/dental/pharmaceutical products industries for the 2016, the most recent year available.

- Gross imports: $343.431 billion.
  - Fuels and lubricants: $162.077 billion.
  - Chemicals: $69.655 billion.
  - Medicinal/dental/pharmaceutical products: $111.700 billion.
- Gross exports: $269.518 billion.
  - Fuels and lubricants: $112.462 billion.
  - Chemicals: $103.779 billion.
  - Medicinal/dental/pharmaceutical products: $53.277 billion.
- Gross imports plus gross exports: $612.949 billion.

For estimating benefits of this topic, according to the 2012 CFS, commodities worth $13,852,143 million were transported in the U.S. in 2012, of which $2,334,425 million worth were hazardous (or 16.9 percent).[12] However, the 16.9 percent proportion (of total shipment values classed as hazardous materials) estimated may have had a high-side bias due to the variety of different classes of products classified as hazardous. The percentage of shipments properly classified as hazardous is likely lower, particularly for medicinal/dental/pharmaceuticals (for this analysis PHSMA assume 10 percent).

Multiplying this $613 billion (rounded) figure by 10 percent (the estimated proportion of annual trade in these three industries that are hazardous products) by the average hazard communication cost per dollar of hazardous materials produced in the United States ($0.001) results in an estimate of benefits of $61.2 million (rounded) annually. Over the ten-year analysis period from 2019 to 2028, this equates to a net present value of $431 million to $522 million, using a 7 percent and 3 percent discount rate, respectively.

Because it is difficult to directly compare the scope and nature of changes made in the OSHA rule with those made by PHMSA in each HM–215 rulemaking series, the estimates developed should be considered illustrative of very rough and highly uncertain impacts of general harmonization, Given the high degree of uncertainty in these estimates, due to the inability of PHMSA to align provisions in this rule, and their potential impacts, with the OSHA rule we use to draw our estimate from, we do not consider these quantified cost savings, averted costs, or benefits. PHMSA requests comments on the general harmonization benefit methodology utilized as well as any qualitative or quantitative information that our stakeholders can provide on the impact of general harmonization to their operations.

Corrosivity Classification: Current regulations require shippers to classify Class 8 materials to a packing group based on animal test data or to utilize authorized in vitro test methods. However, these regulations require that data obtained from the testing qualify as the only acceptable data for the classification and assignment to a packing group. The proposed addition of § 173.137(d) provides alternative packing group assignment methods to classify corrosive mixtures that does not involve physical testing. The proposed tiered approach to classification and packing group assignment depends on how much information is available for the mixture itself, similar mixtures, and/or its ingredients. Specifically, the proposed amendments include the following methods of classification for mixtures: Dilution, batching, criteria for substantially similar mixtures, and a calculation method using existing data for the component substances of the mixture.

PHMSA expects there to be cost savings to shippers of mixtures that chose to classify their materials using the new classification options instead of traditional testing methods (*e.g.* in-vitro or in-vivo). Traditional skin corrosion testing involving animals costs approximately $1,800. Whereas, the alternative in-vitro tests range from $500 to $850, [13] [14] with a median cost of $675.

[8] PHMSA's harmonization rulemakings, HM–215M: Hazardous Materials: Harmonization with International Standards (RRR), Final Rule, 80 FR 1075, January 8, 2015 and HM–215N: Hazardous Materials: Harmonization with International Standards (RRR), 82 FR 15796, March 30, 2017

[9] Department of Transportation, Pipeline and Hazardous Materials Safety Administration. Hazardous Materials: Harmonization with International Standards (RRR), Final Rule, 78FR 987, January 7, 2013; p. 1023.

[10] OSHA's estimate relied on comparing the costs of complying with the revised Hazard Communication Standard to the overall output of hazardous materials. The study measured four cost elements: revisions to labels and safety data sheets, additional training, additional management activities, and printing of color packaging. PHSMA determined that only the first three cost elements were relevant for harmonization purposes, and estimated the value of these costs as a fraction of the total value of hazardous materials produced in the United States to determine the $0.001 per dollar of hazardous materials output.

[11] Bureau of Economic Analysis, U.S. Department of Commerce, U.S. Trade in Goods (IDS–0008), available at: *http://www.bea.gov/international/detailed_trade_data.htm.*

[12] U.S. Department of Transportation & U.S. Department of Commerce (2015). Hazardous Materials 2012 Economic Census, Transportation, 2012 Commodity Flow Survey, available at: *https://www.census.gov/econ/cfs/2012/ec12tcf-us-hm.pdf* [see Table 1a].

[13] Humane Society International. Costs of Animal and Non-Animal Testing. *http://www.hsi.org/issues/chemical_product_testing/facts/time_and_cost.html.*

[14] These skin corrosion tests are named the Draize rabbit skin test for $1,800, EpiDerm human skin

Continued

The new classification methods for mixtures are faster and demonstrate an equivalent level of safety at a much lower cost. PHSMA expects that many shippers of Class 8 materials will use the new regulatory flexibility to utilize the lower cost, non-testing alternatives.

These non-test methods have varying degrees of time required for determination of a classification. Methods such as dilution and batching are relatively straight forward and require minimal time to arrive at a classification determination. Methods such as bridging and calculation require more time to arrive at a classification determination. PHMSA does not have a reliable estimate of the time to perform these non-test classification methods. For the purposes of this analysis, we have utilized the most time-consuming calculation method. To arrive at a classification determination using the calculation method the person preforming the calculation must utilize data on the known components of the mixture, and using a formula arrive at a number that correlates to an assignment of a packing group. PHMSA assumes that data on components of a mixture will generally be available, and that preforming this calculation takes approximately 3 hours to complete. Utilizing a weighted hourly wage of $79.06, [15] PHMSA estimates a cost of $237.18 for preforming the calculation method to arrive at a corrosivity classification determination. The median cost of currently authorized in-vitro and in-vivo testing is $1,237.5. This represents a cost savings of $1,000.32 per test.

PHSMA is challenged in monetizing total cost savings due to a lack of data describing baseline conditions, including a breakdown of the types of hazardous materials that make up the 2012 CFS total flow estimates and the total number of traditional tests industry currently conducts annually to comply with § 173.137. In addition, PHSMA does not have enough information to predict how this proposed rulemaking will change industry behavior. Absent more definitive data, PHMSA assumes 500 to 3,000 new mixtures tested per year. If all of these mixtures use the new non-testing methods, and cost savings equal $1,000.32 per test, total industry cost savings could equate to $0.4 to $3.9 million dollars per year. PHSMA seeks comment if these numbers represent an accurate estimate of new mixtures tested annually.

Costs of Harmonization

Please see the RIA for this rulemaking—a copy of which has been placed in the docket—for detailed analysis of the costs of various amendments proposed in this NPRM. Additionally, where noted below, please see the Paperwork Reduction Act section of this rulemaking for a detailed discussion of applicable proposals.

Requiring 6(d) testing for certain explosives: PHMSA believes that requiring additional tests will result in greater costs for manufacturers of explosives presently approved for transport under UN0349, UN0367, UN0384, or UN0481. Please see the Paperwork Reduction Act section of this rulemaking for a detailed discussion of these estimated costs.

Lithium Battery Test Summary: PHMSA believes that the proposed creation of a lithium cell or battery test summary and the proposed requirement for subsequent distributors to make the test summary available will result in costs to cell and battery manufacturers, as well as subsequent distributors. Please see the Paperwork Reduction Act section of this rulemaking for a detailed discussion of these estimated costs.

Net Benefit

Based on the discussions of benefits and costs provided above, PHMSA estimates discounted net cost savings at 3 percent discount rate of approximately $97,000–$2.2 million per year and at 7 percent discount rate of approximately $60,000–$2.1 million per year. Please see the complete RIA for a more detailed analysis of the costs and benefits of this proposed rule.

C. Executive Order 13771

This proposed rule has been analyzed in accordance with Executive Order 13771 (''Reducing Regulation and Controlling Regulatory Costs'') and is likely to result in an E.O. 13771 deregulatory action, as it will result in cost savings (see above for discussion of the Benefits and Costs of Harmonization).

D. Executive Order 13132

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism''). It preempts State, local, and Indian tribe requirements, but does not propose any regulation that has substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

The Federal hazmat law (49 U.S.C. 5101 *et seq.*) contains an express preemption provision (49 U.S.C. 5125(b)) that preempts State, local, and Indian tribe requirements on certain covered subjects, as follows:

(1) The designation, description, and classification of hazardous material;

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;

(3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and

(5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This proposed rule addresses covered subject items (1), (2), (3), (4), and (5) above and preempts State, local, and Indian tribe requirements not meeting the ''substantively the same'' standard. This proposed rule is necessary to incorporate changes adopted in international standards, effective January 1, 2019. If the proposed changes are not adopted in the HMR, U.S. companies—including numerous small entities competing in foreign markets—would be at an economic disadvantage because of their need to comply with a dual system of regulations. The changes in this proposed rulemaking are intended to avoid this result. Federal hazmat law provides at 49 U.S.C. 5125(b)(2) that, if DOT issues a regulation concerning any of the covered subjects, DOT must determine and publish in the **Federal Register** the effective date of Federal preemption. The effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. PHMSA proposes that the effective date of Federal preemption be 90 days from publication of a final rule in this matter.

model in vitro test for $850, and the CORROSITEX membrane barrier for $500.

[15] Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for ''Chemical Engineers (17–2041)'' in the Chemical Manufacturing industry. The hourly mean wage for this occupation ($54) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

E. Executive Order 13175

This proposed rule was analyzed in accordance with the principles and criteria contained in Executive Order 13175 (''Consultation and Coordination with Indian Tribal Governments''). Because this proposed rule does not have tribal implications, and does not impose substantial direct compliance costs the funding and consultation requirements of Executive Order 13175 do not apply.

F. Regulatory Flexibility Act, Executive Order 13272, and DOT Procedures and Policies

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to review regulations to assess their impact on small entities, unless the agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities. This proposed rule facilitates the transportation of hazardous materials in international commerce by providing consistency with international standards. It applies to offerors and carriers of hazardous materials, some of whom are small entities, such as chemical manufacturers, users and suppliers, packaging manufacturers, distributors, and training companies. As previously discussed under ''Executive Order 12866,'' the amendments in this proposed rule should result in net cost savings and ease the regulatory compliance burden for shippers engaged in domestic and international commerce, including trans-border shipments within North America.

Many companies will realize economic benefits as a result of these amendments. Additionally, the changes effected by this NPRM will relieve U.S. companies, including small entities competing in foreign markets, from the burden of complying with a dual system of regulations. Therefore, PHMSA expects that these amendments will not, if promulgated, have a significant economic impact on a substantial number of small entities. However, PHMSA solicits comments on the anticipated economic impacts to small entities.

This proposed rule has been developed in accordance with Executive Order 13272 (''Proper Consideration of Small Entities in Agency Rulemaking'') and DOT's procedures and policies to promote compliance with the Regulatory Flexibility Act to ensure that potential impacts of draft rules on small entities are properly considered.

G. Paperwork Reduction Act

PHMSA is proposing to revise the approved information collections under the following Office of Management and Budget (OMB) Control Numbers: OMB Control No. 2137–0018, ''Inspection and Testing of Portable Tanks and Intermediate Bulk Containers;'' OMB Control No. 2137–0034, ''Hazardous Materials Shipping Papers & Emergency Response Information;'' OMB Control No. 2137–0557, ''Approvals for Hazardous Materials;'' OMB Control No. 2137–0572, ''Testing Requirements for Non-Bulk Packaging (Formerly: Testing Requirements for Packaging);'' OMB Control No. 2137–0559, ''Rail Carriers and Tank Car Tank Requirements, Rail Tank Car Tanks—Transportation of Hazardous Materials by Rail.''

OMB Control Number 2137–0018, ''Inspection and Testing of Portable Tanks and Intermediate Bulk Containers''

PHMSA estimates this rulemaking will result in an increase in burden due to the proposed requirement to indicate the water temperature during a hydraulic pressure test for rigid plastics and composite IBCs. PHMSA does not estimate an increase in the number of respondents or responses, because the proposed amendment only adds burden for respondents already pressure testing rigid plastics and composite IBCs. PHMSA estimates that it will take an average of 1 additional minute to add the additional information to the test report. This information collection, currently accounts for 20 respondents completing 100 test reports per year at 6 minutes per response. Increasing the burden time to 7 minutes per response increases the burden by 33 hours. At a mean hourly wage of $38.77, [16] it is estimated to increase annual salary costs by $1,279.41. PHMSA does not anticipate this requirement to affect out-of-pocket expenses.

Annual Increase in Number of Respondents: 0.

Annual Increase in Number of Responses: 0.

Annual Increase in Burden Hours: 33.

Annual Increase in Salary Costs: $1,279.41.

Annual Increase in Burden Costs: $0.

OMB Control Number 2137–0034, ''Hazardous Materials Shipping Papers & Emergency Response Information''

PHMSA estimates that this NPRM will result in an overall increase in burden attributed to the proposed requirement to create a test summary for lithium cells and batteries manufactured after June 30, 2003. As currently proposed, lithium cell or battery manufacturers will need to create a test summary for all of the previously manufactured lithium cells and batteries. Following the publication of the final rule, PHMSA will revise the annual burden, as a test summary will only need to be created following manufacture of a new lithium cell and battery. Because this NPRM accounts for previously manufactured lithium cells and batteries, PHMSA believes that the burden will substantially decrease for subsequent years after a final rule goes into effect.

PHMSA identified 73 domestic lithium cell or battery manufacturers per U.S. Census' Annual Survey of Manufactures (ASM) (NAICS code 335912).[17] PHMSA looked at publicly available company websites for 35 domestic companies known to manufacture lithium cells or batteries. Of the 35 domestic lithium cell or battery manufacturers websites that were reviewed, 14 provided product information (*e.g.* specification sheets or safety data sheets) for specific lithium cells or batteries the company currently manufactures or sells. Based on the information provided on these 14 company websites, the mean number of lithium cells and batteries currently manufactured by these domestic manufacturers is 32. Based on the uncertainties noted below, PHMSA estimates that the number of batteries and cells currently manufactured—that were tested between June 30, 2003 and the estimated date of a final rule publication—by each domestic lithium cell or battery manufacture to be 80 per manufacturer (32 lithium cells or batteries manufactured × 2.5). Therefore, 5,840 new test summaries must be created for lithium cells or batteries (73 manufacturers × 80 lithium cells or batteries).

The time to create a test summary is estimated conservatively at 30 minutes per document. PHMSA personnel obtained various existing test reports for lithium cells and batteries and

[16] Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for ''First-line supervisors of transportation and material moving workers, except aircraft cargo handling (53–1048)'' in the Plastics and Rubber Products Manufacturing industry. The hourly mean wage for this occupation ($26.48) is adjusted to reflect the total costs of employee compensation (*i.e.,* benefits) based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

[17] 2015 County Business Patterns. ''Geography Area Series: County Business Patterns by Legal Form of Organization.'' 2016 Annual Survey of Manufactures. ''Annual Survey of Manufactures: General Statistics: Statistics for Industry Groups and Industries: 2016 and 2015.''

completed sample test summary documents utilizing these test reports with an average time to complete of 13 minutes. In these exercises, the test reports contained almost all the information required for completion of the test summary. PHMSA expects this to be the case for most test summaries and assumes that test reports will be readily available for most design types, but to account for the procuring of any missing information where required, we have estimated the test summary completion time to be 30 minutes. Therefore, PHMSA estimates that this proposal will increase burden by 2,920 hours (5,840 test reports × 30 minutes).

To determine the projected salary cost for preparing new test summaries, PHMSA estimates a mean hourly wage rate of approximately $67.03 [18] for a total of $195,721.76 in salary cost (2,920 burden hours × $67.03). PHMSA does not estimate any out-of-pocket expenses for the creation of the test summary.

Uncertainties

—Information on company websites generally only accounts for battery and cells that are currently actively offered for sale by the company. The proposed TS requirement would be applicable to all batteries and cells manufactured after June 30, 2003. Thus, the canvassing of domestic manufacturer websites does not account for these previously made cells and batteries.

—While several websites did show component cells for sale, others did not. It is difficult to know if some battery manufacturers that only list completed batteries on their websites also make their own cells.

—Canvassing searched 14 domestic lithium battery cell and battery manufacturers (out of an estimated 73). Companies that did not provide individual product listings were not included in our calculations. However, the companies that were researched do constitute a representative sample of lithium cell and battery manufacturers making cells and batteries for automobiles, military, medical, and portable electronic devices.

Annual Increase in Number of Respondents: 73.

Annual Increase in Number of Responses: 5,840.

Annual Increase in Burden Hours: 2,920.

Annual Increase in Salary Costs: $195,721.76.

Annual Increase in Burden Costs: $0.

This test summary requirement is also anticipated to increase the burden for recordkeeping requirements. As detailed in the proposed requirements, the test summary must be made available, including to subsequent distributors, upon request. For the purposes of this analysis PHMSA assumes that in order to make a test summary available manufacturers and downstream distributors of lithium cells and batteries will likely choose the alternative that results in the least amount of recordkeeping burden possible. PHMSA believes this least burdensome method would be to provide links to battery manufacturer websites where the information will be made available. This assumption presumes that infrastructure such as website storage capacity and upkeep are available and existing costs for cell and battery manufacturers and distributors. Each of these actions requires one recordkeeping action per test summary for cell and battery manufacturers and one record for each link generated by downstream distributors.

To attempt to quantify the burden hours and salary costs for this proposed recordkeeping requirement, PHMSA examined entities in NAICS codes for battery retailers, wholesalers, and merchants (NAICS 453998 & 423610) and identified the percentage of entities in each NAICS industry that is involved in distributing batteries based on the sub-NAICS product series information provided in the 2012 Economic Census by Industry. PHSMA multiplied this percent by the more recent, 2016 County Business Patterns estimate of the total number of entities to estimate the number of potentially impacted respondents. Based on these calculations, PHMSA estimates that 5,644 downstream distributors of lithium cells and batteries comprised of product manufacturers and distributors/retailers, in addition to the 73 domestic manufacturers identified above could be subject to additional recordkeeping requirements as a result of this proposal. We further estimate that product manufacturers utilize cells and batteries from an average of 5 different cell or battery manufacturers. Lastly, we estimate that distributors and retail outlets utilize cells and batteries from an average of 20 cell or battery manufacturers. See table 5 for a breakdown of the lithium cell and battery supply chain, the number of estimated entities, and the number of estimated test summaries that are required to be made available.

TABLE 5

Supply chain	Number of respondents	Individual recordkeeping responses
Cells/Batteries to product manufacturers	73	5,840
Product manufacturers to distributors/retailers	5,224	26,120
Distributors/retailers to customer	420	8,400
Total	5,790	40,360

PHMSA estimates that ensuring test summaries are available will take 5 minutes utilizing the electronic methods noted above. This results in a total recordkeeping requirement of 3,363.33 annual burden hours (40,360 responses × 5 minutes). At an estimated mean annual salary wage of approximately $67.03 [19] PHMSA estimates the salary

[18] Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for ''Electrical Engineers (17–2070)'' in the Other Electrical Equipment and Component Manufacturing industry. The hourly mean wage for this occupation ($45.78) is adjusted to reflect the total costs of employee compensation (*i.e.,* benefits) based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

[19] Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for ''Electrical Engineers (17–2070)'' in the Other Electrical Equipment and Component Manufacturing industry. The hourly mean wage for this occupation ($45.78) is adjusted to reflect the total costs of employee compensation (*i.e.,* benefits) based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

cost for recordkeeping will increase by $225,437.51. PHMSA does not estimate that this will increase in any out-of-pocket expenses.

Annual Increase in Number of Respondents: 5,717.

Annual Increase in Number of Responses: 40,360.

Annual Increase in Burden Hours: 3,363.33.

Annual Increase in Salary Costs: $225,437.51.

Annual Increase in Burden Costs: $0.

PHMSA is also proposing additional requirements that would affect the burden for OMB Control No. 2137–0034, but PHMSA believes that the overall effect on the number of respondents and burden hours are negligible in relationship to the number of respondents and burden hours currently associated with this information collection. The requirements include proposing: To require ''TEMPERATURE CONTROLLED'' on a shipping paper if not already indicated in the proper shipping, when appropriate; to remove 1-dodecene to the list of marine pollutants in Appendix B to § 172.101; to reduce the information required on a Dangerous Cargo Manifest for excepted packages containing Class 7 materials transported by vessel.

OMB Control Number 2137–0557, ''Approvals for Hazardous Materials''

We anticipate this NPRM will increase the overall burden for this information collection request. PHMSA is proposing to add special provision 347 to four entries on the HMT, which would require the articles to pass the 6(d) test from Part I of the UN Manual of Tests and Criteria to maintain Compatibility Group ''S'' classification. It is estimated that this will increase the number of annual respondents by 54. PHMSA estimates that each respondent will submit 10 applications each year, for a total increase of 540 annual responses (54 respondents × 10 responses). PHMSA estimates that each application will take 4.75 hours to complete, for a total increase of 2,565 annual burden hours (2,500 response × 4.75 hours). At a mean hourly wage of $79.06,[20] PHMSA estimates an increase of $202,797 in salary costs. PHMSA does not estimate any additional out-of-pocket expenses.

Annual Increase in Number of Respondents: 54.

Annual Increase in Number of Responses: 540.

Annual Increase in Burden Hours: 2,565.

Annual Increase in Salary Costs: $202,797.

Annual Increase in Burden Costs: $0.

PHMSA is also proposing additional requirements that would affect the burden for OMB Control No. 2137–0557, but PHMSA believes that the overall effect on the number of respondents and burden hours are negligible in relationship to the number of respondents and burden hours associated with this OMB Control Number. PHMSA expects a minimal increase due to the proposed revision of special provision A105, which would allow a person to obtain approval from the Associate Administrator for Hazardous Materials Safety if the quantity of hazardous materials exceeds the quantity limits and applicability provisions of § 173.222(c). PHMSA also expects a minimal decrease in the number of approval applicants based on the adoption of a new entry in the § 173.224 Self-Reactive Materials Table and the adoption of three new entries in the § 173.225 Organic Peroxide Table. Respondents wishing to offer these materials in transportation, are no longer required to obtain approval by the Associate Administrator for Hazardous Materials Safety.

OMB Control No. 2137–0572, ''Testing Requirements for Non-Bulk Packaging (Formerly: Testing Requirements for Packaging)''

PHMSA estimates this rulemaking will result in an increase in burden due to the proposed requirement to include the water temperature during the hydraulic pressure test for plastic non-bulk packagings. PHMSA does not estimate an increase in the number of respondents or responses, because the proposed amendment only adds burden to persons currently pressure testing plastic non-bulk packagings. PHMSA currently estimates that 5,000 respondents create 3 test reports per year, and that each test report takes 2 hours to complete. Based on the estimated percentage of respondents who currently requalify plastic non-bulk packagings, PHMSA estimates that it will take an average of 1 minute to add the water temperature on the requalification report, for an estimated increase of 250 burden hours. At a mean hourly wage of $68.58,[21] it is estimated to increase annual salary costs of $17,145. PHMSA does not anticipate this requirement to affect out-of-pocket expenses.

Annual Increase in Number of Respondents: 0.

Annual Increase in Number of Responses: 0.

Annual Increase in Burden Hours: 250.

Annual Increase in Salary Costs: $17,145.

Annual Increase in Burden Costs: $0.

OMB Control No. 2137–0559 ''Rail Carrier and Tank Car Tank Requirements, Rail Tank Car Tanks—Transportation of Hazardous Materials by Rail''

PHMSA anticipates this NPRM will result in a decrease in burden because of the proposed requirement to recognize Transport Canada issued Temporary Certificates for one time movements of non-compliant tank cars, in lieu of a DOT-issued OTMA when the tank car shipment's origin or destination is in Canada. Data from the FRA indicates that in calendar year 2017 there were 214 one time movement requests for tank car shipments with an origin or destination in Canada. PHMSA estimates that half of these movements will operate under a Temporary Certificate issued by Transport Canada, and thus not require PHMSA approval. Therefore, PHMSA estimates there will be a decrease in 54 annual respondents. Each of these respondents is estimated to annually request two OTMAs, for a decrease of 108 responses. PHMSA estimates that each application requires 4.75 hours to complete, resulting in a reduction of 513 burden hours. At an estimated mean hourly wage of $68.58,[22] this reduction is expected to save $35,181.54 in salary cost. PHMSA

[20] Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for ''Chemical Engineers (17–2041)'' in the Chemical Manufacturing industry. The hourly mean wage for this occupation ($54) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

[21] Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for ''Transportation, Storage, and Distribution Managers (11–3071)'' in the Transportation and Warehousing industry. The hourly mean wage for this occupation ($48.43) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

[22] Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for ''Transportation, Storage, and Distribution Managers (11–3071)'' in the Transportation and Warehousing industry. The hourly mean wage for this occupation ($46.84) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

estimates there is no reduction in out-of-pocket expenses.

Annual Decrease in Number of Respondents: 54.

Annual Decrease in Number of Responses: 108.

Annual Decrease in Burden Hours: 513.

Annual Decrease in Salary Costs: $38,181.54.

Annual Decrease in Burden Costs: $0.

Under the Paperwork Reduction Act of 1995, no person is required to respond to an information collection unless it has been approved by OMB and displays a valid OMB control number. Section 1320.8(d) of title 5 of the CFR requires that PHMSA provide interested members of the public and affected agencies and opportunity to comment on information and recordkeeping requests. PHMSA specifically requests comments on the information collection and recordkeeping burdens associated with developing, implementing, and maintaining these proposed requirements. Address written comments to the Dockets Unit as identified in the **ADDRESSES** section of this rulemaking. We must receive comments regarding information collection burdens prior to the close of the comment period identified in the **DATES** section of this rulemaking. In addition, you may submit comments specifically related to the information collection burden to the PHMSA Desk Officer, Office of Management and Budget, at fax number 202–395–674. Requests for a copy of this information collection should be directed to Steven Andrews or Shelby Geller, Standards and Rulemaking Division (PHH–10), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. If these proposed requirements are adopted in a final rule, PHMSA will submit the revised information collection and recordkeeping requirements to OMB for approval.

H. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

I. Unfunded Mandates Reform Act of 1995

This proposed rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $160.8 million or more, adjusted for inflation, to either State, local, or tribal governments, in the aggregate, or to the private sector in any one year, and is the least burdensome alternative that achieves the objective of the rule.

J. Environmental Assessment

The National Environmental Policy Act of 1969, 42 U.S.C. 4321–4375, requires that Federal agencies analyze proposed actions to determine whether the action will have a significant impact on the human environment. The Council on Environmental Quality (CEQ) regulations that implement NEPA (40 CFR parts 1500–1508) require Federal agencies to conduct an environmental review considering (1) the need for the proposed action, (2) alternatives to the proposed action, (3) probable environmental impacts of the proposed action and alternatives, and (4) the agencies and persons consulted during the consideration process.

1. Purpose and Need

This NPRM would amend the HMR (49 CFR parts 171–180) to maintain alignment with international standards by incorporating the 20th Revised Edition of the UN Model Regulations, Amendment 39–18 to the IMDG Code, the 2019–2020 ICAO Technical Instructions, and Transport Canada's newest amendments to TDG Regulations.

This action is necessary to incorporate changes adopted in the IMDG Code, the ICAO Technical Instructions, and the UN Model Regulations, effective January 1, 2019. If the changes in this proposed rule are not adopted in the HMR by this effective date, U.S. companies—including numerous small entities competing in foreign markets—would be at an economic disadvantage because of their need to comply with a dual system of regulations. The changes in this proposed rulemaking are intended to avoid this result.

The intended effect of this action is to align the HMR with international transport standards and requirements to the extent practicable in accordance with Federal hazmat law (see 49 U.S.C. 5120). When considering the adoption of international standards under the HMR, PHMSA reviews and evaluates each amendment on its own merit, on its overall impact on transportation safety, and on the economic implications associated with its adoption. Our goal is to harmonize internationally without diminishing the level of safety currently provided by the HMR or imposing undue burdens on the regulated public. PHMSA has provided a brief summary of each revision and the justification for the revision.

2. Alternatives

In proposing this rulemaking, PHMSA is considering the following alternatives:

No Action Alternative

If PHMSA were to select the No Action Alternative, current regulations would remain in place and no new provisions would be added.

Preferred Alternative

This alternative is the current proposal as it appears in this NPRM, applying to transport of hazardous materials by various transport modes (highway, rail, vessel, and aircraft). The proposed amendments included in this alternative are more fully addressed in the preamble and regulatory text sections of this NPRM. However, they generally include:

(1) Updated references to various international hazardous materials transport standards;

(2) Amendments to the Hazardous Materials Table to include twelve new N.O.S. entries for articles containing dangerous goods, as well as additional defining criteria, authorized packagings, and safety requirements for transportation of these articles;

(3) Amendments to add, revise, or remove certain proper shipping names, packing groups, special provisions, packaging authorizations, bulk packaging requirements, and vessel stowage requirements. Additionally, changes throughout the packaging requirements in part 173 to authorize more flexibility when choosing packages for hazardous materials;

(4) Changes to the corrosivity classification procedures to include methods that do not involve testing for making a corrosivity classification determination for mixtures;

(5) The creation of a lithium cell or battery test summary; and

(6) Amendments to the HMR regarding the segregation of lithium cells and batteries offered for transport or transported on aircraft in relation to other hazardous materials.

3. Probable Environmental Impact of the Alternatives

No Action Alternative

If PHMSA were to select the No Action Alternative, current regulations would remain in place and no new provisions would be added. However, efficiencies gained through harmonization with updates to international transport standards—

including regulated substances, definitions, packagings, stowage requirements/codes, flexibilities allowed, enhanced markings, segregation requirements, etc.—would not be realized.

Additionally, the No Action Alternative would not adopt enhanced and clarified regulatory requirements, which are intended to decrease the risk of environmental and safety incidents. For example, updates to corrosivity classification requirements are intended to better ensure that hazardous materials in this hazard class are properly identified. The lithium battery test summary and the lithium battery segregation requirements are intended to provide added protections against the risks that lithium batteries pose to air transportation. Also, the vessel stowage requirements seek to better separate materials that may be reactive to reduce the risks of serious incidents. While these are only a few examples, the provisions proposed in this Notice have been developed and vetted by the U.S. and international experts responsible for the following hazardous materials standards: UN Model Regulations, ICAO Technical Instructions, IMDG Code, and the Transport Canada TDG Regulations. Not adopting the proposed environmental and safety requirements in the NPRM under the No Action Alternative would result in a lost opportunity for reducing environmental and safety-related incidents.

Greenhouse gas emissions would remain relatively the same under the No Action Alternative. However, it is expected that fewer incidents result in fewer emissions of greenhouse gases and other pollutants.

Preferred Alternative

If PHMSA selects the provisions as proposed in this NPRM, we believe that safety and environmental risks would be reduced and that protections to human health and environmental resources would be increased. Potential environmental impacts of each proposed amendment in the preferred alternative are discussed as follows:

1. *Incorporation by Reference:* PHMSA proposes to update references to various international hazardous materials transport standards including the 2019–2020 ICAO Technical Instructions; Amendment 39–18 to the IMDG Code; the 20th Revised Edition of the UN Model Regulations; amendment 1 to the 6th Revised Edition of the UN Manual of Tests and Criteria; and the latest amendments to the Transport Canada TDG Regulations. Additionally, we propose to add three new references to standards and update six other references to standards applicable to the manufacture use and requalification of pressure vessels published by the International Organization for Standardization.

PHMSA believes that this proposed amendment, which will increase standardization and consistency of regulations, will result in greater protection of human health and the environment. Consistency between U.S. and international regulations enhances the safety and environmental protection of international hazardous materials transportation through better understanding of the regulations, an increased level of industry compliance, the smooth flow of hazardous materials from their points of origin to their points of destination, and consistent emergency response procedures in the event of a hazardous materials incident. The HMR authorize shipments prepared in accordance with the ICAO Technical Instructions from transport by aircraft and for transport by motor vehicle either before or after being transported by aircraft. Similarly, the HMR authorize shipments prepared in accordance with the IMDG Code if all or part of the transportation is by vessel. The authorizations to use the ICAO Technical Instructions and the IMDG Code are subject to certain conditions and limitations outlined in part 171 subpart C.

Harmonization will result in more targeted and effective training, thereby facilitating enhanced environmental protection. This proposed amendment will eliminate inconsistent hazardous materials regulations, which hamper compliance training efforts. For ease of compliance with appropriate regulations, air and vessel carriers engaged in the transportation of hazardous materials generally elect to comply with the ICAO Technical Instructions and IMDG Code, as appropriate.

Greenhouse gas emissions would remain the same under this proposed amendment.

2. *Consistent with amendments adopted into the UN Model Regulations, PHMSA proposes to revise the Hazardous Materials Table in § 172.101 to include 12 new N.O.S. entries for articles containing dangerous goods and to add into the HMR defining criteria, authorized packagings, and safety requirements for transportation of these articles.* Inclusion of entries in the HMT reflects a degree of danger associated with a particular material and identifies appropriate packaging intended to reduce the likelihood of release of hazardous materials that threaten human health and safety and the environment. This proposed change provides a level of protection and consistency for all articles specifically listed in the HMT, without diminishing environmental protection and safety.

Greenhouse gas emissions would remain the same under this proposed amendment.

3. *PHMSA proposes amendments to the HMT to add, revise, or remove certain proper shipping names, packing groups, special provisions, packaging authorizations, bulk packaging requirements, and vessel stowage requirements. Amendments to HMT proper shipping names include: requiring additional 6(d) testing for certain explosive articles; adding an entry for ''Lithium batteries installed in cargo transport unit''; and adding two new entries for ''Toxic solid, flammable, inorganic, n.o.s.'' Additionally, we also propose to add and revise special provisions, large packaging authorizations, and intermediate bulk container (IBC) authorizations consistent with the UN Model Regulations to provide a wider range of packaging options to shippers of hazardous materials.*

Inclusion of entries in the HMT reflects a degree of danger associated with a particular material and identifies appropriate packaging. These proposed inclusions in the HMT provide a greater level of protection against release and consistency across borders.

4. *Changes to the corrosivity classification procedures to include methods that do not involve testing for making a corrosivity classification determination for mixtures.*

PHMSA believes that this proposed amendment permits additional flexibility for classifying corrosive mixtures and allows offerors the ability to make a classification and packing group assignment without having to conduct physical tests. This allowance does not compromise environmental protection or safety. Increased use of not-test methods for classification of mixtures results in less product being utilized to conduct physical testing, less clean-up and disposal that occurs after testing, which provide environmental benefits along with expanded alternatives to traditional testing methods.

5. *Consistent with amendments adopted into the UN Model Regulations, PHMSA proposes to require the creation of a lithium cell or battery test summary.*

PHMSA believes that these proposed amendments provide important additional information to downstream shippers and consumers of lithium batteries, including a standardized set of

elements that provide traceability and accountability that lithium cells and batteries offered for transport meet the appropriate UN design tests. Testing standards for lithium batteries help ensure design types are subject to as many as eight separate tests designed to assess their ability to withstand the anticipated rigors incurred during transport. Increased availability of documentation indicating that cells and batteries are of a tested type could lead to a decrease in the number of illegitimate lithium batteries that can present a hazard to users and the environment.

6. *Amendments to the HMR regarding the segregation of lithium cells and batteries offered for transport or transported on aircraft in relation to other hazardous materials.*

PHMSA believes that the proposed amendments requiring lithium batteries to be segregated from other listed dangerous goods would enhance safety and environmental protection by decreasing the risk posed by a fire involving lithium batteries or another dangerous good. The segregation requirements are intended to avoid the cumulative effects of a fire involving both goods simultaneously. PHMSA believes that this proposed amendment would provide for a net increase in environmental protection and safety by potentially lessening the severity of a fire aboard an aircraft, thus preventing release and damage to human health and the natural environment.

Summary

In summary, consistency between these international regulations and the HMR allows shippers and carriers to train their hazmat employees in a single set of requirements for classification, packaging, hazard communication, handling, stowage, etc., thereby minimizing the possibility of improperly preparing and transporting a shipment of hazardous materials because of differences between domestic and international regulations. These proposed changes mirror changes in the Dangerous Goods List of the 20th Revised Edition of the UN Model Regulations, the 2019–2020 ICAO Technical Instructions, and Amendment 39–18 to the IMDG Code. It is extremely important for the domestic HMR to mirror these international standards regarding the entries in the HMT to ensure consistent naming conventions across modes and international borders.

In some instances, the proposed changes in this Notice may result in a streamlining or reduction in burden to industry. However, in each case, PHMSA believes that those changes are consistent with safety and will not significantly increase the risk of release. Most of the proposed regulations in this Notice increase protections aimed at avoiding safety and environmental risks.

Greenhouse gas emissions would not significantly increase under this proposed amendment, but fewer incidents are expected to result in fewer emissions of greenhouse gases and other pollutants.

4. Agencies Consulted

This NPRM represents PHMSA's first action in the U.S. for this program area. PHMSA has coordinated with the U.S. Federal Aviation Administration, the Federal Motor Carrier Safety Administration, the Federal Railroad Administration, and the U.S. Coast Guard, in the development of this proposed rule. PHMSA will consider the views expressed in comments to the NPRM submitted by members of the public, state and local governments, and industry.

5. Conclusion

The provisions of this proposed rule build on current regulatory requirements in order to enhance the transportation safety and security of shipments of hazardous materials transported by highway, rail, aircraft, and vessel, thereby reducing the risks of an accidental or intentional release of hazardous materials and consequent environmental damage. PHMSA proposes to find that the net environmental impact of this proposal will be positive and that there are no significant environmental impacts associated with this proposed rule. PHMSA welcomes any views, data, or information related to environmental impacts that may result if the proposed requirements are adopted, as well as the ''no action alternative'' and other viable alternatives and their environmental impacts.

K. Privacy Act

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit *http://www.dot.gov/privacy.html.*

L. Executive Order 13609 and International Trade Analysis

Under Executive Order 13609 (''Promoting International Regulatory Cooperation''), agencies must consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA participates in the establishment of international standards to protect the safety of the American public, and it has assessed the effects of the proposed rule to ensure that it does not cause unnecessary obstacles to foreign trade. In fact, the rule is designed to facilitate international trade. Accordingly, this rulemaking is consistent with Executive Order 13609 and PHMSA's obligations under the Trade Agreement Act, as amended.

M. National Technology Transfer and Advancement Act

The National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) directs Federal agencies to use voluntary consensus standards in their regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specification of materials, test methods, or performance requirements) that are developed or adopted by voluntary

consensus standard bodies. This NPRM involves multiple voluntary consensus standards which are discussed at length in the discussion on § 171.7.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Incorporation by reference, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Incorporation by reference, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 174

Hazardous materials transportation, Rail carriers, Reporting and recordkeeping requirements, Security measures.

49 CFR Part 175

Air carriers, Hazardous materials transportation, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 176

Maritime carriers, Hazardous materials transportation, Incorporation by reference, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 178

Hazardous materials transportation, Incorporation by reference, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 180

Hazardous materials transportation, Motor carriers, Motor vehicle safety, Packaging and containers, Railroad safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA proposes to amend 49 CFR chapter I as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

■ 1. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4 (28 U.S.C. 2461 note); Pub. L. 104–134, section 31001; 49 CFR 1.81 and 1.97.

■ 2. In § 171.7:
■ a. Paragraph (s)(2) is added;
■ b. Paragraphs (t)(1), (v)(2), (w)(1) through (68) are revised;
■ c. Paragraphs (w)(69) through (77) are added;
■ d. Paragraphs (aa)(1) through (4) are revised;
■ e. Paragraphs (bb)(1) (xx), (xxi), and (xxii) and (bb)(2) are added; and
■ d. Paragraphs (dd)(1) through (3) are revised.

The revisions and additions to read as follows:

§ 171.7 Reference material.

* * * * *

(s) * * *

(2) Code of Conduct on the Safety and Security of Radioactive Sources (International Atomic Energy Agency Code of Conduct), 2004, into § 172.800.

(t) * * *

(1) Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), 2019–2020 Edition, copyright 2018, into §§ 171.8; 171.22; 171.23; 171.24; 172.101; 172.202; 172.401; 172.512; 172.519; 172.602; 173.56; 173.320; 175.10, 175.33; 178.3.

* * * * *

(v) * * *

(2) International Maritime Dangerous Goods Code (IMDG Code), Incorporating Amendment 39–18 (English Edition), 2018 Edition, into §§ 171.22; 171.23; 171.25; 172.101; 172.202; 172.203; 172.401; 172.502; 172.519; 172.602; 173.21; 173.56; 176.2; 176.5; 176.11; 176.27; 176.30; 176.83; 176.84; 176.140; 176.720; 176.906; 178.3; 178.274.

(w) * * *

(1) ISO 535–1991(E) Paper and board—Determination of water absorptiveness—Cobb method, 1991, into §§ 178.707; 178.708; 178.516.

(2) ISO 1496–1: 1990 (E)—Series 1 freight containers—Specification and testing, Part 1: General cargo containers. Fifth Edition, (August 15, 1990), into § 173.411.

(3) ISO 1496–3(E)—Series 1 freight containers—Specification and testing—Part 3: Tank containers for liquids, gases and pressurized dry bulk, Fourth edition, March 1995, into §§ 178.74; 178.75; 178.274.

(4) ISO 1516:2002(E), Determination of flash/no flash—Closed cup equilibrium method, Third Edition, 2002–03–01, into § 173.120.

(5) ISO 1523:2002(E), Determination of flash point—Closed cup equilibrium method, Third Edition, 2002–03–01, into § 173.120.

(6) ISO 2431–1984(E) Standard Cup Method, 1984, into § 173.121.

(7) ISO 2592:2000(E), Determination of flash and fire points—Cleveland open cup method, Second Edition, 2000–09–15, into § 173.120.

(8) ISO 2719:2002(E), Determination of flash point—Pensky-Martens closed cup method, Third Edition, 2002–11–15, into § 173.120.

(9) ISO 2919:1999(E), Radiation Protection—Sealed radioactive sources—General requirements and classification, (ISO 2919), second edition, February 15, 1999, into § 173.469.

(10) ISO 3036–1975(E) Board—Determination of puncture resistance, 1975, into § 178.708.

(11) ISO 3405:2000(E), Petroleum products—Determination of distillation characteristics at atmospheric pressure, Third Edition, 2000–03–01, into § 173.121.

(12) ISO 3574–1986(E) Cold-reduced carbon steel sheet of commercial and drawing qualities, into § 178.503; part 178, appendix C.

(13) ISO 3679:2004(E), Determination of flash point—Rapid equilibrium closed cup method, Third Edition, 2004–04–01, into § 173.120.

(14) ISO 3680:2004(E), Determination of flash/no flash—Rapid equilibrium closed cup method, Fourth Edition, 2004–04–01, into § 173.120.

(15) ISO 3807–2(E), Cylinders for acetylene—Basic requirements—Part 2: Cylinders with fusible plugs, First edition, March 2000, into §§ 173.303; 178.71.

(16) ISO 3807:2013(E), Gas cylinders—Acetylene cylinders—Basic requirements and type testing, Second edition, 2013–09–01, into §§ 173.303; 178.71.

(17) ISO 3924:1999(E), Petroleum products—Determination of boiling range distribution—Gas chromatography method, Second Edition, 1999–08–01, into § 173.121.

(18) ISO 4126–1:2004(E): Safety devices for protection against excessive pressure—Part 1: Safety valves, Second edition 2004–02–15, into § 178.274.

(19) ISO 4126–7:2004(E): Safety devices for protection against excessive pressure—Part 7: Common data, First Edition 2004–02–15 into § 178.274.

(20) ISO 4126–7:2004/Cor.1:2006(E): Safety devices for protection against excessive pressure—Part 7: Common data, Technical Corrigendum 1, 2006–11–01, into § 178.274.

(21) ISO 4626:1980(E), Volatile organic liquids—Determination of boiling range of organic solvents used as raw materials, First Edition, 1980–03–01, into § 173.121.

(22) ISO 4706:2008(E), Gas cylinders—Refillable welded steel cylinders—Test pressure 60 bar and below, First Edition, 2008–07–014, Corrected Version, 2008–07–01, into § 178.71.

(23) ISO 6406(E), Gas cylinders—Seamless steel gas cylinders—Periodic inspection and testing, Second edition, February 2005, into § 180.207.

(24) ISO 6892 Metallic materials—Tensile testing, July 15, 1984, First Edition, into § 178.274.

(25) ISO 7225(E), Gas cylinders—Precautionary labels, Second Edition, July 2005, into § 178.71.

(26) ISO 7866(E), Gas cylinders—Refillable seamless aluminum alloy gas cylinders—Design, construction and testing, First edition, June 1999, into § 178.71.

(27) ISO 7866:2012(E), Gas cylinders—Refillable seamless aluminum alloy gas cylinders—Design, construction and testing, Second edition, 2012–09–01, into § 178.71.

(28) ISO 7866:2012/Cor.1:2014(E), Gas cylinders—Refillable seamless aluminum alloy gas cylinders—Design, construction and testing, Technical Corrigendum 1, 2014–04–15, into § 178.71.

(29) ISO 8115 Cotton bales—Dimensions and density, 1986 Edition, into § 172.102.

(30) ISO 9809–1:1999(E): Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 1: Quenched and tempered steel cylinders with tensile strength less than 1100 MPa., First edition, June 1999, into §§ 178.37; 178.71; 178.75.

(31) ISO 9809–1:2010(E): Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 1: Quenched and tempered steel cylinders with tensile strength less than 1 100 MPa., Second edition, 2010–04–15, into §§ 178.37; 178.71; 178.75.

(32) ISO 9809–2:2000(E): Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 2: Quenched and tempered steel cylinders with tensile strength greater than or equal to 1 100 MPa., First edition, June 2000, into §§ 178.71; 178.75.

(33) ISO 9809–2:2010(E): Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 2: Quenched and tempered steel cylinders with tensile strength greater than or equal to 1100 MPa., Second edition, 2010–04–15, into §§ 178.71; 178.75.

(34) ISO 9809–3:2000(E): Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 3: Normalized steel cylinders, First edition, December 2000, into §§ 178.71; 178.75.

(35) ISO 9809–3:2010(E): Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 3: Normalized steel cylinders, Second edition, 2010–04–15, into §§ 178.71; 178.75.

(36) ISO 9809–4:2014(E), Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 4: Stainless steel cylinders with an Rm value of less than 1 100 MPa, First edition, 2014–07–15, into §§ 178.71; 178.75.

(37) ISO 9978:1992(E)—Radiation protection—Sealed radioactive sources—Leakage test methods. First Edition, (February 15, 1992), into § 173.469.

(38) ISO 10156:2010(E): Gases and gas mixtures—Determination of fire potential and oxidizing ability for the selection of cylinder valve outlets, Third edition, 2010–04–01, into § 173.115.

(39) ISO 10156:2010/Cor.1:2010(E): Gases and gas mixtures—Determination of fire potential and oxidizing ability for the selection of cylinder valve outlets, Technical Corrigendum 1, 2010–09–01, into § 173.115.

(40) ISO 10297:1999(E), Gas cylinders—Refillable gas cylinder valves—Specification and type testing, First Edition, 1995–05–01, into §§ 173.301b; 178.71.

(41) ISO 10297:2006(E), Transportable gas cylinders—Cylinder valves—Specification and type testing, Second Edition, 2006–01–15, into §§ 173.301b; 178.71.

(42) ISO 10297:2014(E), Gas cylinders—Cylinder valves—Specification and type testing, Third Edition, 20014–07–15, into §§ 173.301b; 178.71.

(43) ISO 10461:2005(E), Gas cylinders—Seamless aluminum-alloy gas cylinders—Periodic inspection and testing, Second Edition, 2005–02–15 and Amendment 1, 2006–07–15, into § 180.207.

(44) ISO 10462 (E), Gas cylinders—Transportable cylinders for dissolved acetylene—Periodic inspection and maintenance, Second edition, February 2005, into § 180.207.

(45) ISO 10462:2013(E), Gas cylinders—Acetylene cylinders—Periodic inspection and maintenance, Third edition, 2013–12–15, into § 180.207.

(46) ISO 10692–2:2001(E), Gas cylinders—Gas cylinder valve connections for use in the micro-electronics industry—Part 2: Specification and type testing for valve to cylinder connections, First Edition, 2001–08–01, into §§ 173.40; 173.302c.

(47) ISO 11114–1:2012(E), Gas cylinders—Compatibility of cylinder and valve materials with gas contents—Part 1: Metallic materials, Second edition, 2012–03–15, into §§ 172.102; 173.301b; 178.71.

(48) ISO 11114–2:2013(E), Gas cylinders—Compatibility of cylinder and valve materials with gas contents—Part 2: Non-metallic materials, Second edition, 2013–04–01, into §§ 173.301b; 178.71.

(49) ISO 11117:1998(E): Gas cylinders—Valve protection caps and valve guards for industrial and medical gas cylinders.—Design, construction and tests, First edition, 1998–08–01, into § 173.301b.

(50) ISO 11117:2008(E): Gas cylinders—Valve protection caps and valve guards—Design, construction and tests, Second edition, 2008–09–01, into § 173.301b.

(51) ISO 11117:2008/Cor.1:2009(E): Gas cylinders—Valve protection caps and valve guards—Design, construction and tests, Technical Corrigendum 1, 2009–05–01, into § 173.301b.

(52) ISO 11118(E), Gas cylinders—Non-refillable metallic gas cylinders—Specification and test methods, First edition, October 1999, into § 178.71.

(53) ISO 11118(E), Gas cylinders—Non-refillable metallic gas cylinders—Specification and test methods, Second edition, 2015–09–15, into § 178.71.

(54) ISO 11119–1(E), Gas cylinders—Gas cylinders of composite construction—Specification and test methods—Part 1: Hoop-wrapped composite gas cylinders, First edition, May 2002, into § 178.71.

(55) ISO 11119–1:2012(E), Gas cylinders—Refillable composite gas cylinders and tubes—Design, construction and testing—Part 1: Hoop wrapped fibre reinforced composite gas cylinders and tubes up to 450 l, Second edition, 2012–08–01, into § 178.71.

(56) ISO 11119–2(E), Gas cylinders—Gas cylinders of composite construction—Specification and test methods—Part 2: Fully wrapped fibre reinforced composite gas cylinders with load-sharing metal liners, First edition, May 2002, into § 178.71.

(57) ISO 11119–2:2012(E), Gas cylinders—Refillable composite gas cylinders and tubes—Design, construction and testing—Part 2: Fully wrapped fibre reinforced composite gas cylinders and tubes up to 450 l with load-sharing metal liners, Second edition, 2012–07–15, into § 178.71.

(58) ISO 11119–2:2012/Amd.1:2014(E), Gas cylinders—Refillable composite gas cylinders and tubes—Design, construction and testing—Part 2: Fully wrapped fibre

reinforced composite gas cylinders and tubes up to 450 l with load-sharing metal liners, Amendment 1, 2014–08–15, into § 178.71.

(59) ISO 11119–3(E), Gas cylinders of composite construction—Specification and test methods—Part 3: Fully wrapped fibre reinforced composite gas cylinders with non-load-sharing metallic or non-metallic liners, First edition, September 2002, into § 178.71.

(60) ISO 11119–3:2013(E), Gas cylinders— Refillable composite gas cylinders and tubes—Design, construction and testing—Part 3: Fully wrapped fibre reinforced composite gas cylinders and tubes up to 450 l with non-load-sharing metallic or non-metallic liners, Second edition, 2013–04–15, into § 178.71.

(61) ISO 11120(E), Gas cylinders—Refillable seamless steel tubes of water capacity between 150 L and 3000 L—Design, construction and testing, First edition, March 1999, into §§ 178.71; 178.75.

(62) ISO 11120(E), Gas cylinders—Refillable seamless steel tubes of water capacity between 150 l and 3000 l—Design, construction and testing, Second Edition, 2015–02–01, into §§ 178.71; 178.75.

(63) ISO 11513:2011(E), Gas cylinders—Refillable welded steel cylinders containing materials for sub-atmospheric gas packaging (excluding acetylene)—Design, construction, testing, use and periodic inspection, First edition, 2011–09–12, into §§ 173.302c; 178.71; 180.207.

(64) ISO 11621(E), Gas cylinders—Procedures for change of gas service, First edition, April 1997, into §§ 173.302, 173.336, 173.337.

(65) ISO 11623(E), Transportable gas cylinders—Periodic inspection and testing of composite gas cylinders, First edition, March 2002, into § 180.207.

(66) ISO 11623(E), Transportable gas cylinders—Periodic inspection and testing of composite gas cylinders, Second edition, 2015–12–01, into § 180.207.

(67) ISO 13340:2001(E) Transportable gas cylinders—Cylinder valves for non-refillable cylinders—Specification and prototype testing, First edition, 2004–04–01, into §§ 173.301b; 178.71.

(68) ISO 13736:2008(E), Determination of flash point—Abel closed-cup method, Second Edition, 2008–09–15, into § 173.120.

(69) ISO 14246:2014(E), Gas cylinders—Cylinder valves—Manufacturing tests and examination, Second Edition, 2014–06–15, into § 178.71.

(70) ISO 16111:2008(E), Transportable gas storage devices—Hydrogen absorbed in reversible metal hydride, First Edition, 2008–11–15, into §§ 173.301b; 173.311; 178.71.

(71) ISO 16148:2016(E), Gas cylinders—Refillable seamless steel gas cylinders and tubes—Acoustic emission examination (AT) and follow-up ultrasonic examination (UT) for periodic inspection and testing, Second Edition, 2016–04–15, into § 180.207.

(72) ISO 17871:2015(E), Gas cylinders—Quick-release cylinder valves—Specification and type testing, First Edition, 2015–08–15, into 173.301.

(73) ISO 18172–1:2007(E), Gas cylinders—Refillable welded stainless steel cylinders—Part 1: Test pressure 6 MPa and below, First Edition, 2007–03–01, into § 178.71.

(74) ISO 20703:2006(E), Gas cylinders—Refillable welded aluminum-alloy cylinders—Design, construction and testing, First Edition, 2006–05–01, into § 178.71.

(75) ISO 21172–1:2015(E), Gas cylinders—Welded steel pressure drums up to 3 000 litres capacity for the transport of gases—Design and construction—Part 1: Capacities up to 1 000 litres, First edition, 2015–04–01, into § 178.71

(76) ISO 22434:2006(E), Transportable gas cylinders—Inspection and maintenance of cylinder valves, First Edition, 2006–09–01, into § 180.207.

(77) ISO/TR 11364:2012(E), Gas cylinders—Compilation of national and international valve system/gas cylinder neck threads and their identification and marking system, First Edition, 2012–12–01, into § 178.71.

* * * * *

(aa) * * *

(1) Test No. 404: Acute Dermal Irritation/Corrosion, OECD Guidelines for the Testing of Chemicals, Section 4: Health Effects, adopted 28 July 2015, into § 173.137.

(2) Test No. 430: In Vitro Skin Corrosion: Transcutaneous Electrical Resistance Test (TER), OECD Guidelines for the Testing of Chemicals, Section 4: Health Effects, adopted 28 July 2015, into § 173.137.

(3) Test No. 431: In Vitro Skin Corrosion: Reconstructed Human Epidermis (RHE) Test Method, OECD Guidelines for the Testing of Chemicals, Section 4: Health Effects, adopted 28 July 2015, into § 173.137.

(4) Test No. 435: In Vitro Membrane Barrier Test Method for Skin Corrosion, OECD Guidelines for the Testing of Chemicals, Section 4: Health Effects, adopted 28 July 2015, into § 173.137.

(bb) * * *

(1) * * *

(xx) SOR/2016–95 June 1, 2016; and SOR/2017–253 published December 13, 2017.

(xxi) SOR/2017–137 July 12, 2017.

(xxii) SOR/2017–253 December 13, 2017.

(2) Containers for Transport of Dangerous Goods by Rail, TP 14877E, 12/2013, into § 171.12.

* * * * *

(dd) * * *

(1) UN Recommendations on the Transport of Dangerous Goods, Model Regulations (UN Recommendations), 20th revised edition, Volumes I and II (2017), into §§ 171.8; 171.12; 172.202; 172.401; 172.407; 172.502; 173.22; 173.24; 173.24b; 173.40; 173.56; 173.192; 173.302b; 173.304b; 178.75; 178.274.

(2) UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria, (Manual of Tests and Criteria), into §§ 171.24, 172.102; 173.21; 173.56; 173.57; 173.58; 173.60; 173.115; 173.124; 173.125; 173.127; 173.128; 173.137; 173.185; 173.220; 173.221; 173.225, part 173, appendix H; 176.905; 178.274:

(i) Sixth Revised Edition (2015)

(ii) Sixth Revised Edition, Amendment 1 (2017)

(3) UN Recommendations on the Transport of Dangerous Goods, Globally Harmonized System of Classification and Labelling of Chemicals (GHS), Seventh Revised Edition (2017), into § 172.401.

* * * * *

■ 3. In § 171.8, a definition for ''UN Pressure drum'' is added in alphabetical order, and the definition of ''UN pressure receptacle'' is revised to read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

UN pressure drum means a welded transportable pressure receptacle of a water capacity exceeding 150 l (39.6 gallons) and not more than 1,000 l (264.2 gallons) (*e.g.* cylindrical receptacles equipped with rolling hoops, spheres on skids).

UN pressure receptacle means a UN cylinder, drum, or tube.

* * * * *

■ 4. In § 171.12, paragraphs (a)(1) and (a)(3)(v) are revised to read as follows:

§ 171.12 North American Shipments.

(a) * * *

(1) A hazardous material transported from Canada to the United States, from the United States to Canada, or transiting the United States to Canada or a foreign destination may be offered for transportation or transported by motor

carrier and rail in accordance with the Transport Canada TDG Regulations (IBR, see § 171.7) or an equivalency certificate (permit for equivalent level of safety) issued by Transport Canada as an alternative to the TDG Regulations, as authorized in § 171.22, provided the requirements in §§ 171.22 and 171.23, as applicable, and this section are met. In addition, a cylinder, MEGC, cargo tank motor vehicle, portable tank or rail tank car authorized by the Transport Canada TDG Regulations may be used for transportation to, from, or within the United States provided the cylinder, MEGC, cargo tank motor vehicle, portable tank or rail tank car conforms to the applicable requirements of this section. Except as otherwise provided in this subpart and subpart C of this part, the requirements in parts 172, 173, and 178 of this subchapter do not apply for a material transported in accordance with the Transport Canada TDG Regulations.

* * * * *

(3) * * *

(v) Rail tank cars must conform to the requirements of Containers for Transport of Dangerous Goods by Rail (IBR, see § 171.7).

* * * * *

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

■ 5. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

■ 6. In § 172.101:

■ a. Paragraph (e) is revised;

■ b. The Hazardous Materials Table is amended by removing the entries under ''[REMOVE]'', by adding the entries under ''[ADD]'' and revising entries under ''[REVISE]'' in the appropriate alphabetical sequence; and

■ c. In appendix B to § 172.101, the List of Marine Pollutants is amended by revising the entry for Dodecene.

The revisions and additions read as follows:

§ 172.101 Purpose and use of the hazardous materials table.

* * * * *

(e) *Column 4: Identification number.* Column 4 lists the identification number assigned to each proper shipping name. Those preceded by the letters ''UN'' are associated with proper shipping names considered appropriate for international transportation as well as domestic transportation. Those preceded by the letters ''NA'' are associated with proper shipping names not recognized for transportation outside of the United States. Identification numbers in the ''NA9000'' series are associated with proper shipping names not appropriately covered by international hazardous materials (dangerous goods) transportation standards, or not appropriately addressed by international transportation standards for emergency response information purposes, except for transportation in the United States. Those preceded by the letters ''ID'' are associated with proper shipping names recognized by the ICAO Technical Instructions (IBR, see § 171.7 of this subchapter).

* * * * *

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification No.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging (§ 173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations (see §§ 173.27 and 175.75) Passenger aircraft/rail	Cargo air-craft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	[REMOVE].												
		*		*	*	*	*		*	*			
	Chemical kits	9	UN3316	II	9	15	161	161	None	10 kg	10 kg	A.	
				III	9	15	161	161	None	10 kg	10 kg	A.	
		*		*	*	*	*		*	*			
	First aid kits	9	UN3316	II	9	15	161	161	None	10 kg	10 kg	A.	
	First aid kits	9	UN3316	III	9	15	161	161	None	10 kg	10 kg	A.	
		*		*	*	*	*		*	*			
	2-Dimethylaminoethyl acrylate.	6.1	UN3302	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	D	25.
		*		*	*	*	*		*	*			
	[ADD].												
		*		*	*	*	*		*	*			
G	Articles containing a substance liable to *spontan.o. scombustion, n.o.s.	4.2	UN3542				131, 391	None	214	214	Forbidden	Forbidden.	
G	Articles containing a substance which emits flammable gas in contact with water, n.o.s.	4.3	UN3543				131, 391	None	214	214	Forbidden	Forbidden.	
G	Articles containing corrosive substance, n.o.s.	8	UN3547				391	None	232	232	Forbidden	Forbidden	B
G	Articles containing flammable gas, n.o.s.	2.1	UN3537				391	None	232	232	Forbidden	Forbidden	D
G	Articles containing flammable liquid, n.o.s.	3	UN3540				391	None	232	232	Forbidden	Forbidden	B
G	Articles containing flammable solid, n.o.s.	4.1	UN3541				391	None	232	232	Forbidden	Forbidden	B
G	Articles containing miscella-n.o.sdangerous goods, n.o.s.	9	UN3548				391	None	232	232	Forbidden	Forbidden	A
G	Articles containing non-flammable, non-toxic gas, n.o.s.	2.2	UN3538				391	None	232	232	Forbidden	Forbidden	A
G	Articles containing organic peroxide, n.o.s.	5.2	UN3545				131, 391	None	214	214	Forbidden	Forbidden.	
G	Articles containing oxidizing substance, n.o.s.	5.1	UN3544				131, 391	None	214	214	Forbidden	Forbidden.	
G	Articles containing toxic gas, n.o.s.	2.3	UN3539				131, 391	None	214	214	Forbidden	Forbidden.	
G	Articles containing toxic substance, n.o.s.	6.1	UN3546				391	None	232	232	Forbidden	Forbidden	B

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification No.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging (§ 173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations (see §§ 173.27 and 175.75) Passenger aircraft/rail	Cargo air-craft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*			*	*	*	*		*	*			
	Chemical kit	9	UN3316			9	15	161	161	None	10 kg	10 kg	A
	*			*	*	*	*		*	*			
	2-Dimethylaminoethyl acrylate, stabilized.	6.1	UN3302	II	6.1	387, IB2, T7, TP2.	153	202	243	5 L	60 L	D	25.
	*			*	*	*	*		*	*			
	First aid kit	9	UN3316			9	15	161	161	None	10 kg	10 kg	A
	*			*	*	*	*		*	*			
	Lithium batteries installed in cargo transport unit *lithium ion batteries or lithium metal batteries.*	9	UN3536				389				Forbidden	Forbidden	A
	*			*	*	*	*		*	*			
G	Toxic solid, flammable, inorganic, n.o.s.	6.1	UN3535	I	6.1. 4.1	IB6, T6, TP33.	None	211	242	1 kg	15 kg	B.	
				II	6.1, 4.1	IB8, IP2, IP4, T3, TP33.	153	212	242	15 kg	50 kg	B.	
	*			*	*	*	*		*	*			
	[REVISE].												
	*			*	*	*	*		*	*			
	Acetic acid, glacial *or* Acetic acid solution, *with more than 80 percent acid, by mass.*	8	UN2789	II	8, 3	A3, A6, A7, A10, B2, IB2, T7, TP2.	154	202	243	1 L	30 L	A	53, 58.
	Acetic acid solution, *not less than 50 percent but not more than 80 percent acid, by mass.*	8	UN2790	II	8	148, A3, A6, A7, A10, B2, IB2, T7, TP2.	154	202	242	1 L	30 L	A	53, 58.
	Acetic acid solution, *with more than 10 percent and less than 50 percent acid, by mass.*	8	UN2790	III	8	148, IB3, T4, TP1.	154	203	242	5 L	60 L	A	53, 58.
	Acetic anhydride	8	UN1715	II	8, 3	A3, A6, A7, A10, B2, IB2, T7, TP2.	154	202	243	1 L	30 L	A	40, 53, 58.
	*			*	*	*	*		*	*			
	Acetyl bromide	8	UN1716	II	8	B2, IB2, T8, TP2.	154	202	242	1 L	30 L	C	40, 53, 58.
	Acetyl chloride	3	UN1717	II	3, 8	A3, A6, A7, IB1, N34, T8, TP2.	150	202	243	1 L	5 L	B	40, 53, 58.

*			*		*	*		*		*			
Acetyl iodide	8	UN1898	II	8	B2, IB2, T7, TP2, TP13.	154	202	242	1 L	30 L	C	40, 53, 58.
*			*		*	*		*		*			
Acrylic acid, stabilized	8	UN2218	II	8, 3	387, B2, IB2, T7, TP2.	154	202	243	1 L	30 L	C	25, 40, 53, 58.
*			*		*	*		*		*			
Adhesives, *containing a flammable liquid.*	3	UN1133	I	3	T11, TP1, TP8, TP27.	150	201	243	1 L	30 L	B.	
			II	3	149, B52, IB2, T4, TP1, TP8.	150	173	242	5 L	60 L	B.	
			III	3	B1, B52, IB3, T2, TP1.	150	173	242	60 L	220 L	A.	
*			*		*	*		*		*			
Alkali metal amalgam, solid.	4.3	UN3401	I	4.3	IB4, IP1, N40, T9, TP7, TP33, W31.	None	211	242	Forbidden	15 kg	D	13, 52, 148.
*			*		*	*		*		*			
Alkaline earth metal amalgams, solid.	4.3	UN3402	I	4.3	A19, N34, N40, T9, TP7, TP33, W31.	None	211	242	Forbidden	15 kg	D	13, 52, 14.
*			*		*	*		*		*			
Alkyl sulfonic acids, liquid *or* Aryl sulfonic acids, liquid *with more than 5 percent free sulfuric acid.*	8	UN2584	II	8	B2, IB2, T8, TP2, TP13.	154	202	242	1 L	30 L	B	53, 58.
Alkyl sulfonic acids, liquid *or* Aryl sulfonic acids, liquid *with not more than 5 percent free sulfuric acid.*	8	UN2586	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	B	53, 58.
Alkyl sulfonic acids, solid *or* Aryl sulfonic acids, solid, *with more than 5 percent free sulfuric acid.*	8	UN2583	II	8	IB8, IP2, IP4, T3, TP33.	154	212	240	15 kg	50 kg	A	53, 58.
Alkyl sulfonic acids, solid *or* Aryl sulfonic acids, solid *with not more than 5 percent free sulfuric acid.*	8	UN2585	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	53, 58.
*			*		*	*		*		*			
Alkylsulfuric acids	8	UN2571	II	8	B2, IB2, T8, TP2, TP13, TP28.	154	202	242	1 L	30 L	C	14, 53, 58.

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification No.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging (§ 173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations (see §§ 173.27 and 175.75) Passenger aircraft/rail	Cargo air-craft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
		*		*	*	*	*		*	*			
	Allyl chloroformate	6.1	UN1722	I	6.1, 3, 8	2, B9, B14, B32, N41, T20, TP2, TP13, TP38, TP45.	None	227	244	Forbidden	Forbidden	D	21, 40, 53, 58, 100.
		*		*	*	*	*		*	*			
	Allyl iodide	3	UN1723	II	3, 8	A3, A6, IB1, N34, T7, TP2, TP13.	150	202	243	1 L	5 L	B	40, 53, 58
		*		*	*	*	*		*	*			
	Allylamine	6.1	UN2334	I	6.1, 3	2, B9, B14, B32, T20, TP2, TP13, TP38, TP45.	None	227	244	Forbidden	Forbidden	D	40, 52.
	Allyltrichlorosilane, stabilized.	8	UN1724	II	8, 3	387, A7, B2, B6, N34, T10, TP2, TP7, TP13.	None	206	243	Forbidden	30 L	C	25, 40, 53, 58.
		*		*	*	*	*		*	*			
	Aluminum bromide, anhydrous.	8	UN1725	II	8	IB8, IP2, IP4, T3, TP33.	154	212	240	15 kg	50 kg	A	40, 53, 58.
	Aluminum bromide, solution.	8	UN2580	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	53, 58.
		*		*	*	*	*		*	*			
	Aluminum chloride, anhydrous.	8	UN1726	II	8	IB8, IP2, IP4, T3, TP33.	154	212	240	15 kg	50 kg	A	40, 53, 58.
	Aluminum chloride, solution.	8	UN2581	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	53, 58.
		*		*	*	*	*		*	*			
	Aluminum hydride	4.3	UN2463	I	4.3	A19, N40, W31.	None	211	242	Forbidden	15 kg	E	13, 148.
		*		*	*	*	*		*	*			
	Aluminum phosphide	4.3	UN1397	I	4.3, 6.1	A8, A19, N40, W31.	None	211	242	Forbidden	15 kg	E	13, 40, 52, 85, 148.
		*		*	*	*	*		*	*			
	Aluminum powder, uncoated.	4.3	UN1396	II	4.3	A19, A20, IB7, IP2, IP21, T3, TP33, W31, W40.	151	212	242	15 kg	50 kg	A	13, 39, 52, 53, 148.

				III	4.3	A19, A20, IB8, IP21, T1, TP33, W31.	151	213	241	25 kg	100 kg	A	13, 39, 52, 53, 148.
	*			*	*	*	*		*	*			
	Aluminum silicon powder, uncoated.	4.3	UN1398	III	4.3	A1, A19, B136, IB8, IP4, T1, TP33, W31.	151	213	241	25 kg	100 kg	A	13, 39, 40, 52, 53, 85, 103, 148.
	*			*	*	*	*		*	*			
	2-(2-Aminoethoxy) ethanol.	8	UN3055	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	52.
	N-Aminoethylpiperazine.	8	UN2815	III	8, 6.1	IB3, T4, TP1	154	203	241	5 L	60 L	B	12, 25, 40, 52.
	*			*	*	*	*		*	*			
	Ammonium hydrogen sulfate.	8	UN2506	II	8	IB8, IP2, IP4, T3, TP33.	154	212	240	15 kg	50 kg	A	40, 53, 58.
	Ammonium hydrogendifluoride, solid.	8	UN1727	II	8	IB8, IP2, IP4, N34, T3, TP33.	154	212	240	15 kg	50 kg	A	25, 40, 52, 53, 58.
	Ammonium hydrogendifluoride, solution.	8	UN2817	II	8, 6.1	IB2, N34, T8, TP2, TP13.	154	202	243	1 L	30 L	B	40, 53, 58.
				III	8, 6.1	IB3, N3, T4, TP1, TP13.	154	203	241	5 L	60 L	B	40, 53, 58, 95.
	*			*	*	*	*		*	*			
A W	Ammonium nitrate based fertilizer.	9	UN2071	III	9	132, B136, IB8, IP3.	155	213	240	200 kg	200 kg	A.	
	*			*	*	*	*		*	*			
	Amyl acid phosphate	8	UN2819	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	53, 58.
	*			*	*	*	*		*	*			
	Amylamines	3	UN1106	II	3, 8	IB2, T7, TP1	150	202	243	1 L	5 L	B	52.
				III	3, 8	B1, IB3, T4, TP1.	150	203	242	5 L	60 L	A	52.
	Amyltrichlorosilane	8	UN1728	II	8	A7, B2, B6, N34, T10, TP2, TP7, TP13.	None	206	242	Forbidden	30 L	C	40, 53, 58.
	*			*	*	*	*		*	*			
	Anisoyl chloride	8	UN1729	II	8	B2, B4, IB8, IP2, IP4, T3, TP33.	154	212	240	15 kg	50 kg	A	40, 53, 58.
	*			*	*	*	*		*	*			
	Antimony pentachloride, liquid.	8	UN1730	II	8	B2, IB2, T7, TP2.	None	202	242	1 L	30 L	C	40, 53, 58.
	Antimony pentachloride, solutions.	8	UN1731	II	8	B2, IB2, T7, TP2.	154	202	242	1 L	30 L	C	40, 53, 58.
				III	8	IB3, T4, TP1	154	203	241	5 L	60 L	C	40, 53, 58.
	Antimony pentafluoride	8	UN1732	II	8, 6.1	A3, A6, A7, A10, IB2, N3, N36, T7, TP2.	None	202	243	Forbidden	30 L	D	40, 44, 53, 58, 89, 100, 141.

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
		*		*	*	*	*		*	*			
	Antimony trichloride, liquid.	8	UN1733	II	8	B2, IB2	154	202	242	1 L	30 L	C	40, 53, 58.
	Antimony trichloride, solid.	8	UN1733	II	8	IB8, IP2, IP4, T3, TP33.	154	212	240	15 kg	50 kg	A	40, 53, 58.
		*		*	*	*	*		*	*			
G	Articles, explosive, n.o.s.	1.4S	UN0349		1.4S	101, 148, 347, 382.	None	62	None	25 kg	100 kg	01	25
		*		*	*	*	*		*	*			
G	Articles, explosive, n.o.s.	1.1C	UN0462		1.1C	101	None	62	None	Forbidden	Forbidden	03	25.
G	Articles, explosive, n.o.s.	1.1D	UN0463		1.1D	101	None	62	None	Forbidden	Forbidden	03	25.
G	Articles, explosive, n.o.s.	1.1E	UN0464		1.1E	101	None	62	None	Forbidden	Forbidden	03	25.
G	Articles, explosive, n.o.s.	1.1F	UN0465		1.1F	101	None	62	None	Forbidden	Forbidden	03	25.
G	Articles, explosive, n.o.s.	1.2C	UN0466		1.2C	101	None	62	None	Forbidden	Forbidden	03	25.
G	Articles, explosive, n.o.s.	1.2D	UN0467		1.2D	101	None	62	None	Forbidden	Forbidden	03	25.
G	Articles, explosive, n.o.s.	1.2E	UN0468		1.2E	101	None	62	None	Forbidden	Forbidden	03	25.
G	Articles, explosive, n.o.s.	1.2F	UN0469		1.2F	101	None	62	None	Forbidden	Forbidden	03	25.
G	Articles, explosive, n.o.s.	1.3C	UN0470		1.3C	101	None	62	None	Forbidden	Forbidden	03	25.
G	Articles, explosive, n.o.s.	1.4F	UN0472		1.4F	101	None	62	None	Forbidden	Forbidden	03	25.
		*		*	*	*	*		*	*			
	Batteries, wet, filled with acid, *electric storage*.	8	UN2794		8	A51	159	159	159	30 kg	No limit	A	53, 58, 146.
		*		*	*	*	*		*	*			
	Benzotrichloride	8	UN2226	II	8	B2, IB2, T7, TP2.	154	202	242	1 L	30 L	A	40, 53, 58.
		*		*	*	*	*		*	*			
	Benzoyl chloride	8	UN1736	II	8	B2, IB2, T8, TP2, TP13.	154	202	242	1 L	30 L	C	40, 53, 58.
	Benzyl bromide	6.1	UN1737	II	6.1, 8	A3, A7, IB2, N33, N34, T8, TP2, TP13.	None	202	243	1 L	30 L	D	13, 40, 53, 58.
	Benzyl chloride	6.1	UN1738	II	6.1, 8	A3, A7, B70, IB2, N33, N42, T8, TP2, TP13.	None	202	243	1 L	30 L	D	13, 40, 53, 58.

	Benzyl chloride *unstabilized.*	6.1	UN1738	II	6.1, 8	A3, A7, B8, B11, IB2, N33, N34, N43, T8, TP2, TP13.	153	202	243	1 L	30 L	D	13, 40, 53, 58.
	Benzyl chloroformate	8	UN1739	I	8	A3, A6, B4, N41, T10, TP2, TP13.	None	201	243	Forbidden	2.5 L	D	40, 53, 58.
	*		*	*	*	*	*	*	*	*			
	Benzyldimethylamine	8	UN2619	II	8, 3	B2, IB2, T7, TP2.	154	202	243	1 L	30 L	A	25, 40, 52.
	*		*	*	*	*	*	*	*	*			
	Bombs, photo-flash	1.1F	UN0037		1.1F		None	62	None	Forbidden	Forbidden	03	25.
	Bombs, photo-flash	1.1D	UN0038		1.1D		None	62	62	Forbidden	Forbidden	03	25.
	*		*	*	*	*	*	*	*	*			
	Bombs, *with bursting charge.*	1.1F	UN0033		1.1F		None	62	None	Forbidden	Forbidden	03	25.
	Bombs, *with bursting charge.*	1.1D	UN0034		1.1D		None	62	62	Forbidden	Forbidden	03	25.
	Bombs, *with bursting charge.*	1.2D	UN0035		1.2D		None	62	62	Forbidden	Forbidden	03	25.
	Bombs, *with bursting charge.*	1.2F	UN0291		1.2F		None	62	None	Forbidden	Forbidden	03	25.
	*		*	*	*	*	*	*	*	*			
	Boosters, *without detonator.*	1.1D	UN0042		1.1D	148	None	62	None	Forbidden	Forbidden	03	25.
	Boosters, *without detonator.*	1.2D	UN0283		1.2D		None	62	None	Forbidden	Forbidden	03	25.
	*		*	*	*	*	*	*	*	*			
+	Boron tribromide	8	UN2692	I	8, 6.1	2, B9, B14, B32, N34, T20, TP2, TP13, TP38, TP45.	None	227	244	Forbidden	Forbidden	C	12, 25, 53, 58.
	*		*	*	*	*	*	*	*	*			
	Boron trifluoride acetic acid complex, liquid.	8	UN1742	II	8	B2, B6, IB2, T8, TP2.	154	202	242	1 L	30 L	A	53, 58.
	Boron trifluoride acetic acid complex, solid.	8	UN3419	II	8	B2, B6, IB8, IP2, IP4, T3, TP33.	154	212	240	15 kg	50 kg	A	53, 58.
	*		*	*	*	*	*	*	*	*			
	Boron trifluoride diethyl etherate.	8	UN2604	I	8, 3	A3, A19, T10, TP2, W31.	None	201	243	0.5 L	2.5 L	D	40, 53, 58.
	Boron trifluoride dihydrate.	8	UN2851	II	8	IB2, T7, TP2	154	212	240	15 kg	50 kg	B	12, 25, 40, 53, 58.
	*		*	*	*	*	*	*	*	*			
	Boron trifluoride propionic acid complex, liquid.	8	UN1743	II	8	B2, IB2, T8, TP2.	154	202	242	1 L	30 L	A	53, 58.
	Boron trifluoride propionic acid complex, solid.	8	UN3420	II	8	B2, IB8, IP2, IP4, T3, TP33.	154	212	240	15 kg	50 kg	A	53, 58.

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		*		*	*	*	*		*	*			
+	Bromine pentafluoride	5.1	UN1745	I	5.1, 6.1, 8	1, B9, B14, B30, T22, TP2, TP13, TP38, TP44.	None	228	244	Forbidden	Forbidden	D	25, 40, 53, 58, 66, 90.
+	Bromine solutions	8	UN1744	I	8, 6.1	1, B9, B85, N34, N43, T22, TP2, TP10, TP13.	None	226	249	Forbidden	Forbidden	D	12, 25, 40, 53, 58, 66, 74, 89, 90.
+	Bromine solutions	8	UN1744	I	8, 6.1	2, B9, B85, N34, N43, T22, TP2, TP10, TP13.	None	227	249	Forbidden	Forbidden	D	12, 25, 40, 53, 58, 66, 74, 89, 90.
+	Bromine trifluoride	5.1	UN1746	I	5.1, 6.1, 8	2, B9, B14, B32, T22, TP2, TP13, TP38, TP45.	None	228	244	Forbidden	Forbidden	D	25, 40, 53, 58, 66, 90.
		*		*	*	*	*		*	*			
	Bromoacetic acid, solid.	8	UN3425	II	8	A7, IB8, IP2, IP4, N34, T3, TP33.	154	212	240	15 kg	50 kg	A	53, 58.
	Bromoacetic acid solution.	8	UN1938	II	8	A7, B2, IB2, T7, TP2.	154	202	242	1 L	30 L	A	40, 53, 58.
				III	8	B2, IB3, T7, TP2.	154	203	241	5 L	60 L	A	40, 53, 58.
		*		*	*	*	*		*	*			
	Bromoacetyl bromide	8	UN2513	II	8	B2, IB2, T8, TP2.	154	202	242	1 L	30 L	C	40, 53, 58.
		*		*	*	*	*		*	*			
	Bursters, *explosive*	1.1D	UN0043		1.1D		None	62	None	Forbidden	Forbidden	03	25.
		*		*	*	*	*		*	*			
	Butyl acid phosphate	8	UN1718	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	53, 58.
		*		*	*	*	*		*	*			
	n-Butyl chloroformate	6.1	UN2743	I	6.1, 8, 3	2, B9, B14, B32, T20, TP2, TP13, TP38, TP45.	None	227	244	Forbidden	Forbidden	A	12, 13, 21, 25, 40, 53, 58, 100.
		*		*	*	*	*		*	*			
	n-Butylamine	3	UN1125	II	3, 8	IB2, T7, TP1	150	202	242	1 L	5 L	B	40, 52.

*		*	*	*	*	*	*	*				
Butyltrichlorosilane	8	UN1747	II	8, 3	A7, B2, B6, N34, T10, TP2, TP7, TP13.	None	206	243	Forbidden	30 L	C	40, 53, 58.
*		*	*	*	*	*	*	*				
Butyric acid	8	UN2820	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	12, 25, 53, 58.
Butyric anhydride	8	UN2739	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	53, 58.
*		*	*	*	*	*	*	*				
Butyryl chloride	3	UN2353	II	3, 8	IB2, T8, TP2, TP13.	150	202	243	1 L	5 L	C	40, 53, 58.
Cacodylic acid	6.1	UN1572	II	6.1	IB8, IP2, IP4,T3, TP33.	153	212	242	25 kg	100 kg	E	52, 53, 58.
*		*	*	*	*	*	*	*				
Calcium carbide	4.3	UN1402	I	4.3	A1, A8, B55, B59, IB4, IP1, N34, T9, TP7, TP33, W31.	None	211	242	Forbidden	15 kg	B	13, 52, 148.
			II	4.3	A1, A8, B55, B59, IB7, IP2, IP21, N34, T3, TP33, W31, W40.	151	212	241	15 kg	50 kg	B	13, 52, 148.
*		*	*	*	*	*	*	*				
Calcium cyanamide *with more than 0.1 percent of calcium carbide.*	4.3	UN1403	III	4.3	A1, A19, IB8, IP4, T1, TP33, W31.	151	213	241	25 kg	100 kg	A	13, 52, 148.
*		*	*	*	*	*	*	*				
Calcium hydride	4.3	UN1404	I	4.3	A19, N40, W31.	None	211	242	Forbidden	15 kg	E	13, 52, 148.
*		*	*	*	*	*	*	*				
Calcium phosphide	4.3	UN1360	I	4.3, 6.1	A8, A19, N40, W31.	None	211	242	Forbidden	15 kg	E	13, 40, 52, 85, 148.
*		*	*	*	*	*	*	*				
Calcium silicide	4.3	UN1405	II	4.3	A19, IB7, IP2, IP21, T3, TP33, W31, W40.	151	212	241	15 kg	50 kg	B	13, 52, 85, 103, 148.
			III	4.3	A1, A19, IB8, IP21, T1, TP33, W31.	151	213	241	25 kg	100 kg	B	13, 52, 85, 103, 148.
*		*	*	*	*	*	*	*				
Caproic acid	8	UN2829	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	53, 58.
*		*	*	*	*	*	*	*				
Cartridges for weapons, blank.	1.1C	UN0326		1.1C		None	62	None	Forbidden	Forbidden	03	25.
Cartridges for weapons, blank.	1.2C	UN0413		1.2C		None	62	None	Forbidden	Forbidden	03	25.

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Cartridges for weapons, blank *or* Cartridges, small arms, blank.	1.3C	UN0327		1.3C		None	62	None	Forbidden	Forbidden	03	25.
		*		*	*	*	*		*	*			
	Cartridges for weapons, inert projectile.	1.2C	UN0328		1.2C		None	62	62	Forbidden	Forbidden	03	25.
		*		*	*	*	*		*	*			
	Cartridges for weapons, inert projectile *or* Cartridges, small arms.	1.3C	UN0417		1.3C		None	62	None	Forbidden	Forbidden	03	25.
	Cartridges for weapons, *with bursting charge*.	1.1F	UN0005		1.1F		None	62	None	Forbidden	Forbidden	03	25.
	Cartridges for weapons, *with bursting charge*.	1.1E	UN0006		1.1E		None	62	62	Forbidden	Forbidden	03	25.
	Cartridges for weapons, *with bursting charge*.	1.2F	UN0007		1.2F		None	62	None	Forbidden	Forbidden	03	25.
	Cartridges for weapons, *with bursting charge*.	1.2E	UN0321		1.2E		None	62	62	Forbidden	Forbidden	03	25.
	Cartridges for weapons, *with bursting charge*.	1.4F	UN0348		1.4F		None	62	62	Forbidden	Forbidden	03	25.
		*		*	*	*	*		*	*			
	Cartridges, oil well	1.3C	UN0277		1.3C		None	62	62	Forbidden	Forbidden	03	25.
		*		*	*	*	*		*	*			
	Cartridges, power device.	1.3C	UN0275		1.3C		None	62	62	Forbidden	75 kg	03	25.
		*		*	*	*	*		*	*			
	Cartridges, power device.	1.2C	UN0381		1.2C		None	62	62	Forbidden	Forbidden	03	25.
		*		*	*	*	*		*	*			
	Cases, combustible, empty, without primer.	1.3C	UN0447		1.3C		None	62	None	Forbidden	Forbidden	03	25.
		*		*	*	*	*		*	*			
	Cesium *or* Caesium	4.3	UN1407	I	4.3	A7, A19, IB4, IP1, N34, N40, W31.	None	211	242	Forbidden	15 kg	D	13, 52, 148.
		*		*	*	*	*		*	*			
	Charges, bursting, plastics bonded.	1.1D	UN0457		1.1D		None	62	None	Forbidden	Forbidden	03	25.

Charges, bursting, plastics bonded.	1.2D	UN0458		1.2D		None	62	None	Forbidden	Forbidden	03	25.
*			*	*	*	*		*	*			
Charges, demolition	1.1D	UN0048		1.1D		None	62	62	Forbidden	Forbidden	03	25.
Charges, depth	1.1D	UN0056		1.1D		None	62	62	Forbidden	Forbidden	03	25.
*			*	*	*	*		*	*			
Charges, explosive, commercial *without detonator*.	1.1D	UN0442		1.1D		None	62	None	Forbidden	Forbidden	03	25.
Charges, explosive, commercial *without detonator*.	1.2D	UN0443		1.2D		None	62	None	Forbidden	Forbidden	03	25.
*			*	*	*	*		*	*			
Charges, propelling	1.1C	UN0271		1.1C		None	62	None	Forbidden	Forbidden	03	25.
Charges, propelling	1.3C	UN0272		1.3C		None	62	None	Forbidden	Forbidden	03	25.
Charges, propelling	1.2C	UN0415		1.2C		None	62	None	Forbidden	Forbidden	03	25.
*			*	*	*	*		*	*			
Charges, propelling, for cannon.	1.3C	UN0242		1.3C		None	62	None	Forbidden	Forbidden	03	25.
Charges, propelling, for cannon.	1.1C	UN0279		1.1C		None	62	None	Forbidden	Forbidden	03	25.
Charges, propelling, for cannon.	1.2C	UN0414		1.2C		None	62	None	Forbidden	Forbidden	03	25.
*			*	*	*	*		*	*			
Charges, shaped, *without detonator*.	1.1D	UN0059		1.1D		None	62	None	Forbidden	Forbidden	03	25.
Charges, shaped, *without detonator*.	1.2D	UN0439		1.2D		None	62	None	Forbidden	Forbidden	03	25.
*			*	*	*	*		*	*			
Charges, supplementary explosive.	1.1D	UN0060		1.1D		None	62	None	Forbidden	Forbidden	03	25.
*			*	*	*	*		*	*			
Chloric acid aqueous solution, *with not more than 10 percent chloric acid*.	5.1	UN2626	II	5.1	IB2, T4, TP1, W31.	None	229	None	Forbidden	Forbidden	D	53, 56, 58.
*			*	*	*	*		*	*			
Chloroacetic acid, molten.	6.1	UN3250	II	6.1, 8	IB1, T7, TP3, TP28.	None	202	243	Forbidden	Forbidden	C	40, 53, 58.
Chloroacetic acid, solid.	6.1	UN1751	II	6.1, 8	A3, A7, IB8, IP2, IP4, N34, T3, TP33.	153	212	242	15 kg	50 kg	C	40, 53, 58.
Chloroacetic acid, solution.	6.1	UN1750	II	6.1, 8	A7, IB2, N34, T7, TP2.	153	202	243	1 L	30 L	C	40, 53, 58.
*			*	*	*	*		*	*			
Chloroacetyl chloride	6.1	UN1752	I	6.1, 8	2, B3, B8, B9, B14, B32, B77, N34, N43, T20, TP2, TP13, TP38, TP45.	None	227	244	Forbidden	Forbidden	D	40, 53, 58.

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification No.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging (§ 173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations (see §§ 173.27 and 175.75) Passenger aircraft/rail	Cargo air-craft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
		*		*	*	*	*		*	*			
G	Chloroformates, toxic, corrosive, flammable, n.o.s.	6.1	UN2742	II	6.1, 8, 3	5, IB1, T7, TP2.	153	202	243	1 L	30 L	A	12, 13, 21, 25, 40, 53, 58,100.
G	Chloroformates, toxic, corrosive, n.o.s.	6.1	UN3277	II	6.1, 8	IB2, T8, TP2, TP13, TP28.	153	202	243	1 L	30 L	A	12, 13, 25, 40, 53, 58.
	Chloromethyl chloroformate.	6.1	UN2745	II	6.1, 8	IB2, T7, TP2, TP13.	153	202	243	1 L	30 L	A	12, 13, 25, 40, 53, 58.
		*		*	*	*	*		*	*			
	Chlorophenyltrichlorosilane.	8	UN1753	II	8	A7, B2, B6, N34, T10, TP2, TP7.	None	206	242	Forbidden	30 L	C	40, 53, 58.
		*		*	*	*	*		*	*			
	Chloroplatinic acid, solid.	8	UN2507	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	53, 58.
		*		*	*	*	*		*	*			
	2-Chloropropionic acid	8	UN2511	III	8	IB3, T4, TP2	154	203	241	5 L	60 L	A	8, 53, 58.
		*		*	*	*	*		*	*			
	Chlorosilanes, corrosive, flammable, n.o.s.	8	UN2986	II	8, 3	T14, TP2, TP7, TP13, TP27.	None	206	243	Forbidden	30 L	C	40, 53, 58.
	Chlorosilanes, corrosive, n.o.s.	8	UN2987	II	8	B2, T14, TP2, TP7, TP13, TP27.	None	206	242	Forbidden	30 L	C	40, 53, 58.
	Chlorosilanes, flammable, corrosive, n.o.s.	3	UN2985	II	3, 8	T14, TP2, TP7, TP13, TP27.	None	206	243	Forbidden	5 L	B	40, 53, 58.
G	Chlorosilanes, toxic, corrosive, flammable, n.o.s.	6.1	UN3362	II	6.1,8,3	T14, TP2, TP7, TP13, TP27.	None	206	243	Forbidden	30 L	C	40, 53, 58, 125.
G	Chlorosilanes, toxic, corrosive, n.o.s.	6.1	UN3361	II	6.1, 8	T14, TP2, TP7, TP13, TP27.	None	206	243	Forbidden	30 L	C	40, 53, 58.
	Chlorosilanes, water-reactive, flammable, corrosive, n.o.s.	4.3	UN2988	I	4.3, 3, 8	A2, T14, TP2, TP7, TP13, W31.	None	201	244	Forbidden	1 L	D	13, 21, 40, 49, 53, 58, 100, 147, 148.
+	Chlorosulfonic acid *(with or without sulfur trioxide).*	8	UN1754	I	8, 6.1	2, B9, B10, B14, B32, T20, TP2, TP38, TP45.	None	227	244	Forbidden	Forbidden	C	40, 53, 58.

		*		*		*	*		*		*				
	Chromic acid solution	8	UN1755	II	8	B2, IB2, T8, TP2.	154	202	242	1 L	30 L	C	40, 44, 53, 58, 89, 100, 141.
				III	8	IB3, T4, TP1	154	203	241	5 L	60 L	C	40, 44, 53, 58, 89, 100, 141.
		*		*		*	*		*		*				
	Chromic fluoride, solid	8	UN1756	II	8	IB8, IP2, IP4, T3, TP33.	154	212	240	15 kg	50 kg	A	52, 53, 58.
	Chromic fluoride, solution.	8	UN1757	II	8	B2, IB2, T7, TP2.	154	202	242	1 L	30 L	A	53, 58.
				III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	53, 58.
		*		*		*	*		*		*				
	Chromium oxychloride	8	UN1758	I	8	A3, A6, A7, B10, N34, T10, TP2.	None	201	243	0.5 L	2.5 L	C	40, 53, 58, 66, 74, 89, 90.
		*		*		*	*		*		*				
	Chromosulfuric acid	8	UN2240	I	8	A3, A6, A7, B4, B6, N34, T10, TP2, TP13.	None	201	243	0.5L	2.5L	B	40, 53, 58, 66, 74, 89, 90.
		*		*		*	*		*		*				
G	Components, explosive train, n.o.s.	1.4S	UN0384		1.4S	101, 347	None	62	None	25 kg	100 kg	01	25.
		*		*		*	*		*		*				
	Copper chloride	8	UN2802	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	53, 58.
		*		*		*	*		*		*				
A,W	Copra	4.2	UN1363	III	4.2	B136, IB8, IP3, IP7.	None	213	241	Forbidden	Forbidden	A	13, 25, 119.
	Cord, detonating, *flexible*.	1.1D	UN0065		1.1D	102, 148	63(a)	62	None	Forbidden	Forbidden	03	25.
		*		*		*	*		*		*				
	Cord, detonating *or* Fuze, detonating *metal clad*.	1.2D	UN0102		1.2D		None	62	None	Forbidden	Forbidden	03	25.
	Cord, detonating *or* Fuze, detonating *metal clad*.	1.1D	UN0290		1.1D		None	62	None	Forbidden	Forbidden	03	25.
		*		*		*	*		*		*				
G	Corrosive liquid, acidic, inorganic, n.o.s.	8	UN3264	I	8	A6, B10, T14, TP2, TP27.	None	201	243	0.5 L	2.5 L	B	40, 53, 58.
				II	8	386, B2, IB2, T11, TP2, TP27.	154	202	242	1 L	30 L	B	40, 53, 58.
				III	8	IB3, T7, TP1, TP28.	154	203	241	5 L	60 L	A	40, 53, 58.
G	Corrosive liquid, acidic, organic, n.o.s.	8	UN3265	I	8	A6, B10, T14, TP2, TP27.	None	201	243	0.5 L	2.5 L	B	40, 53, 58.

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
				II	8	148, B2, IB2, T11, TP2, TP27.	154	202	242	1 L	30 L	B	40, 53, 58.
				III	8	386, IB3, T7, TP1, TP28.	154	203	241	5 L	60 L	A	40, 53, 58.
		*		*	*	*	*		*	*			
G	Corrosive solid, acidic, inorganic, n.o.s.	8	UN3260	I	8	IB7, IP1, T6, TP33.	None	211	242	1 kg	25 kg	B	53, 58.
				II	8	IB8, IP2, IP4, T3, TP33.	154	212	240	15 kg	50 kg	B	53, 58.
				III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	53, 58.
G	Corrosive solid, acidic, organic, n.o.s.	8	UN3261	I	8	IB7, IP1, T6, TP33.	None	211	242	1 kg	25 kg	B	53, 58.
				II	8	IB8, IP2, IP4, T3, TP33.	154	212	240	15 kg	50 kg	B	53, 58.
				III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	53, 58.
		*		*	*	*	*		*	*			
	Crotonic acid, liquid	8	UN3472	III	8	IB8, T1	154	203	241	5 L	60 L	A	12, 25, 53, 58.
	Crotonic acid, solid	8	UN2823	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	12, 25, 53, 58.
		*		*	*	*	*		*	*			
	Cupriethylenediamine solution.	8	UN1761	II	8, 6.1	IB2, T7, TP2	154	202	243	1 L	30 L	A	52.
				III	8, 6.1	IB3, T7, TP1, TP28.	154	203	242	5 L	60 L	A	52, 95.
		*		*	*	*	*		*	*			
	Cyanuric chloride	8	UN2670	II	8	IB8, IP2, IP4, T3, TP33.	None	212	240	15 kg	50 kg	A	12, 25, 40, 53, 58.
		*		*	*	*	*		*	*			
	Cyclobutyl chloroformate.	6.1	UN2744	II	6.1, 8, 3	IB1, T7, TP2, TP13.	153	202	243	1 L	30 L	A	12, 13, 21, 25, 40, 53, 58, 100.
		*		*	*	*	*		*	*			
	Cyclohexenyltrichloro-silane.	8	UN1762	II	8	A7, B2, N34, T10, TP2, TP7, TP13.	None	206	242	Forbidden	30 L	C	40, 53, 58.
		*		*	*	*	*		*	*			
	Cyclohexylamine	8	UN2357	II	8, 3	IB2, T7, TP2	None	202	243	1 L	30 L	A	40, 52.

Cyclohexyltrichlorosilane.	8	UN1763	II	8	A7, B2, N34, T10, TP2, TP7, TP13.	None	206	242	Forbidden	30 L	C	40, 53, 58.
*		*		*	*	*		*	*			
Di-n-amylamine	3	UN2841	III	3, 6.1	B1, IB3, T4, TP1.	150	203	242	60 L	220 L	A	52.
*		*		*	*	*		*	*			
Di-n-butylamine	8	UN2248	II	8, 3	IB2, T7, TP2	None	202	243	1 L	30 L	A	52.
*		*		*	*	*		*	*			
Diallylamine	3	UN2359	II	3, 6.1, 8	IB2, T7, TP1	150	202	243	1 L	5 L	B	21, 40, 52, 100.
*		*		*	*	*		*	*			
Dibenzyldichlorosilane	8	UN2434	II	8	B2, T10, TP2, TP7, TP13.	154	206	242	Forbidden	30 L	C	40, 53, 58.
*		*		*	*	*		*	*			
Dichloroacetic acid	8	UN1764	II	8	A3, A6, A7, B2, IB2, N34, T8, TP2.	154	202	242	1 L	30 L	A	53, 58.
*		*		*	*	*		*	*			
Dichloroacetyl chloride	8	UN1765	II	8	A3, A6, A7, B2, B6, IB2, N34, T7, TP2.	154	202	242	1 L	30 L	D	40, 53, 58.
*		*		*	*	*		*	*			
Dichlorophenyltrichlorosilane.	8	UN1766	II	8	A7, B2, B6, N34, T10, TP2, TP7, TP13.	None	206	242	Forbidden	30 L	C	40, 53, 58.
*		*		*	*	*		*	*			
Dicyclohexylamine	8	UN2565	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	52.
*		*		*	*	*		*	*			
Diethylamine	3	UN1154	II	3, 8	A3, IB2, N34, T7, TP1.	150	202	243	1 L	5 L	E	40, 52.
2-Diethylaminoethanol	8	UN2686	II	8, 3	B2, IB2, T7, TP2.	None	202	243	1 L	30 L	A	52.
3-Diethyamino-propylamine..	3	UN2684	III	3, 8	B1, IB3, T4, TP1.	150	203	242	5 L	60 L	A	52.
*		*		*	*	*		*	*			
Diethyldichlorosilane	8	UN1767	II	8, 3	A7, B6, N34, T10, TP2, TP7, TP13.	None	206	243	Forbidden	30 L	C	40, 53, 58.
*		*		*	*	*		*	*			
N,N-Diethylethylenediamine.	8	UN2685	II	8, 3	IB2, T7, TP2	None	202	243	1 L	30 L	A	52.
*		*		*	*	*		*	*			
Diethylthiophosphoryl chloride.	8	UN2751	II	8	B2, IB2, T7, TP2.	None	212	240	15 kg	50 kg	D	12, 25, 40, 53, 58.

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
		*		*	*	*	*		*	*			
	Difluorophosphoric acid, anhydrous.	8	UN1768	II	8	A6, A7, B2, IB2, N5, N34, T8, TP2.	None	202	242	1 L	30 L	A	40, 53, 58.
		*		*	*	*	*		*	*			
	Diisobutylamine	3	UN2361	III	3, 8	B1, IB3, T4, TP1.	150	203	242	5 L	60 L	A	52.
		*		*	*	*	*		*	*			
	Diisooctyl acid phosphate.	8	UN1902	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	53, 58.
		*		*	*	*	*		*	*			
	Diisopropylamine	3	UN1158	II	3, 8	IB2, T7, TP1	150	202	243	1 L	5 L	B	52.
		*		*	*	*	*		*	*			
	Dimethyl sulfate	6.1	UN1595	I	6.1, 8	2, B9, B14, B32, B77, T20, TP2, TP13, TP38, TP45.	None	227	244	Forbidden	Forbidden	D	40, 53, 58.
		*		*	*	*	*		*	*			
	N,N-Dimethylcyclohexylamine.	8	UN2264	II	8, 3	B2, IB2, T7, TP2.	154	202	243	1 L	30 L	A	40, 52.
		*		*	*	*	*		*	*			
	Dimethyl thiophosphoryl chloride.	6.1	UN2267	II	6.1, 8	IB2, T7, TP2	153	202	243	1 L	30 L	B	25, 53, 58.
	Dimethylamine, anhydrous.	2.1	UN1032		2.1	N87, T50	None	304	314, 315	Forbidden	150 kg	D	40, 52.
		*		*	*	*	*		*	*			
	2-Dimethylaminoethanol.	8	UN2051	II	8, 3	B2, IB2, T7, TP2.	154	202	243	1 L	30 L	A	52.
		*		*	*	*	*		*	*			
	Dimethylcarbamoyl chloride.	8	UN2262	II	8	B2, IB2, T7, TP2.	154	202	242	1 L	30 L	A	40, 53, 58.
		*		*	*	*	*		*	*			
	Dimethyl-N-propylamine.	3	UN2266	II	3, 8	IB2, T7, TP2, TP13.	150	202	243	1 L	5 L	B	40, 52.
		*		*	*	*	*		*	*			
	Diphenyldichlorosilane	8	UN1769	II	8	A7, B2, N34, T10, TP2, TP7, TP13.	None	206	242	Forbidden	30 L	C	40, 53, 58.

	Diphenylmethyl bromide.	8	UN1770	II	8	IB8, IP2, IP4, T3, TP33.	154	212	240	15 kg	50 kg	D	40, 53, 58.
	*		*		*	*	*	*	*	*			
	Dipropylamine	3	UN2383	II	3, 8	IB2, T7, TP1	150	202	243	1 L	5 L	B	25, 52.
	*		*		*	*	*	*	*	*			
	Dodecyltrichlorosilane	8	UN1771	II	8	A7, B2, B6, N34, T10, TP2, TP7, TP13.	None	206	242	Forbidden	30 L	C	40, 53, 58.
	*		*		*	*	*	*	*	*			
	Ethyl chloroformate	6.1	UN1182	I	6.1, 3, 8	2, B9, B14, B32, N34, T20, TP2, TP13, TP38, TP45.	None	227	244	Forbidden	Forbidden	D	21, 40, 53, 58, 100.
	*		*		*	*	*	*	*	*			
+	Ethyl chlorothioformate	8	UN2826	II	8, 6.1, 3	2, B9, B14, B32, T20, TP2, TP38, TP45.	None	227	244	Forbidden	Forbidden	A	40, 53, 58.
	*		*		*	*	*	*	*	*			
	Ethylamine	2.1	UN1036		2.1	B77, N87, T50.	None	321	314, 315	Forbidden	150 kg	D	40, 52.
	*		*		*	*	*	*	*	*			
	Ethyldichlorosilane	4.3	UN1183	I	4.3, 8, 3	A2, A3, A7, N34, T14, TP2, TP7, TP13, W31.	None	201	244	Forbidden	1 L	D	21, 40, 49, 53, 58, 100.
	*		*		*	*	*	*	*	*			
	2-Ethylhexyl chloroformate.	6.1	UN2748	II	6.1, 8	IB2, T7, TP2, TP13.	153	202	243	1 L	30 L	A	12, 13, 25, 40, 53, 58.
	2-Ethylhexylamine	3	UN2276	III	3, 8	B1, IB3, T4, TP1.	150	203	242	5 L	60 L	A	40, 52.
	*		*		*	*	*	*	*	*			
	Ethylphenyldichlorosilane.	8	UN2435	II	8	A7, B2, N34, T10, TP2, TP7, TP13.	None	206	242	Forbidden	30 L	C	53, 58.
	*		*		*	*	*	*	*	*			
	Ferric chloride, anhydrous.	8	UN1773	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	53, 58.
	Ferric chloride, solution.	8	UN2582	III	8	B15, IB3, T4, TP1.	154	203	241	5 L	60 L	A	53, 58.
	*		*		*	*	*	*	*	*			
	Ferrous metal borings *or* Ferrous metal shavings *or* Ferrous metal turnings *or* Ferrous metal cuttings *in a form liable to self-heating.*	4.2	UN2793	III	4.2	A1, A19, B134, B136, IB8, IP3, IP7, IP21, W100.	None	213	241	25 kg	100 kg	A	13, 148.

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
		*		*	*	*	*		*	*			
A,W	Fish meal, stabilized *or* Fish scrap, stabilized.	9	UN2216	III	None	155, B136, IB8, IP3, T1, TP33.	155	218	218	Forbidden	Forbidden	B	25, 88, 122.
		*		*	*	*	*		*	*			
	Fluoroacetic acid	6.1	UN2642	I	6.1	IB7, IP1, T6, TP33.	None	211	242	1 kg	15 kg	E	53, 58.
		*		*	*	*	*		*	*			
	Fluoroboric acid	8	UN1775	II	8	A6, A7, B2, B15, IB2, N3, N34, T7, TP2.	154	202	242	1 L	30 L	A	53, 58.
	Fluorophosphoric acid anhydrous.	8	UN1776	II	8	A6, A7, B2, IB2, N3, N34, T8, TP2.	None	202	242	1 L	30 L	A	53, 58.
		*		*	*	*	*		*	*			
	Fluorosilicic acid	8	UN1778	II	8	A6, A7, B2, B15, IB2, N3, N34, T8, TP2.	None	202	242	1 L	30 L	A	53, 58.
	Fluorosulfonic acid	8	UN1777	I	8	A3, A6, A7, A10, B6, B10, N3, N36, T10, TP2.	None	201	243	0.5 L	2.5 L	D	40, 53, 58.
		*		*	*	*	*		*	*			
	Formic acid *with not less than 10% but not more than 85% acid by mass.*	8	UN3412	II	8	IB2, T7, TP2	154	202	242	1 L	30 L	A	40, 53, 58.
	Formic acid *with not less than 5% but less than 10% acid by mass.*	8	UN3412	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	40, 53, 58.
	Formic acid *with more than 85% acid by mass.*	8	UN1779	II	8, 3	B2, B28, IB2, T7, TP2.	154	202	242	1 L	30 L	A	40, 53, 58.
		*		*	*	*	*		*	*			
	Fracturing devices, explosive, *without detonators for oil wells.*	1.1D	UN0099		1.1D		None	62	62	Forbidden	Forbidden	03	25.
		*		*	*	*	*		*	*			
	Fumaryl chloride	8	UN1780	II	8	B2, IB2, T7, TP2.	154	202	242	1 L	30 L	C	8, 40, 53, 58.
		*		*	*	*	*		*	*			
	Furfurylamine	3	UN2526	III	3, 8	B1, IB3, T4, TP1.	150	203	242	5 L	60 L	A	40, 52.

*		*	*	*	*		*					
Fuzes, detonating	1.4S	UN0367		1.4S	116, 347	None	62	None	25 kg	100 kg	01	25.
Fuzes, detonating, *with protective features.*	1.1D	UN0408		1.1D		None	62	None	Forbidden	Forbidden	03	25.
Fuzes, detonating, *with protective features.*	1.2D	UN0409		1.2D		None	62	None	Forbidden	Forbidden	03	25.
*		*	*	*	*		*					
Grenades, *hand or rifle, with bursting charge.*	1.1D	UN0284		1.1D		None	62	None	Forbidden	Forbidden	03	25.
Grenades, *hand or rifle, with bursting charge.*	1.2D	UN0285		1.2D		None	62	None	Forbidden	Forbidden	03	25.
Grenades, *hand or rifle, with bursting charge.*	1.1F	UN0292		1.1F		None	62	None	Forbidden	Forbidden	03	25.
Grenades, *hand or rifle, with bursting charge.*	1.2F	UN0293		1.2F		None	62	None	Forbidden	Forbidden	03	25.
*		*	*	*	*		*					
Hexadecyltrichlorosilane.	8	UN1781	II	8	A7, B2, B6, N34, T10, TP2, TP7, TP13.	None	206	242	Forbidden	30 L	C	40, 53, 58.
*		*	*	*	*		*					
Hexafluorophosphoric acid.	8	UN1782	II	8	A6, A7, B2, IB2, N3, N34, T8, TP2.	None	202	242	1 L	30 L	A	53, 58.
*		*	*	*	*		*					
Hexamethylenediamine, solid.	8	UN2280	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	12, 25, 52.
Hexamethylenediamine solution.	8	UN1783	II	8	IB2, T7, TP2	None	202	242	1 L	30 L	A	52.
			III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	52.
*		*	*	*	*		*					
Hexyltrichlorosilane	8	UN1784	II	8	A7, B2, B6, N34, T10, TP2, TP7, TP13.	None	206	242	Forbidden	30 L	C	40, 53, 58.
*		*	*	*	*		*					
Hydrobromic acid, *with more than 49 percent hydrobromic acid.*	8	UN1788	II	8	B2, B15, IB2, N41, T7, TP2.	154	202	242	Forbidden	Forbidden	C	53, 58.
			III	8	IB3, T4, TP1	154	203	241	Forbidden	Forbidden	C	8, 53, 58.
*		*	*	*	*		*					
Hydrochloric acid	8	UN1789	II	8	386, A3, A6, B3, B15, B133, IB2, N41, T8, TP2.	154	202	242	1 L	30 L	C	53, 58.
			III	8	A3, IB3, T4, TP1.	154	203	241	5 L	60 L	C	8, 53, 58.

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*			*	*	*	*		*	*			
	Hydrofluoric acid and Sulfuric acid mixtures.	8	UN1786	I	8, 6.1	A6, A7, B15, B23, N5, N34, T10, TP2, TP13.	None	201	243	Forbidden	2.5 L	D	40, 53, 58.
	*			*	*	*	*		*	*			
	Hydrofluoric acid, *with more than 60 percent strength.*	8	UN1790	I	8, 6.1	A6, A7, B4, B15, B23, N5, N34, T10, TP2, TP13.	None	201	243	0.5 L	2.5 L	D	12, 25, 40, 53, 58.
	Hydrofluoric acid, *with not more than 60 percent strength.*	8	UN1790	II	8, 6.1	A6, A7, B15, IB2, N5, N34, T8, TP2.	154	202	243	1 L	30 L	D	12, 25, 40, 53, 58.
	*			*	*	*	*		*	*			
	Hydrogen fluoride, anhydrous.	8	UN1052	I	8.6.1	3, B7, B46, B77, N86, T10, TP2.	None	163	244	Forbidden	Forbidden	D	40, 53, 58.
	*			*	*	*	*		*	*			
	Hydrogendifluoride, solid, n.o.s.	8	UN1740	II	8	IB8, IP2, IP4, N3, N34, T3, TP33.	None	212	240	15 kg	50 kg	A	25, 40, 52, 53, 58.
				III	8	IB8, IP3, N3, N34, T1, TP33.	154	213	240	25 kg	100 kg	A	25, 40, 52, 53, 58.
	*			*	*	*	*		*	*			
	Hydroxylamine sulfate	8	UN2865	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	52, 53, 58.
	Hypochlorite solutions	8	UN1791	II	8	148, A7, B2, B15, IB2, IP5, N34, T7, TP2, TP24.	154	202	242	1 L	30 L	B	26, 53, 58.
				III	8	386, IB3, N34, T4, TP2, TP24.	154	203	241	5 L	60 L	B	26, 53, 58.
	*			*	*	*	*		*	*			
	Iodine monochloride, liquid.	8	UN3498	II	8	IB2, T7, TP2	154	202	242	1 L	30 L	D	40, 53, 58, 66, 74, 89, 90.
	Iodine monochloride, solid.	8	UN1792	II	8	B6, IB8, IP2, IP4, N41, T7, TP2.	None	212	240	Forbidden	50 kg	D	40, 53, 58, 66, 74.
	Iodine pentafluoride	5.1	UN2495	I	5.1, 6.1, 8		None	205	243	Forbidden	Forbidden	D	25, 40, 52, 53, 58, 66, 90.

	*		*		*	*		*		*				
	3,3′-Iminodipropylamine.	8	UN2269	III	8	IB3, T4, TP2	154	203	241	5 L	60 L	A	52.
	*		*		*	*		*		*				
	Isobutylamine	3	UN1214	II	3, 8	IB2, T7, TP1	150	202	243	1 L	5 L	B	40, 52.
	*		*		*	*		*		*				
	Isobutyryl chloride	3	UN2395	II	3, 8	IB1, T7, TP2	150	202	243	1 L	5 L	C	40, 53, 58.
	*		*		*	*		*		*				
	Isophoronediamine	8	UN2289	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	52.
	*		*		*	*		*		*				
	Isopropyl acid phosphate.	8	UN1793	III	8	IB2, T4, TP1	154	213	240	25 kg	100 kg	A	53, 58.
	*		*		*	*		*		*				
	Isopropyl chloroformate.	6.1	UN2407	I	6.1, 3, 8	2, B9, B14, B32, B77, T20, TP2, TP13, TP38, TP44.	None	227	244	Forbidden	Forbidden	B	21, 40, 53, 58, 100.
	*		*		*	*		*		*				
	Isopropylamine	3	UN1221	I	3, 8	T11, TP2	None	201	243	0.5 L	2.5 L	E	52.
	*		*		*	*		*		*				
D	Jet perforating guns, charged *oil well with detonator*.	1.1D	NA0124		1.1D	55, 56	None	62	None	Forbidden	Forbidden	03	25, 154.
D	Jet perforating guns, charged *oil well, with detonator*.	1.4D	NA0494		1.4D	55, 56	None	62	None	Forbidden	Forbidden	02	25, 154.
	Jet perforating guns, charged, *oil well, without detonator*.	1.4D	UN0494		1.4D	55, 114	None	62	None	Forbidden	300 kg	02	25, 154.
	Jet perforating guns, charged *oil well without detonator*.	1.1D	UN0124		1.1D	55	None	62	None	Forbidden	Forbidden	03	25, 154.
	*		*		*	*		*		*				
	Lead sulfate *with more than 3 percent free acid*.	8	UN1794	II	8	IB8, IP2, IP4, T3, TP33.	154	212	240	15 kg	50 kg	A	53, 58.
	*		*		*	*		*		*				
	Lithium	4.3	UN1415	I	4.3	A7, A19, IB4, IP1, N45, T9, TP7, TP33, W31.	151	211	244	Forbidden	15 kg	D	13, 52, 148.
	*		*		*	*		*		*				
	Lithium aluminum hydride.	4.3	UN1410	I	4.3	A19, W31	None	211	242	Forbidden	15 kg	E	13, 52, 148.
	*		*		*	*		*		*				
	Lithium borohydride	4.3	UN1413	I	4.3	A19, N40, W31.	None	211	242	Forbidden	15 kg	E	13, 52, 148.
	*		*		*	*		*		*				
	Lithium hydride	4.3	UN1414	I	4.3	A19, N40, W31.	None	211	242	Forbidden	15 kg	E	13, 52, 148.

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
		*		*	*	*	*		*	*			
	Lithium ion batteries *including lithium ion polymer batteries*.	9	UN3480		9	388, 422, A51, A54.	185	185	185	5 kg	35 kg	A.	
	Lithium ion batteries contained in equipment *including lithium ion polymer batteries*.	9	UN3481		9	181, 388, 422, A54.	185	185	185	5 kg	35 kg	A.	
	Lithium ion batteries packed with equipment *including lithium ion polymer batteries*.	9	UN3481		9	181, 388, 422, A54.	185	185	185	5 kg	35 kg	A.	
	Lithium metal batteries *including lithium alloy batteries*.	9	UN3090		9	388, 422, A54.	185	185	185	Forbidden	35 kg	A.	
	Lithium metal batteries contained in equipment *including lithium alloy batteries*.	9	UN3091		9	181, 388, 422, A54, A101.	185	185	185	5 kg	35 kg	A.	
	Lithium metal batteries packed with equipment *including lithium alloy batteries*.	9	UN3091		9	181, 388, 422, A54.	185	185	185	5 kg	35 kg	A.	
		*		*	*	*	*		*	*			
	Lithium nitride	4.3	UN2806	I	4.3	A19, IB4, IP1, N40, W31.	None	211	242	Forbidden	15 kg	E.	
		*		*	*	*	*		*	*			
	Magnesium aluminum phosphide.	4.3	UN1419	I	4.3, 6.1	A19, N34, N40, W31.	None	211	242	Forbidden	15 kg	E	13, 40, 52, 85, 148.
		*		*	*	*	*		*	*			
	Magnesium hydride	4.3	UN2010	I	4.3	A19, N40, W31.	None	211	242	Forbidden	15 kg	E	13, 52, 148.
		*		*	*	*	*		*	*			
	Magnesium phosphide	4.3	UN2011	I	4.3, 6.1	A19, N40, W31.	None	211	None	Forbidden	15 kg	E	13, 40, 52, 85, 148.
	Magnesium, powder *or* Magnesium alloys, powder.	4.3	UN1418	I	4.3, 4.2	A19, B56, W31.	None	211	244	Forbidden	15 kg	A	13, 39, 52, 148.
				II	4.3, 4.2	A19, B56, IB5, IP2, T3, TP33, W31, W40.	None	212	241	15 kg	50 kg	A	13, 39, 52, 148.
				III	4.3, 4.2	A19, B56, IB8, IP4, T1, TP33, W31.	None	213	241	25 kg	100 kg	A	13, 39, 52, 148.

		*		*		*		*		*		*			
	Maleic anhydride	8	UN2215	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	53, 58, 95, 102.
	Maleic anhydride, molten.	8	UN2215	III	8	T4, TP3	None	213	240	Forbidden	Forbidden	A	53, 58, 95, 102.
		*		*		*		*		*		*			
G	Metal hydrides, water reactive, n.o.s.	4.3	UN1409	I	4.3	A19, N34, N40, W31.	None	211	242	Forbidden	15 kg	D	13, 52, 148.
				II	4.3	A19, IB4, N34, N40, T3, TP33, W31, W40.	151	212	242	15 kg	50 kg	D	13, 52, 148.
		*		*		*		*		*		*			
G	Metallic substance, water-reactive, n.o.s.	4.3	UN3208	I	4.3	A7, IB4, W31.	None	211	242	Forbidden	15 kg	E	13, 40, 148.
				II	4.3	A7, IB7, IP2, IP21, T3, TP33, W31, W40.	151	212	242	15 kg	50 kg	E	13, 40, 148.
				III	4.3	A7, IB8, IP21, T1, TP33, W31.	151	213	241	25 kg	100 kg	E	13, 40, 148.
G	Metallic substance, water-reactive, self-heating, n.o.s.	4.3	UN3209	I	4.3, 4.2	A7, W31	None	211	242	Forbidden	15 kg	E	13, 40, 148.
				II	4.3, 4.2	A7, IB5, IP2, T3, TP33, W31, W40.	None	212	242	15 kg	50 kg	E	13, 40, 148.
				III	4.3, 4.2	A7, IB8, IP4, T1, TP33, W31.	None	213	242	25 kg	100 kg	E	13, 40, 148.
		*		*		*		*		*		*			
	Methacrylic acid, stabilized.	8	UN2531	II	8	41, 387, IB2, T7, TP1, TP18, TP30.	154	202	242	1 L	30 L	C	25, 40, 53, 58.
		*		*		*		*		*		*			
	Methanesulfonyl chloride.	6.1	UN3246	I	6.1, 8	2, B9, B14, B32, T20, TP2, TP13, TP38, TP45.	None	227	244	Forbidden	Forbidden	D	40, 53, 58.
		*		*		*		*		*		*			
	Methyl chloroformate	6.1	UN1238	I	6.1, 3, 8	1, B9, B14, B30, N34, T22, TP2, TP13, TP38, TP44.	None	226	244	Forbidden	Forbidden	D	21, 53, 58, 40, 100.
		*		*		*		*		*		*			
	Methylamine, anhydrous.	2.1	UN1061		2.1	N87, T50	306	304	314, 315	Forbidden	150 kg	B	40, 52.
		*		*		*		*		*		*			
	N-Methylbutylamine	3	UN2945	II	3, 8	IB2, T7, TP1	150	202	243	1 L	5 L	B	40, 52.

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		*		*	*	*	*		*	*			
	Methyldichlorosilane	4.3	UN1242	I	4.3, 8, 3	A2, A3, A7, B6, B77, N34, T14, TP2, TP7, TP13, W31.	None	201	243	Forbidden	1 L	D	21, 40, 49, 53, 58, 100.
		*		*	*	*	*		*	*			
	Methylphenyldichlorosilane.	8	UN2437	II	8	T10, TP2, TP7, TP13.	None	206	242	Forbidden	30 L	C	40, 53, 58.
		*		*	*	*	*		*	*			
	Methyltrichlorosilane	3	UN1250	II	3, 8	A7, B6, B77, N34, T10, TP2, TP7, TP13.	None	206	243	Forbidden	5 L	B	40, 53, 58.
		*		*	*	*	*		*	*			
	Mines *with bursting charge.*	1.1F	UN0136		1.1F		None	62	None	Forbidden	Forbidden	03	25.
	Mines *with bursting charge.*	1.1D	UN0137		1.1D		None	62	None	Forbidden	Forbidden	03	25.
	Mines *with bursting charge.*	1.2D	UN0138		1.2D		None	62	None	Forbidden	Forbidden	03	25.
	Mines *with bursting charge.*	1.2F	UN0294		1.2F		None	62	None	Forbidden	Forbidden	03	25.
		*		*	*	*	*		*	*			
	Molybdenum pentachloride.	8	UN2508	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	C	40, 53, 58.
		*		*	*	*	*		*	*			
	Nitrating acid mixtures, spent *with more than 50 percent nitric acid.*	8	UN1826	I	8, 5.1	A7, T10, TP2, TP13.	None	158	243	Forbidden	2.5 L	D	40, 53, 58, 66.
	Nitrating acid mixtures spent *with not more than 50 percent nitric acid.*	8	UN1826	II	8	A7, B2, IB2, T8, TP2.	None	158	242	Forbidden	30 L	D	40, 53, 58.
	Nitrating acid mixtures *with more than 50 percent nitric acid.*	8	UN1796	I	8, 5.1	A7, T10, TP2, TP13.	None	158	243	Forbidden	2.5 L	D	40, 53, 58, 66.
	Nitrating acid mixtures *with not more than 50 percent nitric acid.*	8	UN1796	II	8	A7, B2, IB2, T8, TP2, TP13.	None	158	242	Forbidden	30 L	D	40, 53, 58.
	Nitric acid *other than red fuming, with at least 65 percent, but not more than 70 percent nitric acid.*	8	UN2031	II	8, 5.1	A6, B2, B47, B53, IB2, IP15, T8, TP2.	None	158	242	Forbidden	30 L	D	53, 58, 66, 74, 89, 90.

	Nitric acid *other than red fuming, with more than 20 percent and less than 65 percent nitric acid.*	8	UN2031	II	8	A6, A212, B2, B47, B53, IB2, IP15, T8, TP2.	None	158	242	Forbidden	30 L	D	44, 53, 58, 66, 74, 89, 90.
	Nitric acid *other than red fuming with not more than 20 percent nitric acid.*	8	UN2031	II	8	A6, B2, B47, B53, IB2, T8, TP2.	None	158	242	1 L	30 L	D	53, 58.
+	Nitric acid, red fuming	8	UN2032	I	8, 5.1, 6.1	2, B9, B32, T20, TP2, TP13, TP38, TP45.	None	227	244	Forbidden	Forbidden	D	40, 53, 58, 66, 74, 89, 90.
	*		*		*	*	*	*	*	*			
	Nitrobenzenesulfonic acid.	8	UN2305	II	8	B2, B4, IB8, IP2, IP4, T3, TP33.	154	202	242	1 L	30 L	A	53, 58.
	*		*		*	*	*	*	*	*			
	Nitrocellulose with alcohol *with not less than 25 percent alcohol by mass, and with not more than 12.6 percent nitrogen, by dry mass.*	4.1	UN2556	II	4.1	W31	151	212	None	1 kg	15 kg	D	12, 25, 28, 36.
	*		*		*	*	*	*	*	*			
	Nitrohydrochloric acid	8	UN1798	I	8	A3, B10, N41, T10, TP2, TP13.	None	201	243	Forbidden	2.5 L	D	40, 53, 58, 66, 74, 89, 90.
	*		*		*	*	*	*	*	*			
	Nitrosylsulfuric acid, liquid.	8	UN2308	II	8	A3, A6, A7, B2, IB2, N34, T8, TP2.	154	202	242	1 L	30 L	D	40, 53, 58, 66, 74, 89, 90.
	Nitrosylsulphuric acid, solid.	8	UN3456	II	8	IB8, IP2, IP4, T3, TP33.	154	212	240	15 kg	50 kg	D	40, 53, 58, 66, 74, 89, 90.
	*		*		*	*	*	*	*	*			
	Nonyltrichlorosilane	8	UN1799	II	8	A7, B2, B6, N34, T10, TP2, TP7, TP13.	None	206	242	Forbidden	30 L	C	40, 53, 58.
	*		*		*	*	*	*	*	*			
	Octadecyltrichlorosilane.	8	UN1800	II	8	A7, B2, B6, N34, T10, TP2, TP7, TP13.	None	206	242	Forbidden	30 L	C	40, 53, 58.
	*		*		*	*	*	*	*	*			
	Octyltrichlorosilane	8	UN1801	II	8	A7, B2, B6, N34, T10, TP2, TP7, TP13.	None	206	242	Forbidden	30 L	C	40, 53, 58.

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
		*		*	*	*	*		*	*			
	Paint *including paint, lacquer, enamel, stain, shellac solutions, varnish, polish, liquid filler and liquid lacquer base.*	3	UN1263	I	3	367, T11, TP1, TP8, TP27.	150	201	243	1 L	30 L	E.	
				II	3	149, 367, B52, B131, IB2, T4, TP1, TP8, TP28.	150	173	242	5 L	60 L	B.	
				III	3	367, B1, B52, B131, IB3, T2, TP1, TP29.	150	173	242	60 L	220 L	A.	
		*		*	*	*	*		*	*			
	Paint related material *including paint thinning, drying, removing, or reducing compound.*	3	UN1263	I	3	367, T11, TP1, TP8, TP27.	150	201	243	1 L	30 L	E.	
				II	3	149, 367, B52, B131, IB2, T4, TP1, TP8, TP28.	150	173	242	5 L	60 L	B.	
				III	3	367, B1, B52, B131, IB3, T2, TP1, TP29.	150	173	242	60 L	220 L	A.	
		*		*	*	*	*		*	*			
	Perchloric acid *with more than 50 percent but not more than 72 percent acid, by mass.*	5.1	UN1873	I	5.1, 8	A2, A3, N41, T10, TP1.	None	201	243	Forbidden	2.5 L	D	53, 58, 66.
	Perchloric acid *with not more than 50 percent acid by mass.*	8	UN1802	II	8, 5.1	IB2, N41, T7, TP2.	None	202	243	Forbidden	30 L	C	53, 58, 66.
		*		*	*	*	*		*	*			
	Phenolsulfonic acid, liquid.	8	UN1803	II	8	B2, IB2, N41, T7, TP2.	154	202	242	1 L	30 L	C	14, 53, 58.

	*		*	*	*	*	*	*	*					
	Phenyl chloroformate	6.1	UN2746	II	6.1, 8	IB2, T7, TP2, TP13.	153	202	243	1 L	30 L	A	12, 13, 25, 40, 53, 58.
	*		*	*	*	*	*	*	*					
	Phenyl phosphorus dichloride.	8	UN2798	II	8	B2, B15, IB2, T7, TP2.	154	202	242	Forbidden	30 L	B	40, 53, 58.
	Phenyl phosphorus thiodichloride.	8	UN2799	II	8	B2, B15, IB2, T7, TP2.	154	202	242	Forbidden	30 L	B	40, 53, 58.
	*		*	*	*	*	*	*	*					
	Phenylacetyl chloride	8	UN2577	II	8	B2, IB2, T7, TP2.	154	202	242	1 L	30 L	C	40, 53, 58.
	*		*	*	*	*	*	*	*					
	Phenyltrichlorosilane ..	8	UN1804	II	8	A7, B6, N34, T10, TP2, TP7, TP13.	None	206	242	Forbidden	30 L	C	40, 53, 58.
	*		*	*	*	*	*	*	*					
	Phosphoric acid solution.	8	UN1805	III	8	A7, IB3, N34, T4, TP1.	154	203	241	5 L	60 L	A	53, 58.
	Phosphoric acid, solid	8	UN3453	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	53, 58.
	*		*	*	*	*	*	*	*					
	Phosphorous acid	8	UN2834	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	25, 53, 58.
	*		*	*	*	*	*	*	*					
	Phosphorus oxybromide.	8	UN1939	II	8	B8, IB8, IP2, IP4, N41, N43, T3, TP33.	None	212	240	Forbidden	50 kg	C	12, 25, 40, 53, 58.
	Phosphorus oxybromide, molten.	8	UN2576	II	8	B2, B8, IB1, N41, N43, T7, TP3, TP13.	None	202	242	Forbidden	Forbidden	C	40, 53, 58.
	*		*	*	*	*	*	*	*					
+	Phosphorous oxychloride.	6.1	UN1810	I	6.1, 8	2, B9, B14, B32, B77, N34, T20, TP2, TP13, TP38, TP45.	None	227	244	Forbidden	Forbidden	D	40, 53, 58.
	Phosphorus pentabromide.	8	UN2691	II	8	A7, IB8, IP2, IP4, N34, T3, TP33.	154	212	240	Forbidden	50 kg	B	12, 25, 40, 53, 55, 58.
	Phosphorus pentachloride.	8	UN1806	II	8	A7, IB8, IP2, IP4, N34, T3, TP33.	None	212	240	Forbidden	50 kg	C	40, 44, 53, 58, 89, 100, 141.
	*		*	*	*	*	*	*	*					
	Phosphorus pentoxide	8	UN1807	II	8	A7, IB8, IP2, IP4, N34, T3, TP33.	154	212	240	15 kg	50 kg	A	53, 58.

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
		*		*	*	*	*		*	*			
	Phosphorus tribromide	8	UN1808	II	8	A3, A6, A7, B2, B25, IB2, N34, N43, T7, TP2.	None	202	242	Forbidden	30 L	C	40, 53, 58.
	Phosphorus trichloride	6.1	UN1809	I	6.1, 8	2, B9, B14, B15, B32, B77, N34, T20, TP2, TP13, TP38, TP45.	None	227	244	Forbidden	Forbidden	C	40, 53, 58.
	Phosphorus trioxide	8	UN2578	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	12, 25, 53, 58.
		*		*	*	*	*		*	*			
	Phthalic anhydride *with more than .05 percent maleic anhydride.*	8	UN2214	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	53, 58.
		*		*	*	*	*		*	*			
	Potassium	4.3	UN2257	I	4.3	A7, A19, A20, B27, IB4, IP1, N6, N34, T9, TP7, TP33, W31.	151	211	244	Forbidden	15 kg	D	13, 52, 148.
		*		*	*	*	*		*	*			
	Potassium borohydride	4.3	UN1870	I	4.3	A19, N40, W31.	None	211	242	Forbidden	15 kg	E	13, 52, 148.
		*		*	*	*	*		*	*			
	Potassium hydrogen sulfate.	8	UN2509	II	8	A7, IB8, IP2, IP4, N34, T3, TP33.	154	212	240	15 kg	50 kg	A	53, 58.
	Potassium hydrogendifluoride solid.	8	UN1811	II	8, 6.1	IB8, IP2, IP4, N3, N34, T3, TP33.	154	212	240	15 kg	50 kg	A	25, 40, 52, 53, 58.
	Potassium hydrogendifluoride solution.	8	UN3421	II	8, 6.1	IB2, N3, N34, T7, TP2.	154	202	243	1 L	30 L	A	25, 40, 52, 53, 58.
				III	8, 6.1	IB3, N3, N34, T4, TP1.	154	203	241	5 L	60 L	A	40, 52, 53, 58.

*		*	*	*	*	*	*	*				
Potassium, metal alloys, solid.	4.3	UN3403	I	4.3	A19, A20, B27, IB4, IP1, T9, TP7, TP33, W31.	None	211	244	Forbidden	15 kg	D	13, 52, 148.
*		*	*	*	*	*	*	*				
Potassium phosphide	4.3	UN2012	I	4.3, 6.1	A19, N40, W31.	None	211	None	Forbidden	15 kg	E	13, 40, 52, 85, 148.
*		*	*	*	*	*	*	*				
Potassium sodium alloys, solid.	4.3	UN3404	I	4.3	A19, B27, N34, N40, T9, TP7, TP33, W31.	None	211	244	Forbidden	15 kg	D	13, 52, 148.
*		*	*	*	*	*	*	*				
Printing ink, *flammable or* Printing ink related material *(including printing ink thinning or reducing compound), flammable.*	3	UN1210	I	3	367, T11, TP1, TP8.	150	173	243	1 L	30 L	E.	
			II	3	149, 367, IB2, T4, TP1, TP8.	150	173	242	5 L	60 L	B.	
			III	3	367, B1, IB3, T2, TP1.	150	173	242	60 L	220 L	A.	
*		*	*	*	*	*	*	*				
Projectiles, *with burster or expelling charge.*	1.2D	UN0346		1.2D		None	62	None	Forbidden	Forbidden	03	25.
*		*	*	*	*	*	*	*				
Projectiles, *with burster or expelling charge.*	1.2F	UN0426		1.2F		None	62	None	Forbidden	Forbidden	03	25.
Projectiles, *with burster or expelling charge.*	1.4F	UN0427		1.4F		None	62	None	Forbidden	Forbidden	03	25.
*		*	*	*	*	*	*	*				
Projectiles, *with bursting charge.*	1.1F	UN0167		1.1F		None	62	None	Forbidden	Forbidden	03	25.
Projectiles, *with bursting charge.*	1.1D	UN0168		1.1D		None	62	None	Forbidden	Forbidden	03	25.
Projectiles, *with bursting charge.*	1.2D	UN0169		1.2D		None	62	None	Forbidden	Forbidden	03	25.
Projectiles, *with bursting charge.*	1.2F	UN0324		1.2F		None	62	None	Forbidden	Forbidden	03	25.
*		*	*	*	*	*	*	*				
Propionic acid *with not less than 90% acid by mass.*	8	UN3463	II	8, 3	IB2, T7, TP2	154	202	243	1 L	30 L	A	53, 58.
Propionic acid *with not less than 10% and less than 90% acid by mass.*	8	UN1848	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	53, 58.
Propionic anhydride ...	8	UN2496	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	53, 58.

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*			*	*	*	*		*	*			
	Propionyl chloride	3	UN1815	II	3, 8	IB1, T7, TP1	150	202	243	1 L	5 L	B	40, 53, 58.
	*			*	*	*	*		*	*			
	n-Propyl chloroformate	6.1	UN2740	I	6.1, 3, 8	2, B9, B14, B32, B77, N34, T20, TP2, TP13, TP38, TP44.	None	227	244	Forbidden	Forbidden	B	21, 40, 53, 58, 100.
	*			*	*	*	*		*	*			
	Propylamine	3	UN1277	II	3, 8	A7, IB2, N34, T7, TP1.	150	202	243	1 L	5 L	E	40, 52.
	*			*	*	*	*		*	*			
	1,2-Propylenediamine	8	UN2258	II	8, 3	A3, A6, IB2, N34, T7, TP2.	None	202	243	1 L	30 L	A	40, 52.
	*			*	*	*	*		*	*			
	Propyltrichlorosilane	8	UN1816	II	8, 3	A7, B2, B6, N34, T10, TP2, TP7, TP13.	None	206	243	Forbidden	30 L	C	40, 53, 58.
	*			*	*	*	*		*	*			
	Pyrosulfuryl chloride	8	UN1817	II	8	B2, IB2, T8, TP2.	154	202	242	1 L	30 L	C	40, 53, 58.
	*			*	*	*	*		*	*			
	Radioactive material, excepted package-empty packaging.	7	UN2908		Empty	368	422, 428	422, 428	422, 428			A	95.
	*			*	*	*	*		*	*			
	Radioactive material, surface contaminated objects (SCO–I *or* SCO–II) *non fissile or fissile-excepted.*	7	UN2913		7	392, A56	421, 422, 428.	427	427			A	
	*			*	*	*	*		*	*			
	Radioactive material, uranium hexafluoride *non fissile or fissile-excepted.*	7	UN2978		7, 6.1, 8		423	420, 427	420, 427			B	40, 74, 95, 132, 151.
	Radioactive material, uranium hexafluoride, fissile.	7	UN2977		7, 6.1, 8		453	417, 420	417, 420			B	40, 74, 95, 132, 151.

	*		*	*	*	*		*	*					
	Resin Solution, *flammable.*	3	UN1866	I	3	B52, T11, TP1, TP8, TP28.	150	201	243	1 L	30 L	E.		
				II	3	149, B52, IB2, T4, TP1, TP8.	150	173	242	5 L	60 L	II.		
				III	3	B1, B52, IB3, T2, TP1.	150	173	242	60 L	220 L	A.		
	*		*	*	*	*		*	*					
	Rocket motors	1.3C	UN0186		1.3C	109	None	62	None	Forbidden	220 kg	03	25.	
	Rocket motors	1.1C	UN0280		1.1C	109	None	62	None	Forbidden	Forbidden	03	25.	
	*		*	*	*	*		*	*					
	Rockets, *with bursting charge.*	1.1F	UN0180		1.1F		None	62	None	Forbidden	Forbidden	03	25.	
	Rockets, *with bursting charge.*	1.1E	UN0181		1.1E		None	62	None	Forbidden	Forbidden	03	25.	
	Rockets, *with bursting charge.*	1.2E	UN0182		1.2E		None	62	None	Forbidden	Forbidden	03	25.	
	Rockets, *with bursting charge.*	1.2F	UN0295		1.2F		None	62	None	Forbidden	Forbidden	03	25.	
	Rockets, *with expelling charge.*	1.2C	UN0436		1.2C		None	62	None	Forbidden	Forbidden	03	25.	
	Rockets, *with expelling charge.*	1.3C	UN0437		1.3C		None	62	None	Forbidden	Forbidden	03	25.	
	*		*	*	*	*		*	*					
	Rockets, *with inert head.*	1.3C	UN0183		1.3C		None	62	None	Forbidden	Forbidden	03	25.	
	Rockets, *with inert head.*	1.2C	UN0502		1.2C		None	62	None	Forbidden	Forbidden	03	25, 5E.	
	*		*	*	*	*		*	*					
	Rubidium	4.3	UN1423	I	4.3	22, A7, A19, IB4, IP1, N34, N40, N45, W31.	None	211	242	Forbidden	15 kg	D	13, 52, 148.	
	*		*	*	*	*		*	*					
	Seed cake, *containing vegetable oil solvent extractions and expelled seeds, with not more than 10 percent of oil and when the amount of moisture is higher than 11 percent, with not more than 20 percent of oil and moisture combined.*	4.2	UN1386	III	None	B136, IB8, IP3, 1P7, N7.	None	213	241	Forbidden	Forbidden	A	13, 25.	
I	Seed cake *with more than 1.5 percent oil and not more than 11 percent moisture.*	4.2	UN1386	III	None	B136, IB8, IP3, IP7, N7.	None	213	241	Forbidden	Forbidden	E	13, 25.	
I	Seed cake *with not more than 1.5 percent oil and not more than 11 percent moisture.*	4.2	UN2217	III	None	B136, IB8, IP3, 1P7, N7.	None	213	241	Forbidden	Forbidden	A	13, 25, 120.	

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
		*		*	*	*	*		*	*			
	Selenic acid	8	UN1905	I	8	IB7, IP1, N34, T6, TP33.	None	211	242	Forbidden	25 kg	A	53, 58.
		*		*	*	*	*		*	*			
	Selenium oxychloride	8	UN2879	I	8, 6.1	A3, A6, A7, N34, T10, TP2, TP13.	None	201	243	0.5 L	2.5 L	E	40, 53, 58.
		*		*	*	*	*		*	*			
	Silicon tetrachloride	8	UN1818	II	8	A3, A6, B2, B6, T10, TP2, TP7, TP13.	None	202	242	Forbidden	30 L	C	40, 53, 58.
		*		*	*	*	*		*	*			
	Sludge, acid	8	UN1906	II	8	A3, A7, B2, IB2, N34, T8, TP2, TP28.	None	202	242	Forbidden	30 L	C	14, 53, 58.
		*		*	*	*	*		*	*			
	Sodium	4.3	UN1428	I	4.3	A7, A8, A19, A20, B9, B48, B68, IB4, IP1, N34, T9, TP7, TP33, TP46, W31.	151	211	244	Forbidden	15 kg	D	13, 52, 148.
		*		*	*	*	*		*	*			
	Sodium borohydride	4.3	UN1426	I	4.3	N40, W31	None	211	242	Forbidden	15 kg	E	13, 52, 148.
		*		*	*	*	*		*	*			
	Sodium hydride	4.3	UN1427	I	4.3	A19, N40, W31.	None	211	242	Forbidden	15 kg	E	13, 52, 148.
	Sodium hydrogendifluoride.	8	UN2439	II	8	IB8, IP2, IP4, N3, N34, T3, TP33.	154	212	240	15 kg	50 kg	A	12, 25, 40, 52, 53, 58.
		*		*	*	*	*		*	*			
	Sodium phosphide	4.3	UN1432	I	4.3, 6.1	A19, N40, W31.	None	211	None	Forbidden	15 kg	E	13, 40, 52, 85, 148.
		*		*	*	*	*		*	*			
	Sounding devices, explosive.	1.2F	UN0204		1.2F		None	62	None	Forbidden	Forbidden	03	25.
	Sounding devices, explosive.	1.1F	UN0296		1.1F		None	62	None	Forbidden	Forbidden	03	25.

	Sounding devices, explosive.	1.1D	UN0374		1.1D			None	62	None	Forbidden	Forbidden	03	25.
	Sounding devices, explosive.	1.2D	UN0375		1.2D			None	62	None	Forbidden	Forbidden	03	25.
		*		*	*	*	*	*	*	*				
	Stannic chloride, anhydrous.	8	UN1827	II	8	B2, IB2, T7, TP2.	154	202	242	1 L	30 L	C	53, 58.
	Stannic chloride pentahydrate.	8	UN2440	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	53, 58.
	Stannic phosphide	4.3	UN1433	I	4.3, 6.1	A19, N40, W31.	None	211	242	Forbidden	15 kg	E	13, 40, 52, 85, 148.
		*		*	*	*	*	*	*				
	Strontium phosphide	4.3	UN2013	I	4.3, 6.1	A19, N40, W31.	None	211	None	Forbidden	15 kg	E	13, 40, 52, 85, 148.
		*		*	*	*	*	*	*				
G	Substances, explosive, n.o.s.	1.4S	UN0481		1.4S	101, 347	None	62	None	25 kg	75 kg	01	25.
		*		*	*	*	*	*	*				
	Sulfamic acid	8	UN2967	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	53, 58.
		*		*	*	*	*	*	*				
	Sulfur chlorides	8	UN1828	I	8	5, A3, A7, A10, B10, B77, N34, T20, TP2.	None	201	243	Forbidden	2.5 L	C	40, 53, 58.
		*		*	*	*	*	*	*				
+	Sulfur trioxide, stabilized.	8	UN1829	I	8, 6.1	2, 387, B9, B14, B32, B49, B77, N34, T20, TP4, TP13, TP25, TP26, TP38, TP45.	None	227	244	Forbidden	Forbidden	A	25, 40, 53, 58.
		*		*	*	*	*	*	*				
	Sulfuric acid, fuming *with less than 30 percent free sulfur trioxide*.	8	UN1831	I	8	A3, A7, N34, T20, TP2,TP13.	None	201	243	Forbidden	2.5 L	C	14, 40, 53, 58.
	Sulfuric acid, fuming *with 30 percent or more free sulfur trioxide*.	8	UN1831	I	8, 6.1	2, B9, B14, B32, B77, B84, N34, T20, TP2, TP12, TP13.	None	227	244	Forbidden	Forbidden	C	53, 58.
	Sulfuric acid, spent	8	UN1832	II	8	A3, A7, B2, B83, B84, IB2, N34, T8, TP2.	None	202	242	Forbidden	30 L	C	14, 53, 58.
		*		*	*	*	*	*	*				
	Sulfuric acid *with more than 51 percent acid*.	8	UN1830	II	8	A3, A7, B3, B83, B84, IB2, N34, T8, TP2.	154	202	242	1 L	30 L	C	14, 53, 58.

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Sulfuric acid *with not more than 51% acid.*	8	UN2796	II	8	386, A3, A7, B2, B15, IB2, N6, N34, T8, TP2.	154	202	242	1 L	30 L	B	53, 58.
	*			*	*	*	*		*	*			
	Sulfurous acid	8	UN1833	II	8	B3, IB2, T7, TP2.	154	202	242	1 L	30 L	B	40, 53, 58.
+	Sulfuryl chloride	6.1	UN1834	I	6.1, 8	1, B6, B9, B10, B14, B30, B77, N34, T22, TP2, TP13, TP38, TP44.	None	226	244	Forbidden	Forbidden	D	40, 53, 58.
	*			*	*	*	*		*	*			
	Tetrahydrophthalic anhydrides *with more than 0.05 percent of maleic anhydride.*	8	UN2698	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	53, 58.
	*			*	*	*	*		*	*			
	Thioglycolic acid	8	UN1940	II	8	A7, B2, IB2, N34, T7, TP2.	154	202	242	1 L	30 L	A	53, 58.
	*			*	*	*	*		*	*			
	Thionyl chloride	8	UN1836	I	8	B6, B10, N34, T10, TP2, TP13.	None	201	243	Forbidden	Forbidden	C	40, 53, 58.
	*			*	*	*	*		*	*			
	Thiophosphoryl chloride.	8	UN1837	II	8	A3, A7, B2, B8, B25, IB2, N34, T7, TP2.	None	202	242	Forbidden	30 L	C	40, 53, 58.
	*			*	*	*	*		*	*			
+	Titanium tetrachloride	6.1	UN1838	I	6.1, 8	2, B7, B9, B14, B32, B77, T20, TP2, TP13, TP38, TP45.	None	227	244	Forbidden	Forbidden	D	40, 53, 58.
	Titanium trichloride mixtures.	8	UN2869	II	8	A7, IB8, IP2, IP4, N34, T3, TP33.	154	212	240	15 kg	50 kg	A	40, 53, 58.
				III	8	A7, IB8, IP3, N34, T1, TP33.	154	213	240	25 kg	100 kg	A	40, 53, 58.

	*		*	*	*	*		*	*				
Torpedoes *with bursting charge*.	1.1F	UN0330	.....	1.1F	.....	.....	None	62	None	Forbidden	Forbidden	03	25.
Torpedoes *with bursting charge*.	1.1D	UN0451	.....	1.1D	.....	.....	None	62	None	Forbidden	Forbidden	03	25.
	*		*	*	*	*		*	*				
Triallylamine	3	UN2610	III	3, 8		B1, IB3, T4, TP1.	None	203	242	5 L	60 L	A	40, 52.
	*		*	*	*	*		*	*				
Trichloroacetic acid	8	UN1839	II	8		A7, IB8, IP2, IP4, N34, T3, TP33.	154	212	240	15 kg	50 kg	A	53, 58.
Trichloroacetic acid, solution.	8	UN2564	II	8		A3, A6, A7, B2, IB2, N34, T7, TP2.	154	202	242	1 L	30 L	B	53, 58
.....	.....		III	8		A3, A6, A7, IB3, N34, T4, TP1.	154	203	241	5 L	60 L	B	8, 53, 58.
+ Trichloroacetyl chloride.	8	UN2442	II	8, 6.1		2, B9, B14, B32, N34, T20, TP2, TP38, TP45.	None	227	244	Forbidden	Forbidden	D	40, 53, 58.
	*		*	*	*	*		*	*				
Trichlorosilane	4.3	UN1295	I	4.3, 3, 8		N34, T14, TP2, TP7, TP13, W31.	None	201	244	Forbidden	Forbidden	D	21, 40, 49, 53, 58, 100.
	*		*	*	*	*		*	*				
Trifluoroacetic acid	8	UN2699	I	8		A3, A6, A7, B4, N3, N34, N36, T10, TP2.	None	201	243	0.5 L	2.5 L	B	12, 25, 40, 53, 58.
	*		*	*	*	*		*	*				
Trimethylacetyl chloride.	6.1	UN2438	I	6.1, 8, 3		2, B3, B9, B14, B32, N34, T20, TP2, TP13, TP38, TP45.	None	227	244	Forbidden	Forbidden	D	21, 25, 40, 53, 58, 100.
Trimethylamine, anhydrous.	2.1	UN1083	.....	2.1		N87, T50	306	304	314, 315	Forbidden	150 kg	B	40, 52.
Trimethylamine, aqueous solutions *with not more than 50 percent trimethylamine by mass*.	3	UN1297	I	3, 8		T11, TP1	None	201	243	0.5 L	2.5 L	D	40, 52, 135.
			II	3, 8		B1, IB2, T7, TP1.	150	202	243	1 L	5 L	B	40, 41, 52.
			III	3, 8		B1, IB3, T7, TP1.	150	203	242	5 L	60 L	A	40, 41, 52.
	*		*	*	*	*		*	*				
Trimethylchlorosilane	3	UN1298	II	3, 8		A3, A7, B77, N34, T10, TP2, TP7, TP13.	None	206	243	Forbidden	5 L	E	40, 53, 58.

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification No.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging (§ 173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations (see §§ 173.27 and 175.75) Passenger aircraft/rail	Cargo air-craft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Trimethylcyclohexylamine.	8	UN2326	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	52.
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Trimethylhexamethylenediamines.	8	UN2327	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	52.
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Tripropylamine	3	UN2260	III	3, 8	B1, IB3, T4, TP1.	150	203	242	5 L	60 L	A	40, 52.
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Uranium hexafluoride, radioactive material, excepted package, *less than 0.1 kg per package, non-fissile or fissile-excepted.*	6.1	UN3507	I	6.1, 7, 8	369	420	None	None	Less than .1 kg.	Less than .1 kg.	A	132, 152.
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Valeryl chloride	8	UN2502	II	8, 3	A3, A6, A7, B2, IB2, N34, T7, TP2.	154	202	243	1 L	30 L	C	40, 53, 58.
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Vanadium oxytrichloride.	8	UN2443	II	8	A3, A6, A7, B2, B16, IB2, N34, T7, TP2.	154	202	242	Forbidden	30 L	C	40, 53, 58.
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Vanadium tetrachloride.	8	UN2444	I	8	A3, A6, A7, B4, N34, T10, TP2.	None	201	243	Forbidden	2.5 L	C	40, 53, 58.
	Vanadium trichloride	8	UN2475	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	40, 53, 58.
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Vinyltrichlorosilane	3	UN1305	II	3, 8	A3, A7, B6, N34, T10, TP2, TP7, TP13.	None	206	243	Forbidden	5 L	B	40, 53, 58.
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Warheads, rocket *with burster or expelling charge.*	1.4F	UN0371		1.4F		None	62	None	Forbidden	Forbidden	03	25.
	Warheads, rocket *with bursting charge.*	1.1D	UN0286		1.1D		None	62	None	Forbidden	Forbidden	03	25.
	Warheads, rocket *with bursting charge.*	1.2D	UN0287		1.2D		None	62	None	Forbidden	Forbidden	03	25.
	Warheads, rocket *with bursting charge.*	1.1F	UN0369		1.1F		None	62	None	Forbidden	Forbidden	03	25.
	Warheads, torpedo *with bursting charge.*	1.1D	UN0221		1.1D		None	62	None	Forbidden	Forbidden	03	25.

		*		*	*	*	*	*	*					
G	Water-reactive solid, n.o.s.	4.3	UN2813	I	4.3	IB4, N40, T9, TP7, TP33, W31.	None	211	242	Forbidden	15 kg	E	13, 40, 148.
				II	4.3	B132, IB7, IP2, IP21, T3, TP33, W31, W40.	151	212	242	15 kg	50 kg	E	13, 40, 148.
				III	4.3	B132, IB8, IP21, T1, TP33, W31.	151	213	241	25 kg	100 kg	E	13, 40, 148.
		*		*	*	*	*	*	*					
	Zinc ashes	4.3	UN1435	III	4.3	A1, A19, B136, IB8, IP4, T1, TP33.	151	213	241	25 kg	100 kg	A	13, 148.
		*		*	*	*	*	*	*					
	Zinc chloride, anhydrous.	8	UN2331	III	8	IB8, IP3, T1, TP33.	None	213	240	25 kg	100 kg	A	53, 58.
	Zinc chloride, solution	8	UN1840	III	8	IB3, T4, TP2	154	203	241	5 L	60 L	A	53, 58.
		*		*	*	*	*	*	*					
	Zinc phosphide	4.3	UN1714	I	4.3, 6.1	A19, N40, W31.	None	211	None	Forbidden	15 kg	E	13, 40, 52, 85, 148.
		*		*	*	*	*	*	*					
	Zirconium tetrachloride	8	UN2503	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	53, 58.

* * * * *

Appendix B to § 172.101—List of Marine Pollutants

* * * * *

LIST OF MARINE POLLUTANTS

S. M. P. (1)	Marine pollutant (2)
*	* * * *
	Dodecene (except 1-dodecene).
*	* * * *

* * * * *

■ 7. In § 172.102:
■ a. In paragraph (c)(1):
■ i. Special provisions 132, 150, 238, the first sentence of special provision 369, and special provision 387 are revised;
■ ii. Special provisions 388, 389, 391, and 392 are added; and
■ iii. Special provisions 421 and 422 are revised;
■ b. In paragraph (c)(2), special provisions A56 and A105 are revised;
■ c. In paragraph (c)(3), special provision B136 is added;
■ d. In paragraph (c)(8)(ii), special provision TP10 is revised; and
■ e. In paragraph (c)(9), special provision W32 is removed.

The additions and revisions read as follows:

§ 172.102 Special Provisions.

* * * * *

(c) * * *

(1) * * *

132 This description may only be used for ammonium nitrate-based compound fertilizers. They must be classified in accordance with the procedure as set out in the Manual of Tests and Criteria, part III, section 39 (IBR, *see* § 171.7 of this subchapter). Fertilizers meeting the criteria for this identification number are only subject to the requirements of this subchapter when offered for transportation and transported by air or vessel.

* * * * *

150 This description may only be used for ammonium nitrate-based fertilizers. They must be classified in accordance with the procedure as set out in the Manual of Tests and Criteria, part III, section 39 (IBR, *see* § 171.7 of this subchapter).

* * * * *

238 Neutron radiation detectors: Neutron radiation detectors containing non-pressurized boron trifluoride gas in excess of 1 gram (0.035 ounces) and radiation detection systems containing such neutron radiation detectors as components may be transported by highway, rail, vessel, or cargo aircraft in accordance with the following:

a. Each radiation detector must meet the following conditions:

(1) The pressure in each neutron radiation detector must not exceed 105 kPa absolute at 20 °C (68 °F);

(2) The amount of gas must not exceed 13 grams (0.45 ounces) per detector; and

(3) Each neutron radiation detector must be of welded metal construction with brazed metal to ceramic feed through assemblies. These detectors must have a minimum burst pressure of 1800 kPa as demonstrated by design type qualification testing; and

(4) Each detector must be tested to a 1×10^{-10} cm^3/s leaktightness standard before filling.

b. Radiation detectors transported as individual components must be transported as follows:

(1) They must be packed in a sealed intermediate plastic liner with sufficient absorbent or adsorbent material to absorb or adsorb the entire gas contents.

(2) They must be packed in strong outer packagings and the completed package must be capable of withstanding a 1.8 meter (5.9 feet) drop without leakage of gas contents from detectors.

(3) The total amount of gas from all detectors per outer packaging must not exceed 52 grams (1.83 ounces).

c. Completed neutron radiation detection systems containing detectors meeting the conditions of paragraph a of this special provision must be transported as follows:

(1) The detectors must be contained in a strong sealed outer casing;

(2) The casing must contain include sufficient absorbent or adsorbent material to absorb or adsorb the entire gas contents;

(3) The completed system must be packed in strong outer packagings capable of withstanding a 1.8 meter (5.9 feet) drop test without leakage unless a system's outer casing affords equivalent protection.

d. Except for transportation by aircraft, neutron radiation detectors and radiation detection systems containing such detectors transported in accordance with paragraph a of this special provision are not subject to the labeling and placarding requirements of part 172 of this subchapter.

e. When transported by highway, rail, vessel, or as cargo on an aircraft, neutron radiation detectors containing not more than 1 gram of boron trifluoride, including those with solder glass joints are not subject to any other requirements of this subchapter provided they meet the requirements in paragraph a of this special provision and are packed in accordance with paragraph b of this special provision. Radiation detection systems containing such detectors are not subject to any other requirements of this subchapter provided they are packed in accordance with paragraph c of this special provision.

* * * * *

369 In accordance with § 173.2a of this subchapter, this radioactive material in an excepted package possessing toxic and corrosive properties is classified in Division 6.1 with radioactivity and corrosive subsidiary risks. * * *

* * * * *

387 When materials are stabilized by temperature control, the provisions of § 173.21(f) of this subchapter apply. When chemical stabilization is employed, the person offering the material for transport shall ensure that the level of stabilization is sufficient to prevent the material as packaged from dangerous polymerization at 50 °C (122 °F). If chemical stabilization becomes ineffective at lower temperatures within the anticipated duration of transport, temperature control is required and is forbidden by aircraft. In making this determination factors to be taken into consideration include, but are not limited to, the capacity and geometry of the packaging and the effect of any insulation present, the temperature of the material when offered for transport, the duration of the journey, and the ambient temperature conditions typically encountered in the journey (considering also the season of year), the effectiveness and other properties of the stabilizer employed, applicable operational controls imposed by regulation (*e.g.* requirements to protect from sources of heat, including other cargo carried at a temperature above ambient) and any other relevant factors. The provisions of this special provision will be effective until January 2, 2021, unless we terminate them earlier or extend them beyond that date by notice of a final rule in the **Federal Register**.

388 a. Lithium batteries containing both primary lithium metal cells and rechargeable lithium ion cells that are not designed to be externally charged, must meet the following conditions:

i. The rechargeable lithium ion cells can only be charged from the primary lithium metal cells;

ii. Overcharge of the rechargeable lithium ion cells is precluded by design;

iii. The battery has been tested as a primary lithium battery; and

iv. Component cells of the battery must be of a type proved to meet the

respective testing requirements of the Manual of Tests and Criteria, part III, subsection 38.3 (IBR, see § 171.7 of this subchapter).

b. Lithium batteries conforming to paragraph a. of this special provision must be assigned to UN Nos. 3090 or 3091, as appropriate. When such batteries are transported in accordance with § 173.185(c), the total lithium content of all lithium metal cells contained in the battery must not exceed 1.5 g and the total capacity of all lithium ion cells contained in the battery must not exceed 10 Wh.

389 This entry only applies to lithium ion batteries or lithium metal batteries installed in a cargo transport unit and designed only to provide power external to the cargo transport unit. The lithium batteries must meet the requirements of § 173.185(a) and contain the necessary systems to prevent overcharge and over discharge between the batteries. The batteries must be securely attached to the interior structure of the cargo transport unit (*e.g.,* by means of placement in racks, cabinets, etc.) in such a manner as to prevent short circuits, accidental operation, and significant movement relative to the cargo transport unit under the shocks, loadings, and vibrations normally incident to transport. Hazardous materials necessary for the safe and proper operation of the cargo transport unit (*e.g.,* fire extinguishing systems and air conditioning systems), must be properly secured to or installed in the cargo transport unit and are not otherwise subject to this subchapter. Hazardous materials not necessary for the safe and proper operation of the cargo transport unit must not be transported within the cargo transport unit. The batteries inside the cargo transport unit are not subject to marking or labelling requirements of part 172 subparts D and E of this subchapter. The cargo transport unit shall display the UN number in a manner in accordance with § 172.332 of this subchapter and be placarded on two opposing sides. For transportation by aircraft, cargo transport units may only be offered for transportation and transported under conditions approved by the Associate Administrator.

391 Except for articles being transported by motor vehicle as a material of trade in accordance with § 173.6 of this subchapter, articles containing hazardous materials of Division 2.3, or Division 4.2, or Division 4.3, or Division 5.1, or Division 5.2, or Division 6.1 (substances with a inhalation toxicity of Packing Group I) and articles containing more than one of the following hazards: (1) Gases of Class 2; (2) Liquid desensitized explosives of Class 3; or (3) Self-reactive substances and solid desensitized explosives of Division 4.1, may only be offered for transportation and transported under conditions approved by the Associate Administrator.

392 In the case of non-fissile or fissile-excepted uranium hexafluoride, the material must be classified under UN2978.

* * * * *

421 This entry will no longer be effective on January 2, 2021, unless we terminate it earlier or extend it beyond that date by notice of a final rule in the **Federal Register**.

422 When labelling is required, the label to be used must be the label shown in § 172.447. When a placard is displayed, the placard must be the placard shown in § 172.560.

(2) * * *

A56 Radioactive material with a subsidiary hazard of Division 4.2, Packing Group I, must be transported in Type B packages when offered for transportation by aircraft. Where the subsidiary hazard material is ''Forbidden'' in column (9A) or (9B) of the § 172.101 Table, the radioactive material may only be offered for transportation and transported by aircraft under conditions approved by the Associate Administrator.

* * * * *

A105 a. This entry applies to machinery or apparatus containing hazardous materials as a residue or as an integral element of the machinery or apparatus. It must not be used for machinery or apparatus for which a proper shipping name already exists in the § 172.101 Table.

b. Where the quantity of hazardous materials contained as an integral element in machinery or apparatus exceeds the limits permitted by § 173.222(c)(2), and the hazardous materials meet the provisions of § 173.222(c), the machinery or apparatus may be transported by aircraft only with the prior approval of the Associate Administrator.

* * * * *

(3) * * *

B136 Non-specification closed bulk bins are authorized.

* * * * *

(8) * * *

(ii) * * *

TP10 A lead lining, not less than 5 mm thick, which shall be tested annually, or another suitable lining material approved by the competent authority, is required. A portable tank may be offered for transport after the date of expiry of the last lining inspection for a period not to exceed three months for purposes of performing the next required test or inspection, after emptying but before cleaning.

* * * * *

■ 8. In § 172.203 paragraph (o) is revised to read as follows:

§ 172.203 Additional description requirements.

* * * * *

(o) *Organic peroxides, polymerizing substances, and self-reactive materials.* The description on a shipping paper for a Division 4.1 (polymerizing substance and self-reactive) material or a Division 5.2 (organic peroxide) material must include the following additional information, as appropriate:

(1) If notification or competent authority approval is required, the shipping paper must contain a statement of approval of the classification and conditions of transport.

(2) For Division 4.1 (polymerizing substance and self-reactive) and Division 5.2 (organic peroxide) materials that require temperature control during transport, the words ''TEMPERATURE CONTROLLED'' must be added as part of the proper shipping name, unless already part of the proper shipping name. The control and emergency temperature must be included on the shipping paper.

(3) The word ''SAMPLE'' must be included in association with the basic description when a sample of a Division 4.1 (polymerizing substance and self-reactive) material (see § 173.224(c)(3) of this subchapter) or Division 5.2 (organic peroxide) material (see § 173.225(b)(2) of this subchapter) is offered for transportation.

* * * * *

■ 9. In § 172.407, paragraph (c)(1) is revised to read as follows:

§ 172.407 Label specifications.

* * * * *

(c) * * *

(1) Each diamond (square-on-point) label prescribed in this subpart must be at least 100 mm (3.9 inches) on each side with each side having a solid line inner border approximately 5 mm (.2 inches) inside and parallel to the edge. The 5 mm (.2 inches) measurement is from the outside edge of the label to the outside of the solid line forming the inner border.

(i) If the size of the package so requires, the dimensions of the label and its features may be reduced proportionally provided the symbol and other elements of the label remain clearly visible.

(ii) Where dimensions are not specified, all features shall be in approximate proportion to those shown in §§ 172.411 through 172.448 of this subpart, as appropriate.

(iii) [Reserved]

(iv) For domestic transportation, a packaging labeled prior to January 1, 2017, and in conformance with the requirements of this paragraph in effect on December 31, 2014, may continue in service until the end of its useful life.

* * * * *

■ 10. In, § 172.514 paragraphs (a) and (c)(3) are revised and paragraph (d) is added to read as follows:

§ 172.514 Bulk packagings.

(a) Except as provided in paragraphs (c) and (d) of this section, each person who offers for transportation a bulk packaging which contains a hazardous material, shall affix the placards specified for the material in §§ 172.504 and 172.505.

* * * * *

(c) * * *

(3) A bulk packaging other than a portable tank, cargo tank, flexible bulk container, or tank car (*e.g.,* a bulk bag or box) with a volumetric capacity of less than 18 cubic meters (640 cubic feet);

* * * * *

(d) A flexible bulk container may be placarded in two opposing positions.

■ 11. In § 172.604, paragraph (d)(2) is revised to read as follows:

§ 172.604 Emergency response telephone number.

* * * * *

(d) * * *

(2) Materials properly described under the following shipping names:

Battery powered equipment.
Battery powered vehicle.
Carbon dioxide, solid.
Castor bean.
Castor flake.
Castor meal.
Castor pomace.
Consumer commodity.
Dry ice.
Engine, fuel cell, flammable gas powered.
Engine, fuel cell, flammable liquid powered.
Engine, internal combustion.
Engine, internal combustion, flammable gas powered.
Engine, internal combustion, flammable liquid powered.
Fish meal, stabilized.
Fish scrap, stabilized.
Krill Meal, PG III.
Machinery, internal combustion.
Machinery, fuel cell, flammable gas powered.
Machinery, fuel cell, flammable liquid powered.
Machinery, internal combustion, flammable gas powered.
Machinery, internal combustion, flammable liquid powered.
Refrigerating machine.
Vehicle, flammable gas powered.
Vehicle, flammable liquid powered.
Wheelchair, electric.

* * * * *

■ 12. In § 172.800, paragraph (b)(15) is revised to read as follows:

§ 172.800 Purpose and applicability.

* * * * *

(b) * * *

(15) International Atomic Energy Agency Code of Conduct (IBR, see § 171.7) Category 1 and 2 materials, Nuclear Regulatory Commission, Category 1 and Category 2 radioactive materials as listed in Table 1, Appendix A to 10 CFR part 37, and Highway Route Controlled quantities as defined in 49 CFR 173.403.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 13. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

■ 14. In § 173.2a, revise paragraph (a) introductory text to read as follows:

§ 173.2a Classification of a material having more than one hazard.

(a) *Classification of a material having more than one hazard.* Except as provided in paragraph (c) of this section, a material not specifically listed in the § 172.101 Table or assigned to an entry of articles containing hazardous materials (UN3537 to UN3548) that meets the definition of more than one hazard class or division as defined in this part, shall be classed according to the highest applicable hazard class of the following hazard classes, which are listed in descending order of hazard:

* * * * *

■ 15. In § 173.6, paragraph (a)(7) is added and paragraph (b)(3) is revised to read as follows:

§ 173.6 Materials of trade exceptions.

* * * * *

(a) * * *

(7) For a material or article for which Column (5) of the Hazardous Materials Table in § 172.101 of this subchapter does not indicate a packing group. Authorized amounts are:

(i) For Classes or Divisions indicated in paragraph (a)(1) of this section, the amounts shown in paragraph (a)(1)(ii).

(ii) For Division 4.3, the amounts shown in paragraph (a)(3) of this section.

(b) * * *

(3) Outer packagings are not required for receptacles (*e.g.,* cans and bottles) or articles that are secured against shifting in cages, carts, bins, boxes, or compartments or by other means.

* * * * *

■ 16. In § 173.62:

■ a. In paragraph (b), the heading of the Explosives Table is revised; and

■ b. In paragraph (c), in the Table of Packing Methods, the table heading and Packing Instruction US 1 are revised to read as follows:

§ 173.62 Specific packaging requirements for explosives.

* * * * *

(b) * * *

Table to paragraph (b): Explosives Table

(c) * * *

TABLE TO PARAGRAPH (c): TABLE OF PACKING METHODS

Packing instruction	Inner packagings	Intermediate packagings	Outer packagings
* * * * * * *			
1. A jet perforating gun, charged, oil well may be transported under the following conditions:			
a. Initiation devices carried on the same motor vehicle or offshore supply vessel must be segregated; each kind from every other kind, and from any gun, tool or other supplies, unless approved in accordance with § 173.56. Segregated initiation devices must be carried in a container having individual pockets for each such device or in a fully enclosed steel container lined with a non-sparking material. No more than two segregated initiation devices per gun may be carried on the same motor vehicle			
b. Each shaped charge affixed to the gun may not contain more than 112 g (4 ounces) of explosives			
c. Each shaped charge if not completely enclosed in glass or metal, must be fully protected by a metal cover after installation in the gun			
d. A jet perforating gun classed as 1.1D or 1.4D may be transported by highway by private or contract carriers engaged in oil well operations			

TABLE TO PARAGRAPH (c): TABLE OF PACKING METHODS—Continued

Packing instruction	Inner packagings	Intermediate packagings	Outer packagings
(i) A motor vehicle transporting a gun must have specially built racks or carrying cases designed and constructed so that the gun is securely held in place during transportation and is not subject to damage by contact, one to the other or any other article or material carried in the vehicle; and			
(ii) The assembled gun packed on the vehicle may not extend eyond the body of the motor vehicle			
e. A jet perforating gun classed as 1.4D may be transported by a private offshore supply vessel only when the gun is carried in a motor vehicle as specified in paragraph (d) of this packing method or on offshore well tool pallets provided that:			
(i) All the conditions specified in paragraphs (a), (b), and (c) of this packing method are met;			
(ii) The total explosive contents do not exceed 95 kg (209.43 pounds) per tool pallet;			
(iii) Each cargo vessel compartment may contain up to 95 kg (209.43 pounds) of explosive content if the segregation requirements in § 176.83(b) of this subchapter are met; and			
(iv) When more than one vehicle or tool pallet is stowed ''on deck'' a minimum horizontal separation of 3 m (9.8 feet) must be provided.			

■ 17. In § 173.121, paragraph (b)(1)(iii) is revised to read as follows

§ 173.121 Class 3—Assignment of packing group.

* * * * *

(b) * * *

(1) * * *

(iii) The capacity of the packaging is not more than 450 L (119 gallons); except that for transportation by passenger aircraft, the capacity of the package is not more than 30 L (7.9 gallons) and for transportation by cargo aircraft, the capacity of the package is not more than 100 L (26.3 gallons); and

* * * * *

■ 18. In § 173.124, paragraph (a)(4)(iv) is revised to read as follows:

§ 173.124 Class 4, Divisions 4.1, 4.2 and 4.3—Definitions.

* * * * *

(a) * * *

(4) * * *

(iv) The provisions concerning polymerizing substances in paragraph (a)(4) will be effective until January 2, 2021.

* * * * *

■ 19. In § 173.127, paragraph (a)(1) is revised and (a)(3) is added to read as follows:

§ 173.127 Class 5, Division 5.1—Definition and assignment of packing groups.

(a) * * *

(1) A solid material, except for solid ammonium nitrate based fertilizer (see paragraph (3) of this paragraph), is classed as a Division 5.1 material if, when tested in accordance with the UN Manual of Tests and Criteria (IBR, see § 171.7 of this subchapter):

(i) If test O.1 is used (UN Manual of Tests and Criteria, sub-section 34.4.1), the mean burning time is less than or equal to the burning time of a 3:7 potassium bromate/cellulose mixture; or

(ii) If test O.3 is used (UN Manual of Tests and Criteria, sub-section 34.4.3), the mean burning rate is greater than or equal to the burning rate of a 1:2 calcium peroxide/cellulose mixture.

* * * * *

(3) Solid ammonium nitrate-based fertilizers must be classified in accordance with the procedure as set out in the UN Manual of Tests and Criteria, Part III, Section 39.

* * * * *

■ 20. In § 173.134, paragraph (a)(4) is revised to read as follows:

§ 173.134 Class 6, Division 6.2—Definitions and exceptions.

(a) * * *

(4) *Patient specimens* means those collected directly from humans or animals and transported for research, diagnosis, investigational activities, or disease treatment or prevention. *Patient specimens* includes excreta, secreta, blood and its components, tissue and tissue swabs, body parts, and specimens in transport media (*e.g.,* transwabs, culture media, and blood culture bottles).

* * * * *

■ 21. In § 173.136, paragraph (a) is revised to read as follows:

§ 173.136 Class 8—Definitions.

(a) For the purpose of this subchapter, ''corrosive material'' (Class 8) means a liquid or solid that causes irreversible damage to human skin at the site of contact within a specified period of time. A liquid, or a solid which may become liquid during transportation, that has a severe corrosion rate on steel or aluminum based on the criteria in § 173.137(c)(2) is also a corrosive material. Whenever practical, *in vitro* test methods authorized in § 173.137 of this part or historical data authorized in paragraph (c) of this section should be used to determine whether a material is corrosive.

* * * * *

■ 22. Section 173.137 is revised to read as follows:

§ 173.137 Class 8—Assignment of packing group.

The packing group of a Class 8 material is indicated in Column 5 of the § 172.101 Table. When the § 172.101 Table provides more than one packing group for a Class 8 material, the packing group must be determined using data obtained from tests conducted in accordance with the OECD Guidelines for the Testing of Chemicals, Number 435, ''*In Vitro* Membrane Barrier Test Method for Skin Corrosion'' (IBR, *see* § 171.7 of this subchapter) or Number 404, ''Acute Dermal Irritation/Corrosion'' (IBR, *see* § 171.7 of this subchapter). A material that is determined not to be corrosive in accordance with OECD Guideline for the Testing of Chemicals, Number 430, ''*In Vitro* Skin Corrosion: Transcutaneous Electrical Resistance Test (TER)'' (IBR, *see* § 171.7 of this subchapter) or Number 431, ''*In Vitro* Skin Corrosion: Reconstructed Human Epidermis (RHE) Test Method'' (IBR, *see* § 171.7 of this subchapter) may be considered not to be corrosive to human skin for the purposes of this subchapter without further testing. However, a material determined to be corrosive in accordance with Number 430 or Number 431 must be further tested using Number 435 or Number 404. The packing group assignment using data obtained from tests conducted in accordance with OECD Guideline Number 404 or Number 435 must be as follows:

(a) *Packing Group I.* Materials that cause irreversible damage to intact skin tissue within an observation period of up to 60 minutes, starting after the exposure time of three minutes or less.

(b) *Packing Group II.* Materials, other than those meeting Packing Group I, criteria that cause irreversible damage to intact skin tissue within an observation period of up to 14 days, starting after the exposure time of more than three minutes but not more than 60 minutes.

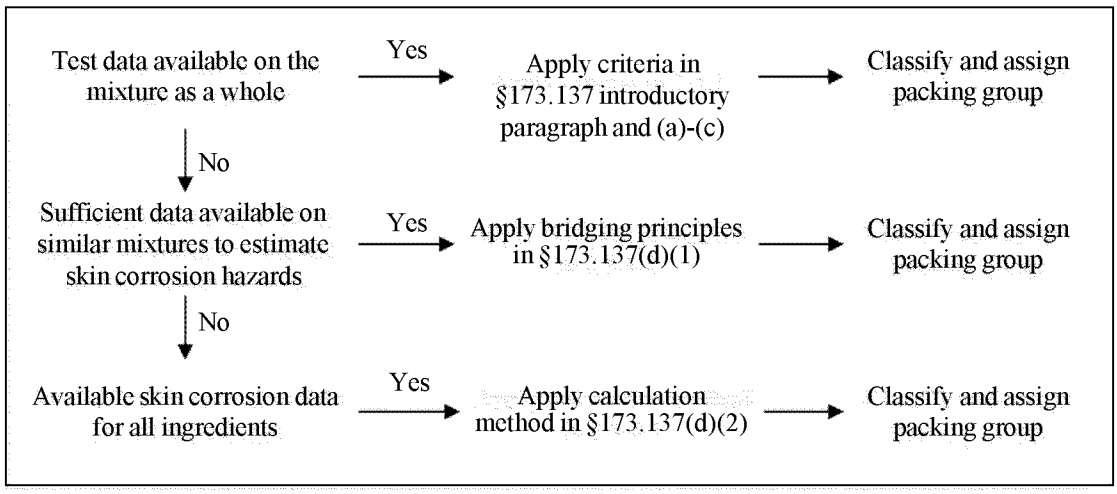
(c) *Packing Group III.* Materials, other than those meeting Packing Group I or II criteria—

(1) That cause irreversible damage to intact skin tissue within an observation period of up to 14 days, starting after the exposure time of more than 60 minutes but not more than 4 hours; or

(2) That do not cause irreversible damage to intact skin tissue but exhibit a corrosion on either steel or aluminum surfaces exceeding 6.25 mm (0.25 inch) a year at a test temperature of 55 °C (130 °F) when tested on both materials. The corrosion may be determined in accordance with the UN Manual of Tests and Criteria (IBR, see § 171.7 of this subchapter) or other equivalent test methods.

(d) *Alternative packing group assignment methods for mixtures.* For mixtures it is necessary to obtain or derive information that allows the criteria to be applied to the mixture for the purpose of classification and assignment of packing groups. The approach to classification and assignment of packing groups is tiered, and is dependent upon the amount of information available for the mixture itself, for similar mixtures and/or for its ingredients. The flow chart in Figure 1 to paragraph (d) outlines the process to be followed:

Figure 1 to paragraph (d): Step-wise approach to classify and assign packing group of corrosive mixtures



(1) *Bridging principles.* Where a mixture has not been tested to determine its skin corrosion potential, but there is sufficient data on both the individual ingredients and similar tested mixtures to adequately classify and assign a packing group for the mixture, this data will be used in accordance with the following bridging principles. This ensures that the classification process uses the available data to the greatest extent possible in characterizing the hazards of the mixture.

(i) *Dilution.* If a tested mixture is diluted with a diluent which does not meet the criteria for Class 8 and does not affect the packing group of other ingredients, then the new diluted mixture may be assigned to the same packing group as the original tested mixture. In certain cases, diluting a mixture or substance may lead to an increase in the corrosive properties. If this is the case, this bridging principle cannot be used.

(ii) *Batching.* The skin corrosion potential of a tested production batch of a mixture can be assumed to be substantially equivalent to that of another untested production batch of the same commercial product when produced by or under the control of the same manufacturer, unless there is reason to believe there is significant variation such that the skin corrosion potential of the untested batch has changed. If the latter occurs, a new classification is necessary.

(iii) *Concentration of mixtures of packing group I.* If a tested mixture meeting the criteria for inclusion in packing group I is concentrated, the more concentrated untested mixture may be assigned to packing group I without additional testing.

(iv) *Interpolation within one packing group.* For three mixtures (A, B and C) with identical ingredients, where mixtures A and B have been tested and are in the same skin corrosion packing group, and where untested mixture C has the same Class 8 ingredients as mixtures A and B but has concentrations of Class 8 ingredients intermediate to the concentrations in mixtures A and B, then mixture C is assumed to be in the same skin corrosion packing group as A and B.

(v) *Substantially similar mixtures.* Given the following:

(A) Two mixtures: (A+B) and (C+B);

(B) The concentration of ingredient B is the same in both mixtures;

(C) The concentration of ingredient A in mixture (A+B) equals the concentration of ingredient C in mixture (C+B);

(D) Data on skin corrosion for ingredients A and C are available and substantially equivalent, *i.e.* they are the same skin corrosion packing group and do not affect the skin corrosion potential of B.

(E) If the above mixture (A+B) or (C+B) is already classified based on test data, then the other mixture may be assigned to the same packing group.

(2) *Calculation method based on the classification of the substances.* (i) Where a mixture has not been tested to determine its skin corrosion potential, nor is sufficient data available on similar mixtures, the corrosive properties of the substances in the mixture shall be considered to classify and assign a packing group. Applying the calculation method is only allowed if there are no synergistic effects that make the mixture more corrosive than the sum of its substances. This restriction applies only if packing group

II or III would be assigned to the mixture.

(A) All Class 8 ingredients present at a concentration of ≥1% shall be taken into account, or <1% if these ingredients are still relevant for classifying the mixture to be corrosive to skin.

(B) When a specific concentration limit (SCL) is assigned to a substance following its entry in the Hazardous Materials Table or in a special provision, this limit shall be used instead of the generic concentration limits (GCL). This appears where 1% is used in the first step for the assessment of the packing group I substances, and where 5% is used for the other steps respectively in Appendix I of this part.

(C) The following formula must be used for each step of the calculation process. The criterion for a packing group is fulfilled when the result of the calculation is ≥1. The generic concentration limits to be used for the evaluation in each step of the calculation method are those found in Appendix I of this part. Where applicable, the generic concentration limit shall be substituted by the specific concentration limit assigned to the substance(s) (SCLi), and the adapted formula is a weighted average of the different concentration limits assigned to the different substances in the mixture:

$$\frac{PGx1}{GCL} + \frac{PGx2}{SCL2} + \cdots + \frac{PGxi}{SCLi} > 1$$

PG xi = concentration of substance 1, 2 . . . i in the mixture, assigned to packing group x (I, II or III)
GCL = generic concentration limit
SCLi = specific concentration limit assigned to substance i

Note to § 173.137: When an initial test on either a steel or aluminum surface indicates the material being tested is corrosive, the follow up test on the other surface is not required.

■ 23. In § 173.159, paragraphs (a)(2)(i) through (iii) and (d)(1) are revised to read as follows:

§ 173.159 Batteries, wet.

(a) * * *

(2) * * *

(i) Packaging each battery or each battery-powered device when practicable, in fully enclosed inner packagings made of electrically non-conductive material;

(ii) Separating or packaging batteries and battery-powered devices in a manner to prevent contact with other batteries, devices or electrically conductive materials (*e.g.,* metal) in the packagings; or

(iii) Ensuring exposed terminals are protected with electrically non-conductive caps, electrically non-conductive tape, or by other appropriate means; and;

* * * * *

(d) * * *

(1) Electric storage batteries are firmly secured to skids or pallets capable of withstanding the shocks normally incident to transportation are authorized for transportation by rail, highway, or vessel. The height of the completed unit must not exceed 1½ times the width of the skid or pallet. The unit must be capable of withstanding, without damage, a superimposed weight equal to two times the weight of the unit or, if the weight of the unit exceeds 907 kg (2,000 pounds), a superimposed weight of 1,814 kg (4,000 pounds). Battery terminals must not be relied upon to support any part of the superimposed weight and must not short out if an electrically conductive material is placed in direct contact with them.

* * * * *

■ 24. Revise § 173.185 to read as follows:

§ 173.185 Lithium cells and batteries.

As used in this section, *lithium cell(s)* or *battery(ies)* includes both lithium metal and lithium ion chemistries. *Equipment* means the device or apparatus for which the lithium cells or batteries will provide electrical power for its operation. *Consignment* means one or more packages of hazardous materials accepted by an operator from one shipper at one time and at one address, receipted for in one lot and moving to one consignee at one destination address. A single cell battery as defined in part III, sub-section 38.3 of the UN Manual of Tests and Criteria (IBR; see § 171.7 of this subchapter) is considered a ''cell'' and must be offered for transportation in accordance with the requirements for cells.

(a) *Classification.* (1) Each lithium cell or battery must be of the type proven to meet the criteria in part III, sub-section 38.3 of the UN Manual of Tests and Criteria. Lithium cells and batteries are subject to these tests regardless of whether the cells used to construct the battery are of a tested type.

(i) Cells and batteries manufactured according to a type meeting the requirements of sub-section 38.3 of the UN Manual of Tests and Criteria, Revision 3, Amendment 1 or any subsequent revision and amendment applicable at the date of the type testing may continue to be transported, unless otherwise provided in this subchapter.

(ii) Cell and battery types only meeting the requirements of the UN Manual of Tests and Criteria, Revision 3, are no longer valid. However, cells and batteries manufactured in conformity with such types before July 2003 may continue to be transported if all other applicable requirements are fulfilled.

(2) Each person who manufactures lithium cells or batteries must create a record of satisfactory completion of the testing (*e.g.* test report) required by this paragraph prior to offering the lithium cell or battery for transport and must:

(i) Maintain this record for as long as that design is offered for transportation and for one year thereafter; and

(ii) Make this record available to an authorized representative of the Federal, state or local government upon request.

(3) Each manufacturer and subsequent distributor of lithium cells or batteries manufactured after June 30, 2003, must make available upon request at reasonable times and locations, a test summary. The test summary must include the following elements:

(i) Name of cell, battery, or product manufacturer, as applicable;

(ii) Cell, battery, or product manufacturer's contact information to include address, telephone number, email address, and website for more information;

(iii) Name of the test laboratory, to include address, telephone number, email address, and website for more information;

(iv) A unique test report identification number;

(v) Date of test report;

(vi) Description of cell or battery to include at a minimum;

(A) Lithium ion or lithium metal cell or battery;

(B) Mass of cell or battery;

(C) Watt-hour rating, or lithium content;

(D) Physical description of the cell/battery; and

(E) Cell or battery model number or, alternatively, if the test summary is established for a product containing a

cell or battery, the product model number;

(vii) List of tests conducted and results (*i.e.,* pass/fail);

(viii) Reference to assembled battery testing requirements (if applicable);

(ix) Reference to the revised edition of the UN Manual of Tests and Criteria used and to amendments thereto, if any; and

(x) Signature with name and title of signatory as an indication of the validity of information provided.

(4) Except for cells or batteries meeting the requirements of paragraph (c) of this section, each lithium cell or battery must:

(i) Incorporate a safety venting device or be designed to preclude a violent rupture under conditions normally incident to transport;

(ii) Be equipped with means of preventing external short circuits; and

(iii) Be equipped with a means of preventing dangerous reverse current flow (*e.g.,* diodes or fuses) if a battery contains cells, or a series of cells that are connected in parallel.

(b) *Packaging.* (1) Each package offered for transportation containing lithium cells or batteries, including lithium cells or batteries packed with, or contained in, equipment, must meet all applicable requirements of subpart B of this part.

(2) Lithium cells or batteries, including lithium cells or batteries packed with, or contained in, equipment, must be packaged in a manner to prevent:

(i) Short circuits;

(ii) Damage caused by movement or placement within the package; and

(iii) Accidental activation of the equipment.

(3) For packages containing lithium cells or batteries offered for transportation:

(i) The lithium cells or batteries must be placed in non-metallic inner packagings that completely enclose the cells or batteries, and separate the cells or batteries from contact with equipment, other devices, or electrically conductive materials (*e.g.,* metal) in the packaging.

(ii) The inner packagings containing lithium cells or batteries must be placed in one of the following packagings meeting the requirements of part 178, subparts L and M, of this subchapter at the Packing Group II level:

(A) Metal (4A, 4B, 4N), wooden (4C1, 4C2, 4D, 4F), fiberboard (4G), or solid plastic (4H1, 4H2) box;

(B) Metal (1A2, 1B2, 1N2), plywood (1D), fiber (1G), or plastic (1H2) drum;

(C) Metal (3A2, 3B2) or plastic (3H2) jerrican.

(iii) When packed with equipment, lithium cells or batteries must:

(A) Be placed in inner packagings that completely enclose the cell or battery, then placed in an outer packaging. The completed package for the cells or batteries must meet the Packing Group II performance requirements as specified in paragraph (b)(3)(ii) of this section; or

(B) Be placed in inner packagings that completely enclose the cell or battery, then placed with equipment in a package that meets the Packing Group II performance requirements as specified in paragraph (b)(3)(ii) of this section.

(4) When lithium cells or batteries are contained in equipment:

(i) The outer packaging, when used, must be constructed of suitable material of adequate strength and design in relation to the capacity and intended use of the packaging, unless the lithium cells or batteries are afforded equivalent protection by the equipment in which they are contained;

(ii) Equipment must be secured against movement within the outer packaging and be packed so as to prevent accidental operation during transport; and

(iii) Any spare lithium cells or batteries packed with the equipment must be packaged in accordance with paragraph (b)(3) of this section.

(5) Except for transportation by passenger-carrying aircraft, lithium batteries that weigh 12 kg (26.5 pounds) or more and have a strong, impact-resistant outer casing and assemblies of such batteries, may be packed in strong outer packagings; in protective enclosures (for example, in fully enclosed or wooden slatted crates); or on pallets or other handling devices, instead of packages meeting the UN performance packaging requirements in paragraphs (b)(3)(ii) and (b)(3)(iii) of this section. Batteries or battery assemblies must be secured to prevent inadvertent movement, and the terminals may not support the weight of other superimposed elements. Batteries or battery assemblies packaged in accordance with this paragraph may only be transported by cargo aircraft if approved by the Associate Administrator.

(6) Except for transportation by aircraft, the following rigid large packagings are authorized for a single battery, and for batteries contained in a single item of equipment, meeting provisions in paragraphs (b)(1) and (2) of this section and the requirements of part 178, subparts P and Q, of this subchapter at the Packing Group II level:

(i) Metal (50A, 50B, 50N) metal packagings must be fitted with an electrically non-conductive lining material (*e.g.,* plastics) of adequate strength for the intended use;

(ii) Rigid plastic (50H);

(iii) Wooden (50C, 50D, 50F);

(iv) Rigid fiberboard (50G).

(7) For transportation by aircraft, lithium ion cells and batteries must not be packed in the same outer packaging with substances and articles of Class 1 (explosives) other than Division 1.4S, Division 2.1 (flammable gases), Class 3 (flammable liquids), Division 4.1 (flammable solids), or Division 5.1 (oxidizers).

(c) *Exceptions for smaller cells or batteries.* Other than as specifically stated below, a package containing lithium cells or batteries, or lithium cells or batteries packed with, or contained in, equipment, that meets the conditions of this paragraph is excepted from the requirements in subparts C through H of part 172 of this subchapter and the UN performance packaging requirements in paragraphs (b)(3)(ii) and (iii) of this section under the following conditions and limitations.

(1) *Size limits.* (i) The Watt-hour (Wh) rating may not exceed 20 Wh for a lithium ion cell or 100 Wh for a lithium ion battery. After December 31, 2015, each lithium ion battery subject to this provision must be marked with the Watt-hour rating on the outside case.

(ii) The lithium content may not exceed 1 g for a lithium metal cell or 2 g for a lithium metal battery.

(iii) Except when lithium metal cells or batteries are packed with or contained in equipment in quantities not exceeding 5 kg net weight, the outer package that contains lithium metal cells or batteries must be marked: ''PRIMARY LITHIUM BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT'' or ''LITHIUM METAL BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT'' or labeled with a ''CARGO AIRCRAFT ONLY'' label specified in § 172.448 of this subchapter.

(iv) For transportation by highway or rail only, the lithium content of the cell and battery may be increased to 5 g for a lithium metal cell or 25 g for a lithium metal battery and 60 Wh for a lithium ion cell or 300 Wh for a lithium ion battery, provided the outer package is marked: ''LITHIUM BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD AIRCRAFT AND VESSEL.''

(v) The marking specified in paragraphs (c)(1)(iii) and (iv) of this section must have a background of contrasting color, and the letters in the marking must be:

(A) At least 6 mm (0.25 inch) in height on packages having a gross weight of 30 kg (66 pounds) or less, except that smaller font may be used as necessary when package dimensions so require.

(B) At least 12 mm (0.5 inch) in height on packages having a gross weight of more than 30 kg (66 pounds).

(vi) Except when lithium cells or batteries are packed with, or contained in, equipment, each package must not exceed 30 kg (66 pounds) gross weight.

(2) *Packaging.* Lithium cells and batteries must be packed in inner packagings that completely enclose the cell or battery then placed in a strong rigid outer package unless the cell or battery is contained in equipment and is afforded equivalent protection by the equipment in which it is contained. Except when lithium cells or batteries are contained in equipment, each package of lithium cells or batteries, or the completed package when packed with equipment, must be capable of withstanding a 1.2 meter drop test, in any orientation, without damage to the cells or batteries contained in the package, without shifting of the contents that would allow battery-to-battery (or cell-to-cell) contact, and without release of the contents of the package.

(3) *Hazard communication.* Each package must display the lithium battery mark except when a package contains button cell batteries installed in equipment (including circuit boards), or no more than four lithium cells or two lithium batteries contained in equipment, where there are not more than two packages in the consignment.

(i) The mark must indicate the UN number: ''UN3090'' for lithium metal cells or batteries; or ''UN3480'' for lithium ion cells or batteries. Where the lithium cells or batteries are contained in, or packed with, equipment, the UN number ''UN3091'' or ''UN3481,'' as appropriate, must be indicated. Where a package contains lithium cells or batteries assigned to different UN numbers, all applicable UN numbers must be indicated on one or more marks. The package must be of such size that there is adequate space to affix the mark on one side without the mark being folded.

(A) The mark must be in the form of a rectangle with hatched edging. The mark must be not less than 120 mm (4.7 inches) wide by 110 mm (4.3 inches) high and the minimum width of the hatching must be 5 mm (0.2 inches), except mars of 105 mm (4.1 inches) wide by 74 mm (2.9 inches) high may be used on a package containing lithium batteries when the package is too small for the larger mark;

(B) The symbols and letters must be black on white or suitable contrasting background and the hatching must be red;

(C) The ''*'' must be replaced by the appropriate UN number(s) and the ''**'' must be replaced by a telephone number for additional information; and

(D) Where dimensions are not specified, all features shall be in approximate proportion to those shown.

(ii) [Reserved]

(iii) When packages are placed in an overpack, the lithium battery mark shall either be clearly visible through the overpack or be reproduced on the outside of the overpack and the overpack shall be marked with the word ''OVERPACK''. The lettering of the ''OVERPACK'' mark shall be at least 12 mm (0.47 inches) high.

(4) *Air transportation.* (i) For transportation by aircraft, lithium cells and batteries may not exceed the limits in the following table 1 to paragraph (c)(4)(i). The limits on the maximum number of batteries and maximum net quantity of batteries in the following table may not be combined in the same package:

TABLE 1 TO PARAGRAPH (c)(4)(i)

Contents	Lithium metal cells and/or batteries with a lithium content not more than 0.3 g	Lithium metal cells with a lithium content more than 0.3 g but not more than 1g	Lithium metal batteries with a lithium content more than 0.3 g but not more than 2 g	Lithium ion cells and/or batteries with a Watt-hour rating not more than 2.7 Wh	Lithium ion cells with a Watt-hour rating more than 2.7 Wh but not more than 20 Wh	Lithium ion batteries with a Watt-hour rating more than 2.7 Wh but not more than 100 Wh
Maximum number of cells/batteries per package.	No Limit	8 cells	2 batteries	No Limit	8 cells	2 batteries.

TABLE 1 TO PARAGRAPH (c)(4)(i)—Continued

Contents	Lithium metal cells and/or batteries with a lithium content not more than 0.3 g	Lithium metal cells with a lithium content more than 0.3 g but not more than 1g	Lithium metal batteries with a lithium content more than 0.3 g but not more than 2 g	Lithium ion cells and/or batteries with a Watt-hour rating not more than 2.7 Wh	Lithium ion cells with a Watt-hour rating more than 2.7 Wh but not more than 20 Wh	Lithium ion batteries with a Watt-hour rating more than 2.7 Wh but not more than 100 Wh
Maximum net quantity (mass) per package.	2.5 kg	n/a	n/a	2.5 kg	n/a	n/a.

(ii) When packages required to bear the lithium battery mark in paragraph (c)(3)(i) are placed in an overpack, the lithium battery mark must either be clearly visible through the overpack, or the lithium battery mark must also be affixed on the outside of the overpack, and the overpack must be marked with the word ''OVERPACK.'' The lettering of the ''OVERPACK'' mark shall be at least 12 mm (0.47 inches) high.

(iii) Each shipment with packages required to bear the lithium battery mark must include an indication on the air waybill of compliance with this paragraph (c)(4) (or the applicable ICAO Technical Instructions Packing Instruction), when an air waybill is used.

(iv) For lithium batteries packed with, or contained in, equipment, the number of batteries in each package is limited to the minimum number required to power the piece of equipment, plus two spare sets, each equal to the number of individual cells or batteries that are required to power each piece of equipment. The total net quantity (mass) of the lithium cells or batteries in the completed package must not exceed 5 kg.

(v) Lithium cells and batteries must not be packed in the same outer packaging with other hazardous materials. Packages prepared in accordance with this paragraph (c)(4) must not be placed into an overpack with packages containing hazardous materials and articles of Class 1 (explosives) other than Division 1.4S, Division 2.1 (flammable gases), Class 3 (flammable liquids), Division 4.1 (flammable solids) or Division 5.1 (oxidizers).

(vi) Each person who prepares a package for transport containing lithium cells or batteries, including cells or batteries packed with, or contained in, equipment in accordance with the conditions and limitations in this paragraph, must receive adequate instruction on these conditions and limitations, commensurate with their responsibilities.

(vii) A package that exceeds the number or quantity (mass) limits in the table shown in this paragraph (c)(4) is subject to all applicable requirements of this subchapter, except that a package containing no more than 2.5 kg lithium metal cells or batteries or 10 kg lithium ion cells or batteries is not subject to the UN performance packaging requirements in paragraphs (b)(3)(ii) of this section when the package displays both the lithium battery mark and the Class 9 label. This paragraph does not apply to batteries or cells packed with or contained in equipment.

(d) *Lithium cells or batteries shipped for disposal or recycling.* A lithium cell or battery, including a lithium cell or battery contained in equipment, that is transported by motor vehicle to a permitted storage facility or disposal site, or for purposes of recycling, is excepted from the testing and record keeping requirements of paragraph (a) and the specification packaging requirements of paragraph (b)(3) of this section, when packed in a strong outer packaging conforming to the requirements of §§ 173.24 and 173.24a.

(1) A lithium cell or battery that meets the size, packaging, and hazard communication conditions in paragraph (c)(1) through (3) of this section is excepted from subparts C through H of part 172 of this subchapter.

(2) For a single battery, and for batteries contained in a single item of equipment, the following rigid large packagings are authorized:

(i) Metal (50A, 50B, 50N);

(ii) Rigid plastic (50H);

(iii) Plywood (50D).

(e) *Low production runs and prototypes.* Low production runs (*i.e.,* annual production runs consisting of not more than 100 lithium cells or batteries), prototype lithium cells or batteries transported for purposes of testing, and equipment containing such cells or batteries are excepted from the testing and record keeping requirements of paragraph (a) of this section, provided:

(1) Except as provided in paragraph (e)(5) of this section, each cell or battery is individually packed in a non-metallic inner packaging, inside an outer packaging, and is surrounded by cushioning material that is non-combustible and electrically non-conductive, or contained in equipment. Equipment must be constructed or packaged in a manner as to prevent accidental operation during transport;

(2) Appropriate measures shall be taken to minimize the effects of vibration and shocks and prevent movement of the cells or batteries within the package that may lead to damage and a dangerous condition during transport. Cushioning material that is non-combustible and electrically non-conductive may be used to meet this requirement;

(3) The lithium cells or batteries are packed in inner packagings or contained in equipment. The inner packaging or equipment is placed in one of the following outer packagings that meet the requirements of part 178, subparts L and M, of this subchapter at the Packing Group I level. Cells and batteries, including equipment of different sizes, shapes or masses must be placed into an outer packaging of a tested design type listed in this section provided the total gross mass of the package does not exceed the gross mass for which the design type has been tested. A cell or battery with a net mass of more than 30 kg is limited to one cell or battery per outer packaging;

(i) Metal (4A, 4B, 4N), wooden (4C1, 4C2, 4D, 4F), or solid plastic (4H2) box;

(ii) Metal (1A2, 1B2, 1N2), plywood (1D), or plastic (1H2) drum.

(4) For a single battery, and for batteries contained in a single item of equipment, the following rigid large packagings are authorized:

(i) Metal (50A, 50B, 50N) metal packagings must be fitted with an electrically non-conductive lining material (*e.g.,* plastics) of adequate strength for the intended use;

(ii) Rigid plastic (50H);

(iii) Plywood (50D).

(5) Lithium batteries, including lithium batteries contained in equipment, that weigh 12 kg (26.5 pounds) or more and have a strong, impact-resistant outer casing or assemblies of such batteries, may be packed in strong outer packagings, in

protective enclosures (for example, in fully enclosed or wooden slatted crates), or on pallets or other handling devices, instead of packages meeting the UN performance packaging requirements in paragraphs (b)(3)(ii) and (iii) of this section. The battery or battery assembly must be secured to prevent inadvertent movement, and the terminals may not support the weight of other superimposed elements;

(6) Irrespective of the limit specified in column (9B) of the § 172.101 Hazardous Materials Table, the battery or battery assembly prepared for transport in accordance with this paragraph may have a mass exceeding 35 kg gross weight when transported by cargo aircraft;

(7) Batteries or battery assemblies packaged in accordance with this paragraph are not permitted for transportation by passenger-carrying aircraft, and may be transported by cargo aircraft only if approved by the Associate Administrator prior to transportation; and

(8) Shipping papers must include the following notation: ''Transport in accordance with § 173.185(e).''

(f) *Damaged, defective, or recalled cells or batteries.* Lithium cells or batteries, that have been damaged or identified by the manufacturer as being defective for safety reasons, that have the potential of producing a dangerous evolution of heat, fire, or short circuit (*e.g.,* those being returned to the manufacturer for safety reasons) may be transported by highway, rail or vessel only, and must be packaged as follows:

(1) Each cell or battery must be placed in individual, non-metallic inner packaging that completely encloses the cell or battery;

(2) The inner packaging must be surrounded by cushioning material that is non-combustible, electrically non-conductive, and absorbent; and

(3) Each inner packaging must be individually placed in one of the following packagings meeting the applicable requirements of part 178, subparts L, M, P, and Q of this subchapter at the Packing Group I level:

(i) Metal (4A, 4B, 4N), wooden (4C1, 4C2, 4D, 4F), or solid plastic (4H2) box;

(ii) Metal (1A2, 1B2, 1N2), plywood (1D), or plastic (1H2) drum; or

(iii) For a single battery, and for batteries contained in a single item of equipment, the following rigid large packagings are authorized:

(A) Metal (50A, 50B, 50N);

(B) Rigid plastic (50H);

(C) Plywood (50D); and

(4) The outer package must be marked with an indication that the package contains a ''Damaged/defective lithium ion battery'' and/or ''Damaged/defective lithium metal battery'' as appropriate. The marking required by this paragraph must be in characters at least 12 mm (0.47 inches) high.

(g) *Approval.* A lithium cell or battery that does not conform to the provisions of this subchapter may be transported only under conditions approved by the Associate Administrator.

■ 25. In § 173.218, paragraph (c) is revised to read as follows:

§ 173.218 Fish meal or fish scrap.

* * * * *

(c) When fish scrap or fish meal is offered for transportation by vessel in bulk in freight containers, the fish scrap or fish meal shall contain at least 50 ppm (mg/kg) of ethoxyquin, 100 ppm (mg/kg) of butylated hydroxytoluene (BHT) or 250 ppm (mg/kg) of tocopherol based antioxidant at the time of shipment.

■ 26. In § 173.220, paragraph (b)(2)(ii)(C) is added and paragraph (d) is revised to read as follows:

§ 173.220 Internal combustion engines, vehicles, machinery containing internal combustion engines, battery-powered equipment or machinery, fuel cell-powered equipment or machinery.

* * * * *

(b) * * *

(2) * * *

(ii) * * *

(C) If a vehicle is powered by a flammable liquid and a flammable gas internal combustion engine, the requirements of paragraphs (b)(1) of this section must also be met.

* * * * *

(d) *Lithium batteries.* Except as provided in § 172.102, special provision A101, of this subchapter, vehicles, engines, and machinery powered by lithium metal batteries that are transported with these batteries installed are forbidden aboard passenger-carrying aircraft. Lithium batteries contained in vehicles, engines, or mechanical equipment must be securely fastened in the battery holder of the vehicle, engine, or mechanical equipment, and be protected in such a manner as to prevent damage and short circuits (*e.g.,* by the use of non-conductive caps that cover the terminals entirely). Except for vehicles, engines, or machinery transported by highway, rail, or vessel with prototype or low production lithium batteries securely installed, each lithium battery must be of a type that has successfully passed each test in the UN Manual of Tests and Criteria (IBR, see § 171.7 of this subchapter), as specified in § 173.185, unless approved by the Associate Administrator. Where a vehicle could possibly be handled in other than an upright position, the vehicle must be secured in a strong, rigid outer packaging. The vehicle must be secured by means capable of restraining the vehicle in the outer packaging to prevent any movement during transport which would change the orientation or cause the vehicle to be damaged. Where the lithium battery is removed from the vehicle and is packed separate from the vehicle in the same outer packaging, the package must be consigned as ''UN 3481, Lithium ion batteries packed with equipment'' or ''UN 3091, Lithium metal batteries packed with equipment'' and prepared in accordance with the requirements specified in § 173.185.

* * * * *

■ 27. In § 173.222, paragraphs (c) and (d) are revised to read as follows:

§ 173.222 Dangerous goods in equipment, machinery or apparatus.

* * * * *

(c)(1) Except for transportation by aircraft, the total net quantity of hazardous materials contained in one item of machinery or apparatus must not exceed the following:

(i) In the case of solids or liquids, the limited quantity amount specified in the corresponding section referenced in Column (8A) of the § 172.101 Table;

(ii) 0.5 kg (1.1 pounds) in the case of Division 2.2 gases.

(iii) When machinery or apparatus contains multiple hazardous materials, the quantity of each hazardous material must not exceed the quantity specified in the corresponding section referenced in Column (8A) of the § 172.101 Table, or for gases, paragraph (c)(1)(ii) of this section.

(2) For transportation by aircraft, the total net quantity of hazardous materials contained in one item of machinery or apparatus must not exceed the following:

(i) 1 kg (2.2 pounds) in the case of solids;

(ii) 0.5 L (0.1 gallons) in the case of liquids;

(iii) 0.5 kg (1.1 pounds) in the case of Division 2.2 gases. Division 2.2 gases with subsidiary risks and refrigerated liquefied gases are not authorized;

(iv) A total quantity of not more than the aggregate of that permitted in paragraphs (c)(2)(i) through (iii) of this section, for each category of material in the package, when a package contains hazardous materials in two or more of the categories in paragraphs (c)(2)(i) through (iii) of this section; and

(d) Except for transportation by aircraft, when a package contains hazardous materials in two or more of

the categories listed in paragraph (c)(1) of this section the total quantity required by § 172.202(c) of this subchapter to be entered on the shipping paper must be either the aggregate quantity, or the estimated quantity, of all hazardous materials, expressed as net mass.

■ 28. 26. In § 173.224, paragraph (b)(4), the table following paragraph (b)(7), and paragraph (c) are revised to read as follows:

§ 173.224 Packaging and control and emergency temperatures for self-reactive materials.

* * * * *

(b) * * *

(4) *Packing method.* Column 4 specifies the highest packing method which is authorized for the self-reactive material. A packing method corresponding to a smaller package size may be used, but a packing method corresponding to a larger package size may not be used. The Table of Packing Methods in § 173.225(d) defines the packing methods. Bulk packagings for Type F self-reactive substances are authorized by § 173.225(f) for IBCs and § 173.225(h) for bulk packagings other than IBCs. The formulations listed in § 173.225(f) for IBCs and in § 173.225(g) for portable tanks may also be transported packed in accordance with packing method OP8, with the same control and emergency temperatures, if applicable. Additional bulk packagings are authorized if approved by the Associate Administrator.

* * * * *

TABLE TO PARAGRAPH (b): SELF-REACTIVE MATERIALS TABLE

Self-reactive substance	Identification No.	Concentration (%)	Packing method	Control temperature (°C)	Emergency temperature	Notes
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Acetone-pyrogallol copolymer 2-diazo-1-naphthol-5-sulphonate.	3228	100	OP8	.....	.....	.....
Azodicarbonamide formulation type B, temperature controlled.	3232	<100	OP5	.....	.....	1
Azodicarbonamide formulation type C	3224	<100	OP6	.....	.....	.....
Azodicarbonamide formulation type C, temperature controlled.	3234	<100	OP6	.....	.....	1
Azodicarbonamide formulation type D	3226	<100	OP7	.....	.....	.....
Azodicarbonamide formulation type D, temperature controlled.	3236	<100	OP7	.....	.....	1
2,2′-Azodi(2,4-dimethyl-4-methoxyvaleronitrile).	3236	100	OP7	−5	+5	.....
2,2′-Azodi(2,4-dimethylvaleronitrile)	3236	100	OP7	+10	+15	.....
2,2′-Azodi(ethyl 2-methylpropionate)	3235	100	OP7	+20	+25	.....
1,1-Azodi(hexahydrobenzonitrile)	3226	100	OP7	.....	.....	.....
2,2-Azodi(isobutyronitrile)	3234	100	OP6	+40	+45	.....
2,2′-Azodi(isobutyronitrile) as a water based paste.	3224	≤50	OP6	.....	.....	.....
2,2-Azodi(2-methylbutyronitrile)	3236	100	OP7	+35	+40	.....
Benzene-1,3-disulphonylhydrazide, as a paste.	3226	52	OP7	.....	.....	.....
Benzene sulphohydrazide	3226	100	OP7	.....	.....	.....
4-(Benzyl(ethyl)amino)-3-ethoxybenzenediazonium zinc chloride.	3226	100	OP7	.....	.....	.....
4-(Benzyl(methyl)amino)-3-ethoxybenzenediazonium zinc chloride.	3236	100	OP7	+40	+45	.....
3-Chloro-4-diethylaminobenzenediazonium zinc chloride.	3226	100	OP7	.....	.....	.....
2-Diazo-1-Naphthol sulphonic acid ester mixture.	3226	<100	OP7	.....	.....	4
2-Diazo-1-Naphthol-4-sulphonyl chloride	3222	100	OP5	.....	.....	.....
2-Diazo-1-Naphthol-5-sulphonyl chloride	3222	100	OP5	.....	.....	.....
2,5-Dibutoxy-4-(4-morpholinyl)-Benzene-diazonium, tetrachlorozincate (2:1).	3228	100	OP8	.....	.....	.....
2,5-Diethoxy-4-morpholinobenzenediazonium zinc chloride.	3236	67–100	OP7	+35	+40	.....
2,5-Diethoxy-4-morpholinobenzenediazonium zinc chloride.	3236	66	OP7	+40	+45	.....
2,5-Diethoxy-4-morpholinobenzenediazonium tetrafluoroborate.	3236	100	OP7	+30	+35	.....
2,5-Diethoxy-4-(phenylsulphonyl)benzenediazonium zinc chloride.	3236	67	OP7	+40	+45	.....
2,5-Diethoxy-4-(4-morpholinyl)-benzene-diazonium sulphate.	3226	100	OP7	.....	.....	.....
Diethylene glycol bis(allyl carbonate) + Diisopropylperoxydicarbonate.	3237	≥88 + ≤12	OP8	−10	0	.....

TABLE TO PARAGRAPH (b): SELF-REACTIVE MATERIALS TABLE—Continued

Self-reactive substance (1)	Identification No. (2)	Concentration (%) (3)	Packing method (4)	Control temperature (°C) (5)	Emergency temperature (6)	Notes (7)
2,5-Dimethoxy-4-(4-methylphenylsulphon-y)benzenediazonium zinc chloride.	3236	79	OP7	+40	+45	.....
4-Dimethylamino-6-(2-dimethylaminoethoxy)toluene-2-diazo-nium zinc chloride.	3236	100	OP7	+40	+45	.....
4-(Dimethylamino)-benzenediazonium trichlorozincate (-1).	3228	100	OP8	.....	.....	.....
N,N′-Dinitroso-N, N′-dimethyl-terephthalamide, as a paste.	3224	72	OP6	.....	.....	.....
N,N′-Dinitrosopentamethylenetetramine ..	3224	82	OP6	.....	.....	2
Diphenyloxide-4,4′-disulphohydrazide	3226	100	OP7	.....	.....	.....
Diphenyloxide-4,4′-disulphonylhydrazide	3226	100	OP7	.....	.....	.....
4-Dipropylaminobenzenediazonium zinc chloride.	3226	100	OP7	.....	.....	.....
2-(N,N-Ethoxycarbonylphenylamino)-3-methoxy-4-(N-methyl-N-cyclohexylamino)benzenediazonium zinc chloride.	3236	63–92	OP7	+40	+45	.....
2-(N,N-Ethoxycarbonylphenylamino)-3-methoxy-4-(N-methyl-N-cyclohexylamino)benzenediazonium zinc chloride.	3236	62	OP7	+35	+40	.....
N-Formyl-2-(nitromethylene)-1,3-perhydrothiazine.	3236	100	OP7	+45	+50	.....
2-(2-Hydroxyethoxy)-1-(pyrrolidin-1-yl)benzene-4-diazonium zinc chloride.	3236	100	OP7	+45	+50	.....
3-(2-Hydroxyethoxy)-4-(pyrrolidin-1-yl)benzenediazonium zinc chloride.	3236	100	OP7	+40	+45	.....
2-(N,N-Methylaminoethylcarbonyl)-4-(3,4-dimethyl-phenylsulphonyl)benzene dia-zonium zinc chloride.	3236	96	OP7	+45	+50	.....
4-Methylbenzenesulphonylhydrazide	3226	100	OP7	.....	.....	.....
3-Methyl-4-(pyrrolidin-1-yl)benzenediazonium tetrafluoroborate.	3234	95	OP6	+45	+50	.....
4-Nitrosophenol	3236	100	OP7	+35	+40	.....
Phosphorothioic acid, O-[(cyanophenyl methylene) azanyl] O,O-diethyl ester.	3227	82–91 (Z isomer)	OP8	.....	.....	5
Self-reactive liquid, sample	3223	.....	OP2	.....	.....	3
Self-reactive liquid, sample, temperature control.	3233	.....	OP2	.....	.....	3
Self-reactive solid, sample	3224	.....	OP2	.....	.....	3
Self-reactive solid, sample, temperature control.	3234	.....	OP2	.....	.....	3
Sodium 2-diazo-1-naphthol-4-sulphonate	3226	100	OP7	.....	.....	.....
Sodium 2-diazo-1-naphthol-5-sulphonate	3226	100	OP7	.....	.....	.....
Tetramine palladium (II) nitrate	3234	100	OP6	+30	+35	.....

Notes:
1. The emergency and control temperatures must be determined in accordance with § 173.21(f).
2. With a compatible diluent having a boiling point of not less than 150 °C.
3. Samples may only be offered for transportation under the provisions of paragraph (c)(3) of this section.
4. This entry applies to mixtures of esters of 2-diazo-1-naphthol-4-sulphonic acid and 2-diazo-1-naphthol-5-sulphonic acid.
5. This entry applies to the technical mixture in n-butanol within the specified concentration limits of the (Z) isomer.

(c) *New self-reactive materials, formulations and samples.* (1) Except as provided for samples in paragraph (c)(3) or (4) of this section, no person may offer, accept for transportation, or transport a self-reactive material which is not identified by technical name in the Self-Reactive Materials Table of this section, or a formulation of one or more self-reactive materials which are identified by technical name in the table, unless the self-reactive material is assigned a generic type and shipping description and is approved by the Associate Administrator under the provisions of § 173.124(a)(2)(iii).

(2) Except as provided by an approval issued under § 173.124(a)(2)(iii), intermediate bulk and bulk packagings are not authorized.

(3) *Samples.* Samples of new self-reactive materials or new formulations of self-reactive materials identified in the Self-Reactive Materials Table in paragraph (b) of this section, for which complete test data are not available, and which are to be transported for further testing or product evaluation, may be assigned an appropriate shipping description for Self-reactive materials Type C, packaged and offered for transportation under the following conditions:

(i) Data available to the person offering the material for transportation must indicate that the sample would pose a level of hazard no greater than that of a self-reactive material Type B and that the control temperature, if any, is sufficiently low to prevent any dangerous decomposition and sufficiently high to prevent any dangerous phase separation;

(ii) The sample must be packaged in accordance with packing method OP2;

(iii) Packages of the self-reactive material may be offered for transportation and transported in a quantity not to exceed 10 kg (22 pounds) per transport vehicle; and

(iv) One of the following shipping descriptions must be assigned:

(A) Self-reactive, liquid, type C, 4.1, UN 3223.

(B) Self-reactive, solid, type C, 4.1, UN 3224.

(C) Self-reactive, liquid, type C, temperature controlled, 4.1, UN 3233.

(D) Self-reactive, solid, type C, temperature controlled, 4.1, UN 3234.

(4) *Samples of energetic materials for testing purposes.* Samples of organic substances carrying functional groups listed in tables A6.1 and/or A6.2 in Annex 6 (Screening Procedures) of the UN Manual of Tests and Criteria (IBR, see § 171.7 of this subchapter) may be transported under UN 3224 or UN 3223, as applicable, of Division 4.1 provided that:

(i) The samples do not contain any:

(A) Known explosives;

(B) Substances showing explosive effects in testing;

(C) Compounds designed with the view of producing a practical explosive or pyrotechnic effect;

(D) Components consisting of synthetic precursors of intentional explosives;

(ii) For mixtures, complexes or salts of inorganic oxidizing substances of Division 5.1 with organic material(s), the concentration of the inorganic oxidizing substance is:

(A) Less than 15%, by mass, if assigned to packing group I or II; or

(B) Less than 30%, by mass, if assigned to packing group III;

(iii) Available data does not allow a more precise classification;

(iv) The sample is not packed together with other goods;

(v) Must be packaged as follows:

(A) The quantity per individual inner cavity does not exceed 0.01 g for solids or 0.01 mL for liquids and the maximum net quantity per outer packaging does not exceed 20 g for solids or 20 mL for liquids, or in the case of mixed packing the sum of grams and mL does not exceed 20:

(*1*) The samples are carried in microtiter plates or multi-titer plates made of plastics, glass, porcelain or stoneware as an inner packaging;

(*2*) only combination packaging with outer packaging comprising boxes (4A, 4B, 4N, 4C1, 4C2, 4D, 4F, 4G, 4H1 and 4H2) are permitted; or

(B) The maximum content of each inner packaging does not exceed 1 g for solids or 1 mL for liquids and the maximum net quantity per outer packaging does not exceed 56 g for solids or 56 mL for liquids, or in the case of mixed packing the sum of grams and mL does not exceed 56:

(*1*) The individual substance is contained in an inner packaging of glass or plastics of maximum capacity of 30 mL placed in an expandable polyethylene foam matrix of at least 130 mm thickness having a density of 18 ±1 g/L;

(*2*) Within the foam carrier, inner packagings are segregated from each other by a minimum distance of 40 mm and from the wall of the outer packaging by a minimum distance of 70 mm. The package may contain up to two layers of such foam matrices, each carrying up to twenty-eight inner packagings;

(*3*) The outer packaging consists only of corrugated fibreboard boxes (4G) having minimum dimensions of 60 cm (length) by 40.5 cm (width) by 30 cm (height) and minimum wall thickness of 1.3 cm.

(vi) When dry ice or liquid nitrogen is optionally used as a coolant for quality control measures, all applicable requirements of this subchapter must be met. Interior supports must be provided to secure the inner packagings in the original position after the ice or dry ice has dissipated. If ice is used, the outside packaging or overpack must be leakproof. If dry ice is used, the requirements in § 173.217 must be met. The inner and outer packagings must maintain their integrity at the temperature of the refrigerant used as well as the temperatures and the pressures which could result if refrigeration were lost.

■ 27. In § 173.225, the table following paragraph (c)(8), the heading of the table following paragraph (d)(4), paragraph (e), paragraph (g) introductory text, and the heading to the table in paragraph (g) are revised to read as follows:

§ 173.225 Packaging requirements and other provisions for organic peroxides.

* * * * *

(c) * * *

(8) * * *

TABLE TO PARAGRAPH (c): ORGANIC PEROXIDE TABLE

Technical name	ID No.	Concentration (mass %)	Diluent (mass %)			Water (mass %)	Packing method	Temperature (°C)		Notes
			A	B	I			Control	Emergency	
(1)	(2)	(3)	(4a)	(4b)	(4c)	(5)	(6)	(7a)	(7b)	(8)
Acetyl acetone peroxide	UN3105	≤42	≥48	...	...	≥8	OP7	...	...	2
Acetyl acetone peroxide [as a paste]	UN3106	≤32	...	...	...	...	OP7	...	...	21
Acetyl cyclohexanesulfonyl peroxide	UN3112	≤82	...	...	...	≥12	OP4	−10	0	...
Acetyl cyclohexanesulfonyl peroxide	UN3115	≤32	...	≥68	...	...	OP7	−10	0	...
tert-Amyl hydroperoxide	UN3107	≤88	≥6	...	...	≥6	OP8	...	...	...
tert-Amyl peroxyacetate	UN3105	≤62	≥38	...	...	...	OP7	...	...	...
tert-Amyl peroxybenzoate	UN3103	≤100	...	...	...	...	OP5	...	...	...
tert-Amyl peroxy-2-ethylhexanoate	UN3115	≤100	...	...	...	...	OP7	20	25	...
tert-Amyl peroxy-2-ethylhexyl carbonate	UN3105	≤100	...	...	...	...	OP7	...	...	...
tert-Amyl peroxy isopropyl carbonate	UN3103	≤77	≥23	...	...	...	OP5	...	...	...
tert-Amyl peroxyneodecanoate	UN3115	≤77	...	≥23	...	...	OP7	0	10	...
tert-Amyl peroxyneodecanoate	UN3119	≤47	≥53	...	...	...	OP8	0	10	...
tert-Amyl peroxypivalate	UN3113	≤77	...	≥23	...	...	OP5	10	15	...
tert-Amyl peroxypivalate	UN3119	≤32	≥68	...	...	...	OP8	10	15	...
tert-Amyl peroxy-3,5,5-trimethylhexanoate.	UN3105	≤100	...	...	...	...	OP7	...	...	...
tert-Butyl cumyl peroxide	UN3109	>42–100	...	...	...	...	OP8	...	...	9
tert-Butyl cumyl peroxide	UN3108	≤52	...	...	≥48	...	OP8	...	...	9
n-Butyl-4,4-di-(tert-butylperoxy)valerate	UN3103	>52–100	...	...	...	...	OP5	...	...	...

TABLE TO PARAGRAPH (c): ORGANIC PEROXIDE TABLE—Continued

Technical name	ID No.	Concentration (mass %)	Diluent (mass %)			Water (mass %)	Packing method	Temperature (°C)		Notes
			A	B	I			Control	Emergency	
(1)	(2)	(3)	(4a)	(4b)	(4c)	(5)	(6)	(7a)	(7b)	(8)
n-Butyl-4,4-di-(tert-butylperoxy)valerate	UN3108	≤52			≥48		OP8			
tert-Butyl hydroperoxide	UN3103	>79–90				≥10	OP5			13
tert-Butyl hydroperoxide	UN3105	≤80	≥20				OP7			4, 13
tert-Butyl hydroperoxide	UN3107	≤79				>14	OP8			13, 16
tert-Butyl hydroperoxide	UN3109	≤72				≥28	OP8			13
tert-Butyl hydroperoxide [and] Di-tert-butylperoxide.	UN3103	<82 + >9				≥7	OP5			13
tert-Butyl monoperoxymaleate	UN3102	>52–100					OP5			
tert-Butyl monoperoxymaleate	UN3103	≤52	≥48				OP6			
tert-Butyl monoperoxymaleate	UN3108	≤52			≥48		OP8			
tert-Butyl monoperoxymaleate [as a paste].	UN3108	≤52					OP8			
tert-Butyl peroxyacetate	UN3101	>52–77	≥23				OP5			
tert-Butyl peroxyacetate	UN3103	>32–52	≥48				OP6			
tert-Butyl peroxyacetate	UN3109	≤32		≥68			OP8			
tert-Butyl peroxybenzoate	UN3103	>77–100					OP5			
tert-Butyl peroxybenzoate	UN3105	>52–77	≥23				OP7			1
tert-Butyl peroxybenzoate	UN3106	≤52			≥48		OP7			
tert-Butyl peroxybenzoate	UN3109	≤32	≥68				OP8			
tert-Butyl peroxybutyl fumarate	UN3105	≤52	≥48				OP7			
tert-Butyl peroxycrotonate	UN3105	≤77	≥23				OP7			
tert-Butyl peroxydiethylacetate	UN3113	≤100					OP5	20	25	
tert-Butyl peroxy-2-ethylhexanoate	UN3113	>52–100					OP6	20	25	
tert-Butyl peroxy-2-ethylhexanoate	UN3117	>32–52		≥48			OP8	30	35	
tert-Butyl peroxy-2-ethylhexanoate	UN3118	≤52			≥48		OP8	20	25	
tert-Butyl peroxy-2-ethylhexanoate	UN3119	≤32		≥68			OP8	40	45	
tert-Butyl peroxy-2-ethylhexanoate [and] 2,2-di-(tert-Butylperoxy)butane.	UN3106	≤12 + ≤14	≥14		≥60		OP7			
tert-Butyl peroxy-2-ethylhexanoate [and] 2,2-di-(tert-Butylperoxy)butane.	UN3115	≤31 + ≤36		≥33			OP7	35	40	
tert-Butyl peroxy-2-ethylhexylcarbonate	UN3105	≤100					OP7			
tert-Butyl peroxyisobutyrate	UN3111	>52–77		≥23			OP5	15	20	
tert-Butyl peroxyisobutyrate	UN3115	≤52		≥48			OP7	15	20	
tert-Butylperoxy isopropylcarbonate	UN3103	≤77	≥23				OP5			
1-(2-tert-Butylperoxy isopropyl)-3-isopropenylbenzene.	UN3105	≤77	≥23				OP7			
1-(2-tert-Butylperoxy isopropyl)-3-isopropenylbenzene.	UN3108	≤42			≥58		OP8			
tert-Butyl peroxy-2-methylbenzoate	UN3103	≤100					OP5			
tert-Butyl peroxyneodecanoate	UN3115	>77–100					OP7	−5	5	
tert-Butyl peroxyneodecanoate	UN3115	≤77		≥23			OP7	0	10	
tert-Butyl peroxyneodecanoate [as a stable dispersion in water].	UN3119	≤52					OP8	0	10	
tert-Butyl peroxyneodecanoate [as a stable dispersion in water (frozen)].	UN3118	≤42					OP8	0	10	
tert-Butyl peroxyneodecanoate	UN3119	≤32	≥68				OP8	0	10	
tert-Butyl peroxyneoheptanoate	UN3115	≤77	≥23				OP7	0	10	
tert-Butyl peroxyneoheptanoate [as a stable dispersion in water].	UN3117	≤42					OP8	0	10	
tert-Butyl peroxypivalate	UN3113	>67–77	≥23				OP5	0	10	
tert-Butyl peroxypivalate	UN3115	>27–67		≥33			OP7	0	10	
tert-Butyl peroxypivalate	UN3119	≤27		≥73			OP8	30	35	
tert-Butylperoxy stearylcarbonate	UN3106	≤100					OP7			
tert-Butyl peroxy-3,5,5-trimethylhexanoate.	UN3105	>37–100					OP7			
tert-Butyl peroxy-3,5,5-trimethlyhexanoate.	UN3106	≤42			≥58		OP7			
tert-Butyl peroxy-3,5,5-trimethylhexanoate.	UN3109	≤37		≥63			OP8			
3-Chloroperoxybenzoic acid	UN3102	>57–86			≥14		OP1			
3-Chloroperoxybenzoic acid	UN3106	≤57			≥3	≥40	OP7			
3-Chloroperoxybenzoic acid	UN3106	≤77			≥6	≥17	OP7			
Cumyl hydroperoxide	UN3107	>90–98	≤10				OP8			13
Cumyl hydroperoxide	UN3109	≤90	≥10				OP8			13, 15
Cumyl peroxyneodecanoate	UN3115	≤87	≥13				OP7	−10	0	
Cumyl peroxyneodecanoate	UN3115	≤77		≥23			OP7	−10	0	
Cumyl peroxyneodecanoate [as a stable dispersion in water].	UN3119	≤52					OP8	−10	0	
Cumyl peroxyneoheptanoate	UN3115	≤77	≥23				OP7	−10	0	
Cumyl peroxypivalate	UN3115	≤77		≥23			OP7	−5	5	
Cyclohexanone peroxide(s)	UN3104	≤91				≥9	OP6			13
Cyclohexanone peroxide(s)	UN3105	≤72	≥28				OP7			5
Cyclohexanone peroxide(s) [as a paste]	UN3106	≤72					OP7			5, 21
Cyclohexanone peroxide(s)	Exempt	≤32		>68			Exempt			29
Diacetone alcohol peroxides	UN3115	≤57		≥26		≥8	OP7	40	45	5
Diacetyl peroxide	UN3115	≤27		≥73			OP7	20	25	8,13
Di-tert-amyl peroxide	UN3107	≤100					OP8			

TABLE TO PARAGRAPH (c): ORGANIC PEROXIDE TABLE—Continued

Technical name	ID No.	Concentration (mass %)	Diluent (mass %)			Water (mass %)	Packing method	Temperature (°C)		Notes
			A	B	I			Control	Emergency	
(1)	(2)	(3)	(4a)	(4b)	(4c)	(5)	(6)	(7a)	(7b)	(8)
([3R- (3R, 5aS, 6S, 8aS, 9R, 10R, 12S, 12aR**)]-Decahydro-10-methoxy-3, 6, 9-trimethyl-3, 12-epoxy-12H-pyrano [4, 3- j]-1, 2-benzodioxepin).	UN3106	≤100					OP7			
2,2-Di-(tert-amylperoxy)-butane	UN3105	≤57	≥43				OP7			
1,1-Di-(tert-amylperoxy)cyclohexane	UN3103	≤82	≥18				OP6			
Dibenzoyl peroxide	UN3102	>52–100			≤48		OP2			3
Dibenzoyl peroxide	UN3102	>77–94				≥6	OP4			3
Dibenzoyl peroxide	UN3104	≤77				≥23	OP6			
Dibenzoyl peroxide	UN3106	≤62			≥28	≥10	OP7			
Dibenzoyl peroxide [as a paste]	UN3106	>52–62					OP7			21
Dibenzoyl peroxide	UN3106	>35–52			≥48		OP7			
Dibenzoyl peroxide	UN3107	>36–42	≥18			≤40	OP8			
Dibenzoyl peroxide [as a paste]	UN3108	≤56.5				≥15	OP8			
Dibenzoyl peroxide [as a paste]	UN3108	≤52					OP8			21
Dibenzoyl peroxide [as a stable dispersion in water].	UN3109	≤42					OP8			
Dibenzoyl peroxide	Exempt	≤35			≥65		Exempt			29
Di-(4-tert-butylcyclohexyl)peroxydicarbonate.	UN3114	≤100					OP6	30	35	
Di-(4-tert-butylcyclohexyl)peroxydicarbonate [as a stable dispersion in water].	UN3119	≤42					OP8	30	35	
Di-(4-tert-butylcyclohexyl)peroxydicarbonate [as a paste].	UN3116	≤42					OP7	35	40	
Di-tert-butyl peroxide	UN3107	>52–100					OP8			
Di-tert-butyl peroxide	UN3109	≤52		≥48			OP8			24
Di-tert-butyl peroxyazelate	UN3105	≤52	≥48				OP7			
2,2-Di-(tert-butylperoxy)butane	UN3103	≤52	≥48				OP6			
1,6-Di-(tert-butylperoxycarbonyloxy)hexane.	UN3103	≤72	≥28				OP5			
1,1-Di-(tert-butylperoxy)cyclohexane	UN3101	>80–100					OP5			
1,1-Di-(tert-butylperoxy)cyclohexane	UN3103	>52–80	≥20				OP5			
1,1-Di-(tert-butylperoxy)cyclohexane	UN3103	≤72		≥28			OP5			30
1,1-Di-(tert-butylperoxy)cyclohexane	UN3105	>42–52	≥48				OP7			
1,1-Di-(tert-butylperoxy)cyclohexane	UN3106	≤42	≥13		≥45		OP7			
1,1-Di-(tert-butylperoxy)cyclohexane	UN3107	≤27	≥25				OP8			22
1,1-Di-(tert-butylperoxy)cyclohexane	UN3109	≤42	≥58				OP8			
1,1-Di-(tert-butylperoxy)cyclohexane	UN3109	≤37	≥63				OP8			
1,1-Di-(tert-butylperoxy)cyclohexane	UN3109	≤25	≥25	≥50			OP8			
1,1-Di-(tert-butylperoxy)cyclohexane	UN3109	≤13	≥13	≥74			OP8			
1,1-Di-(tert-butylperoxy)cyclohexane + tert-Butyl peroxy-2-ethylhexanoate.	UN3105	≤43+≤16	≥41				OP7			
Di-n-butyl peroxydicarbonate	UN3115	>27–52		≥48			OP7	−15	−5	
Di-n-butyl peroxydicarbonate	UN3117	≤27		≥73			OP8	−10	0	
Di-n-butyl peroxydicarbonate [as a stable dispersion in water (frozen)].	UN3118	≤42					OP8	−15	−5	
Di-sec-butyl peroxydicarbonate	UN3113	>52–100					OP4	−20	−10	6
Di-sec-butyl peroxydicarbonate	UN3115	≤52		≥48			OP7	−15	−5	
Di-(tert-butylperoxyisopropyl) benzene(s).	UN3106	>42–100			≤57		OP7			1, 9
Di-(tert-butylperoxyisopropyl) benzene(s).	Exempt	≤42			≥58		Exempt			
Di-(tert-butylperoxy)phthalate	UN3105	>42–52	≥48				OP7			
Di-(tert-butylperoxy)phthalate [as a paste].	UN3106	≤52					OP7			21
Di-(tert-butylperoxy)phthalate	UN3107	≤42	≥58				OP8			
2,2-Di-(tert-butylperoxy)propane	UN3105	≤52	≥48				OP7			
2,2-Di-(tert-butylperoxy)propane	UN3106	≤42	≥13		≥45		OP7			
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane.	UN3101	>90–100					OP5			
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane.	UN3103	>57–90	≥10				OP5			
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane.	UN3103	≤77		≥23			OP5			
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane.	UN3103	≤90		≥10			OP5			30
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane.	UN3110	≤57			≥43		OP8			
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane.	UN3107	≤57	≥43				OP8			
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane.	UN3107	≤32	≥26	≥42			OP8			
Dicetyl peroxydicarbonate	UN3120	≤100					OP8	30	35	
Dicetyl peroxydicarbonate [as a stable dispersion in water].	UN3119	≤42					OP8	30	35	

TABLE TO PARAGRAPH (c): ORGANIC PEROXIDE TABLE—Continued

Technical name	ID No.	Concentration (mass %)	Diluent (mass %)			Water (mass %)	Packing method	Temperature (°C)		Notes
			A	B	I			Control	Emergency	
(1)	(2)	(3)	(4a)	(4b)	(4c)	(5)	(6)	(7a)	(7b)	(8)
Di-4-chlorobenzoyl peroxide	UN3102	≤77				≥23	OP5			
Di-4-chlorobenzoyl peroxide	Exempt	≤32			≥68		Exempt			29
Di-2,4-dichlorobenzoyl peroxide [as a paste].	UN3118	≤52					OP8	20	25	
Di-4-chlorobenzoyl peroxide [as a paste]	UN3106	≤52					OP7			21
Dicumyl peroxide	UN3110	>52–100			≤48		OP8			9
Dicumyl peroxide	Exempt	≤52			≥48		Exempt			29
Dicyclohexyl peroxydicarbonate	UN3112	>91–100					OP3	10	15	
Dicyclohexyl peroxydicarbonate	UN3114	≤91				≥9	OP5	10	15	
Dicyclohexyl peroxydicarbonate [as a stable dispersion in water].	UN3119	≤42					OP8	15	20	
Didecanoyl peroxide	UN3114	≤100					OP6	30	35	
2,2-Di-(4,4-di(tert-butylperoxy)cyclohexyl)propane.	UN3106	≤42			≥58		OP7			
2,2-Di-(4,4-di(tert-butylperoxy)cyclohexyl)propane.	UN3107	≤22		≥78			OP8			
Di-2,4-dichlorobenzoyl peroxide	UN3102	≤77				≥23	OP5			
Di-2,4-dichlorobenzoyl peroxide [as a paste with silicone oil].	UN3106	≤52					OP7			
Di-(2-ethoxyethyl) peroxydicarbonate	UN3115	≤52		≥48			OP7	−10	0	
Di-(2-ethylhexyl) peroxydicarbonate	UN3113	>77–100					OP5	−20	−10	
Di-(2-ethylhexyl) peroxydicarbonate	UN3115	≤77		≥23			OP7	−15	−5	
Di-(2-ethylhexyl) peroxydicarbonate [as a stable dispersion in water].	UN3119	≤62					OP8	−15	−5	
Di-(2-ethylhexyl) peroxydicarbonate [as a stable dispersion in water].	UN3119	≤52					OP8	−15	−5	
Di-(2-ethylhexyl) peroxydicarbonate [as a stable dispersion in water (frozen)].	UN3120	≤52					OP8	−15	−5	
2,2-Dihydroperoxypropane	UN3102	≤27			≥73		OP5			
Di-(1-hydroxycyclohexyl)peroxide	UN3106	≤100					OP7			
Diisobutyryl peroxide	UN3111	>32–52		≥48			OP5	−20	−10	
Diisobutyryl peroxide [as a stable dispersion in water].	UN3119	≤42					OP8	−20	−10	
Diisobutyryl peroxide	UN3115	≤32		≥68			OP7	−20	−10	
Diisopropylbenzene dihydroperoxide	UN3106	≤82	≥5			≥5	OP7			17
Diisopropyl peroxydicarbonate	UN3112	>52–100					OP2	−15	−5	
Diisopropyl peroxydicarbonate	UN3115	≤52		≥48			OP7	−20	−10	
Diisopropyl peroxydicarbonate	UN3115	≤32	≥68				OP7	−15	−5	
Dilauroyl peroxide	UN3106	≤100					OP7			
Dilauroyl peroxide [as a stable dispersion in water].	UN3109	≤42					OP8			
Di-(3-methoxybutyl) peroxydicarbonate	UN3115	≤52		≥48			OP7	−5	5	
Di-(2-methylbenzoyl)peroxide	UN3112	≤87				≥13	OP5	30	35	
Di-(4-methylbenzoyl)peroxide [as a paste with silicone oil].	UN3106	≤52					OP7			
Di-(3-methylbenzoyl) peroxide + Benzoyl (3-methylbenzoyl) peroxide + Dibenzoyl peroxide.	UN3115	≤20 + ≤18 + ≤4		≥58			OP7	35	40	
2,5-Dimethyl-2,5-di-(benzoylperoxy)hexane.	UN3102	>82–100					OP5			
2,5-Dimethyl-2,5-di-(benzoylperoxy)hexane.	UN3106	≤82			≥18		OP7			
2,5-Dimethyl-2,5-di-(benzoylperoxy)hexane.	UN3104	≤82				≥18	OP5			
2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexane.	UN3103	>90–100					OP5			
2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexane.	UN3105	>52–90	≥10				OP7			
2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexane.	UN3108	≤77			≥23		OP8			
2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexane.	UN3109	≤52	≥48				OP8			
2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexane [as a paste].	UN3108	≤47					OP8			
2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexyne-3.	UN3101	>86–100					OP5			
2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexyne-3.	UN3103	>52–86	≥14				OP5			
2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexyne-3.	UN3106	≤52			≥48		OP7			
2,5-Dimethyl-2,5-di-(2-ethylhexanoylperoxy)hexane.	UN3113	≤100					OP5	20	25	
2,5-Dimethyl-2,5-dihydroperoxyhexane	UN3104	≤82				≥18	OP6			
2,5-Dimethyl-2,5-di-(3,5,5-trimethylhexanoylperoxy)hexane.	UN3105	≤77	≥23				OP7			
1,1-Dimethyl-3-hydroxybutylperoxyneoheptanoate.	UN3117	≤52	≥48				OP8	0	10	

TABLE TO PARAGRAPH (c): ORGANIC PEROXIDE TABLE—Continued

Technical name	ID No.	Concentration (mass %)	Diluent (mass %)			Water (mass %)	Packing method	Temperature (°C)		Notes
			A	B	I			Control	Emergency	
(1)	(2)	(3)	(4a)	(4b)	(4c)	(5)	(6)	(7a)	(7b)	(8)
Dimyristyl peroxydicarbonate	UN3116	≤100					OP7	20	25	
Dimyristyl peroxydicarbonate [as a stable dispersion in water].	UN3119	≤42					OP8	20	25	
Di-(2-neodecanoylperoxyisopropyl)benzene.	UN3115	≤52	≥48				OP7	−10	0	
Di-(2-neodecanoyl-peroxyisopropyl) benzene, as stable dispersion in water.	UN3119	≤42					OP8	−15	−5	
Di-n-nonanoyl peroxide	UN3116	≤100					OP7	0	10	
Di-n-octanoyl peroxide	UN3114	≤100					OP5	10	15	
Di-(2-phenoxyethyl)peroxydicarbonate	UN3102	>85–100					OP5			
Di-(2-phenoxyethyl)peroxydicarbonate	UN3106	≤85				≥15	OP7			
Dipropionyl peroxide	UN3117	≤27		≥73			OP8	15	20	
Di-n-propyl peroxydicarbonate	UN3113	≤100					OP3	−25	−15	
Di-n-propyl peroxydicarbonate	UN3113	≤77		≥23			OP5	−20	−10	
Disuccinic acid peroxide	UN3102	>72–100					OP4			18
Disuccinic acid peroxide	UN3116	≤72				≥28	OP7	10	15	
Di-(3,5,5-trimethylhexanoyl) peroxide	UN3115	>52–82	≥18				OP7	0	10	
Di-(3,5,5-trimethylhexanoyl)peroxide [as a stable dispersion in water].	UN3119	≤52					OP8	10	15	
Di-(3,5,5-trimethylhexanoyl) peroxide	UN3119	>38–52	≥48				OP8	10	15	
Di-(3,5,5-trimethylhexanoyl)peroxide	UN3119	≤38	≥62				OP8	20	25	
Ethyl 3,3-di-(tert-amylperoxy)butyrate	UN3105	≤67	≥33				OP7			
Ethyl 3,3-di-(tert-butylperoxy)butyrate	UN3103	>77–100					OP5			
Ethyl 3,3-di-(tert-butylperoxy)butyrate	UN3105	≤77	≥23				OP7			
Ethyl 3,3-di-(tert-butylperoxy)butyrate	UN3106	≤52			≥48		OP7			
1-(2-ethylhexanoylperoxy)-1,3-Dimethylbutyl peroxypivalate.	UN3115	≤52	≥45	≥10			OP7	−20	−10	
tert-Hexyl peroxyneodecanoate	UN3115	≤71	≥29				OP7	0	10	
tert-Hexyl peroxypivalate	UN3115	≤72		≥28			OP7	10	15	
3-Hydroxy-1,1-dimethylbutyl peroxyneodecanoate.	UN3115	≤77	≥23				OP7	−5	5	
3-Hydroxy-1,1-dimethylbutyl peroxyneodecanoate [as a stable dispersion in water].	UN3119	≤52					OP8	−5	5	
3-Hydroxy-1,1-dimethylbutyl peroxyneodecanoate.	UN3117	≤52	≥48				OP8	−5	5	
Isopropyl sec-butyl peroxydicarbonat + Di-sec-butyl peroxydicarbonate + Di-isopropyl peroxydicarbonate.	UN3111	≤52 + ≤28 + ≤22					OP5	−20	−10	
Isopropyl sec-butyl peroxydicarbonate + Di-sec-butyl peroxydicarbonate + Di-isopropyl peroxydicarbonate.	UN3115	≤32 + ≤15 −18 + ≤12 −15	≥38				OP7	−20	−10	
Isopropylcumyl hydroperoxide	UN3109	≤72	≥28				OP8			13
p-Menthyl hydroperoxide	UN3105	>72–100					OP7			13
p-Menthyl hydroperoxide	UN3109	≤72	≥28				OP8			
Methylcyclohexanone peroxide(s)	UN3115	≤67		≥33			OP7	35	40	
Methyl ethyl ketone peroxide(s)	UN3101	≤52	≥48				OP5			5, 13
Methyl ethyl ketone peroxide(s)	UN3105	≤45	≥55				OP7			5
Methyl ethyl ketone peroxide(s)	UN3107	≤40	≥60				OP8			7
Methyl isobutyl ketone peroxide(s)	UN3105	≤62	≥19				OP7			5, 23
Methyl isopropyl ketone peroxide(s)	UN3109	(See remark 31)	≥70				OP8			31
Organic peroxide, liquid, sample	UN3103						OP2			12
Organic peroxide, liquid, sample, temperature controlled.	UN3113						OP2			12
Organic peroxide, solid, sample	UN3104						OP2			12
Organic peroxide, solid, sample, temperature controlled.	UN3114						OP2			12
3,3,5,7,7-Pentamethyl-1,2,4-Trioxepane	UN3107	≤100					OP8			
Peroxyacetic acid, type D, stabilized	UN3105	≤43					OP7			13, 20
Peroxyacetic acid, type E, stabilized	UN3107	≤43					OP8			13, 20
Peroxyacetic acid, type F, stabilized	UN3109	≤43					OP8			13, 20, 28
Peroxyacetic acid or peracetic acid [with not more than 7% hydrogen peroxide].	UN3107	≤36				≥15	OP8			13, 20, 28
Peroxyacetic acid or peracetic acid [with not more than 20% hydrogen peroxide].	Exempt	≤6				≥60	Exempt			28
Peroxyacetic acid or peracetic acid [with not more than 26% hydrogen peroxide].	UN3109	≤17					OP8			13, 20, 28
Peroxylauric acid	UN3118	≤100					OP8	35	40	
1-Phenylethyl hydroperoxide	UN3109	≤38		≥62			OP8			
Pinanyl hydroperoxide	UN3105	>56–100					OP7			13
Pinanyl hydroperoxide	UN3109	≤56	≥44				OP8			
Polyether poly-tert-butylperoxycarbonate	UN3107	≤52		≥48			OP8			

TABLE TO PARAGRAPH (c): ORGANIC PEROXIDE TABLE—Continued

Technical name	ID No.	Concentration (mass %)	Diluent (mass %)			Water (mass %)	Packing method	Temperature (°C)		Notes
			A	B	I			Control	Emergency	
(1)	(2)	(3)	(4a)	(4b)	(4c)	(5)	(6)	(7a)	(7b)	(8)
Tetrahydronaphthyl hydroperoxide	UN3106	≤100	.....	.....	.....	.....	OP7	.....	.....	.....
1,1,3,3-Tetramethylbutyl hydroperoxide	UN3105	≤100	.....	.....	.....	.....	OP7	.....	.....	.....
1,1,3,3-Tetramethylbutyl peroxy-2-ethylhexanoate.	UN3115	≤100	.....	.....	.....	.....	OP7	15	20	.....
1,1,3,3-Tetramethylbutyl peroxyneodecanoate.	UN3115	≤72	.....	≥28	.....	.....	OP7	-5	5	.....
1,1,3,3-Tetramethylbutyl peroxyneodecanoate [as a stable dispersion in water].	UN3119	≤52	.....	.....	.....	.....	OP8	−5	5	.....
1,1,3,3-tetramethylbutyl peroxypivalate	UN3115	≤77	≥23	.....	.....	.....	OP7	0	10	.....
3,6,9-Triethyl-3,6,9-trimethyl-1,4,7-triperoxonane.	UN3110	≤17	≥18	.....	≥65	.....	OP8	.....	.....	.....
3,6,9-Triethyl-3,6,9-trimethyl-1,4,7-triperoxonane.	UN3105	≤42	≥58	.....	.....	.....	OP7	.....	.....	26

Notes:
1. For domestic shipments, OP8 is authorized.
2. Available oxygen must be <4.7%.
3. For concentrations <80% OP5 is allowed. For concentrations of at least 80% but <85%, OP4 is allowed. For concentrations of at least 85%, maximum package size is OP2.
4. The diluent may be replaced by di-tert-butyl peroxide.
5. Available oxygen must be ≤9% with or without water.
6. For domestic shipments, OP5 is authorized.
7. Available oxygen must be ≤8.2% with or without water.
8. Only non-metallic packagings are authorized.
9. For domestic shipments this material may be transported under the provisions of paragraph (h)(3)(xii) of this section.
10. [Reserved]
11. [Reserved]
12. Samples may only be offered for transportation under the provisions of paragraph (b)(2) of this section.
13. ''Corrosive'' subsidiary risk label is required.
14. [Reserved]
15. No ''Corrosive'' subsidiary risk label is required for concentrations below 80%.
16. With <6% di-tert-butyl peroxide.
17. With ≤8% 1-isopropylhydroperoxy-4-isopropylhydroxybenzene.
18. Addition of water to this organic peroxide will decrease its thermal stability.
19. [Reserved]
20. Mixtures with hydrogen peroxide, water and acid(s).
21. With diluent type A, with or without water.
22. With ≥36% diluent type A by mass, and in addition ethylbenzene.
23. With ≥19% diluent type A by mass, and in addition methyl isobutyl ketone.
24. Diluent type B with boiling point >100 C.
25. No ''Corrosive'' subsidiary risk label is required for concentrations below 56%.
26. Available oxygen must be ≤7.6%.
27. Formulations derived from distillation of peroxyacetic acid originating from peroxyacetic acid in a concentration of not more than 41% with water, total active oxygen less than or equal to 9.5% (peroxyacetic acid plus hydrogen peroxide).
28. For the purposes of this section, the names ''Peroxyacetic acid'' and ''Peracetic acid'' are synonymous.
29. Not subject to the requirements of this subchapter for Division 5.2.
30. Diluent type B with boiling point >130 °C (266 °F).
31. Available oxygen ≤6.7%.

(d) * * *

(4) * * *

Table to Paragraph (d): Maximum Quantity per Packaging/Package

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(e) *Organic Peroxide IBC Table.* The following Organic Peroxide IBC Table specifies, by technical name, those organic peroxides that are authorized for transportation in certain IBCs and not subject to the approval provisions of § 173.128 of this part. The formulations listed below may also be transported packed in accordance with packing method OP8 of this section, with the same control and emergency temperatures, if applicable. Additional requirements for authorized IBCs are found in paragraph (f) of this section.

TABLE TO PARAGRAPH (e): ORGANIC PEROXIDE IBC TABLE

UN No.	Organic peroxide	Type of IBC	Maximum quantity (liters)	Control temperature	Emergency temperature
3109	ORGANIC PEROXIDE, TYPE F, LIQUID.		.....	.....	.....
	tert-Butyl cumyl peroxide	31HA1	1,000	.....	.....
	tert-Butyl hydroperoxide, not more than 72% with water	31A	1,250	.....	.....
		31HA1	1,000	.....	.....
	tert-Butyl peroxyacetate, not more than 32% in diluent type A	31A	1,250	.....	.....
		31HA1	1,000	.....	.....
	tert-Butyl peroxybenzoate, not more than 32% in diluent type A	31A	1,250	.....	.....
	tert-Butyl peroxy-3,5,5-trimethylhexanoate, not more than 37% in diluent type A.	31A	1,250	.....	.....
		31HA1	1,000	.....	.....
	Cumyl hydroperoxide, not more than 90% in diluent type A	31HA1	1,250	.....	.....
	Dibenzoyl peroxide, not more than 42% as a stable dispersion	31H1	1,000	.....	.....

TABLE TO PARAGRAPH (e): ORGANIC PEROXIDE IBC TABLE—Continued

UN No.	Organic peroxide	Type of IBC	Maximum quantity (liters)	Control temperature	Emergency temperature
	2,5-Dimethyl-2,5-di(tert-butylperoxy)hexane, not more than 52% in diluent type A.	31HA1	1,000	.....	.....
	Di-tert-butyl peroxide, not more than 52% in diluent type B	31A	1,250	.....	.....
		31HA1	1,000	.....	.....
	1,1-Di-(tert-Butylperoxy) cyclohexane, not more than 37% in diluent type A.	31A	1,250	.....	.....
	1,1-Di-(tert-butylperoxy) cyclohexane, not more than 42% in diluent type A.	31H1	1,000	.....	.....
	Dicumyl peroxide, less than or equal to 100%	31A	1,250	.....	.....
		31HA1	1,000	.....	.....
	Dilauroyl peroxide, not more than 42%, stable dispersion, in water.	31HA1	1,000	.....	.....
	Isopropyl cumyl hydroperoxide, not more than 72% in diluent type A.	31HA1	1,250	.....	.....
	p-Menthyl hydroperoxide, not more than 72% in diluent type A	31HA1	1,250	.....	.....
	Peroxyacetic acid, stabilized, not more than 17%	31A	1,500	.....	.....
		31H1	1,500	.....	.....
		31H2	1,500	.....	.....
		31HA1	1,500	.....	.....
	Peroxyacetic acid, not more than 26% hydrogen peroxide	31A	1,500	.....	.....
		31HA1	1,500	.....	.....
	Peroxyacetic acid, type F, stabilized	31A	1,500	.....	.....
		31HA1	1,500	.....	.....
	3,6,9-Triethyl-3,6,9-trimethyl-,4,7-triperoxonane not more than 27% diluent type A.	31HA1	1,000	.....	.....
3110	ORGANIC PEROXIDE TYPE F, SOLID.		.....	.....	.....
	Dicumyl peroxide, less than or equal to 100%	31A	2000	.....	.....
		31H1	.....	.....	.....
		31HA1	.....	.....	.....
3119	ORGANIC PEROXIDE, TYPE F, LIQUID, TEMPERATURE CONTROLLED.		.....	.....	.....
	tert-Amyl peroxy-2-ethylhexanoate, not more than 62% in a diluent type A.	31HA1	1,000	+15 °C	+20 °C
	tert-Amyl peroxypivalate, not more than 32% in diluent type A	31A	1,250	+10 °C	+15 °C
	tert-Butyl peroxy-2-ethylhexanoate, not more than 32% in diluent type B.	31HA1	1,000	+30 °C	+35 °C
		31A	1,250	+30 °C	+35 °C
	tert-Butyl peroxyneodecanoate, not more than 32% in diluent type A.	31A	1,250	0 °C	+10 °C
	tert-Butyl peroxyneodecanoate, not more than 52%, stable dispersion, in water.	31A	1,250	−5 °C	+5 °C
	tert-Butyl peroxypivalate, not more than 27% in diluent type B	31HA1	1,000	+10 °C	+15 °C
		31A	1,250	+10 °C	+15 °C
	Cumyl peroxyneodecanoate, not more than 52%, stable dispersion, in water.	31A	1,250	−15 °C	−5 °C
	Di-(4-tert-butylcyclohexyl) peroxydicarbonate, not more than 42%, stable dispersion, in water.	31HA1	1,000	+30 °C	+35 °C
	Dicetyl peroxydicarbonate, not more than 42%, stable dispersion, in water.	31HA1	1,000	+30 °C	+35 °C
	Dicyclohexylperoxydicarbonate, not more than 42% as a stable dispersion, in water.	31A	1,250	+10 °C	+15 °C
	Di-(2-ethylhexyl) peroxydicarbonate, not more than 62%, stable dispersion, in water.	31A	1,250	−20 °C	−10 °C
		31HA1	1,000	−20 °C	−10 °C
	Diisobutyryl peroxide, not more than 28% as a stable dispersion in water.	31HA1	1,000	−20 °C	−10 °C
		31A	1,250	−20 °C	−10 °C
	Diisobutyryl peroxide, not more than 42% as a stable dispersion in water.	31HA1	1,000	−25 °C	−15 °C
		31A	1,250	−25 °C	−15 °C
	Dimyristyl peroxydicarbonate, not more than 42%, stable dispersion, in water.	31HA1	1,000	+15 °C	+20 °C
	Di-(2-neodecanoylperoxyisopropyl) benzene, not more than 42%, stable dispersion, in water.	31A	1,250	−15 °C	−5 °C
	Di-(3,5,5-trimethylhexanoyl) peroxide, not more than 52% in diluent type A.	31HA1	1,000	+10 °C	+15 °C
		31A	1,250	+10 °C	+15 °C
	Di-(3,5,5-trimethylhexanoyl) peroxide, not more than 52%, stable dispersion, in water.	31A	1,250	+10 °C	+15 °C

TABLE TO PARAGRAPH (e): ORGANIC PEROXIDE IBC TABLE—Continued

UN No.	Organic peroxide	Type of IBC	Maximum quantity (liters)	Control temperature	Emergency temperature
	3-Hydroxy – 1,1-dimethylbutyl peroxy-neodecanoate, not more than 52%, stable dispersion, in water.	31A	1,250	– 15 °C	– 5 °C
	1,1,3,3-Tetramethylbutyl peroxy-2-ethylhexanoate, not more than 67%, in diluent type A.	31HA1	1,000	+15 °C	+20 °C
	1,1,3,3-Tetramethylbutyl peroxyneodecanoate, not more than 52%, stable dispersion, in water.	31A	1,250	– 5 °C	+5 °C
		31HA1	1,000	– 5 °C	+5 °C

* * * * *

(g) *Organic Peroxide Portable Tank Table.* The following Organic Peroxide Portable Tank Table provides certain portable tank requirements and identifies, by technical name, those organic peroxides that are authorized for transportation in the bulk packagings listed in paragraph (h). Organic peroxides listed in this table, provided they meet the specific packaging requirements found in paragraph (h), are not subject to the approval provisions of § 173.128 of this part. In addition, the formulations listed below may also be transported packed in accordance with packing method OP8 of this section, with the same control and emergency temperatures, if applicable.

Table to Paragraph (g): Organic Peroxide Portable Tank Table

* * * * *

■ 28. Section 173.232 is added to subpart E to read as follows:

§ 173.232 Articles containing hazardous materials, n.o.s.

(a) Articles containing hazardous materials may be classified as otherwise provided by this subchapter under the proper shipping name for the hazardous materials they contain or in accordance with this section. For the purposes of this section, ''article'' means machinery, apparatus, or other devices containing one or more hazardous materials (or residues thereof) that are an integral element of the article, necessary for its functioning, and that cannot be removed for the purpose of transport. An inner packaging is not an article. For articles that do not have an existing proper shipping name and that contain only hazardous materials within the permitted limited quantity amounts specified in column (8A) of the § 172.101 Table, see UN3363, Dangerous goods in machinery or apparatus, as prescribed in § 172.102(c)(1), Special provision 136, and § 173.222.

(b) Such articles may contain batteries. Lithium batteries that are integral to the article must be of a type proven to meet the testing requirements of the UN Manual of Tests and Criteria, Part III, subsection 38.3 (IBR, *see* § 171.7 of this subchapter), except when otherwise specified by this subchapter.

(c) This section does not apply to articles for which a more specific proper shipping name already exists in the § 172.101 Table. This section does not apply to hazardous materials of Class 1, Division 6.2, Class 7, or radioactive material contained in articles.

(d) Articles containing hazardous materials must be assigned to the appropriate class or division determined by the hazards present using, where applicable, the precedence criteria prescribed in § 173.2a for each of the hazardous materials contained in the article. If hazardous materials classified as Class 9 are contained within the article, all other hazardous materials present in the article must be considered to present a higher hazard.

(e) Subsidiary hazards must be representative of the primary hazard posed by the other hazardous materials contained within the article. When only one item of hazardous materials is present in the article, the subsidiary hazard(s), if any, is the subsidiary hazard(s) identified in column 6 of the § 172.101 Table. If the article contains more than one item of hazardous materials and these could react dangerously with one another during transport, each of the hazardous materials must be enclosed separately.

(f)(1) Packagings must conform to the Packing Group II performance level. The following packagings are authorized:

(i) Drums (1A2, 1B2, 1N2, 1H2, 1D, 1G);

(ii) Boxes (4A, 4B, 4N, 4C1, 4C2, 4D, 4F, 4G, 4H1, 4H2); and

(iii) Jerricans (3A2, 3B2, 3H2).

(2) In addition, for robust articles, the following non-specification packagings are authorized:

(i) Strong outer packagings constructed of suitable material and of adequate strength and design in relation to the packaging capacity and its intended use. Each package must conform to the packaging requirements of subpart B of this part, except for the requirements in §§ 173.24(a)(1) and 173.27(e).

(ii) Articles may be transported unpackaged or on pallets when the hazardous materials are afforded equivalent protection by the article in which they are contained.

(g) The nature of the containment must be as follows—

(1) In the event of damage to the receptacles containing the hazardous materials, no leakage of the hazardous materials from the machinery or apparatus is possible. A leakproof liner may be used to satisfy this requirement.

(2) Receptacles containing hazardous materials must be secured and cushioned so as to prevent their breakage or leakage and to control their movement within the machinery or apparatus during normal conditions of transportation. Cushioning material must not react dangerously with the content of the receptacles. Any leakage of the contents must not substantially impair the protective properties of the cushioning material.

(3) Receptacles for gases, their contents, and filling densities must conform to the applicable requirements of this subchapter, unless otherwise approved by the Associate Administrator.

■ 29. In § 173.301b paragraphs (c)(1) and (d)(1) are revised to read as follow:

§ 173.301b Additional general requirements for shipment of UN pressure receptacles.

* * * * *

(c) * * *

(1) When the use of a valve is prescribed, the valve must conform to the requirements in ISO 10297:2014(E) (IBR, *see* § 171.7 of this subchapter). Quick release cylinder valves for specification and type testing must conform to the requirements in ISO 17871:2015(E) Gas cylinders—Quick-release cylinder valves—Specification and type testing (IBR, see § 171.7 of this subchapter). Until December 31, 2020, the manufacture of a valve conforming to the requirements in ISO 10297:2006(E) is authorized. Until

December 31, 2008, the manufacture of a valve conforming to the requirements in ISO 10297:1999(E) (IBR, *see* § 171.7 of this subchapter) is authorized.

* * * * *

(d) * * *

(1) When the use of a valve is prescribed, the valve must conform to the requirements in ISO 11118:2015(E), (IBR, see § 171.7 of this subchapter). Manufacture of valves to ISO 13340:2001(E) is authorized until December 31, 2020;

* * * * *

■ 30. In § 173.304b, paragraph (b)(5) is revised to read as follows:

§ 173.304b Additional requirements for shipment of liquefied compressed gases in UN pressure receptacles.

* * * * *

(b) * * *

(5) For liquefied gases charged with compressed gases, both components—the liquefied gas and the compressed gas—must be taken into consideration in the calculation of the internal pressure in the pressure receptacle. The maximum mass of contents per liter of water capacity shall not exceed 95 percent of the density of the liquid phase at 50 °C (122 °F); in addition, the liquid phase shall not completely fill the pressure receptacle at any temperature up to 60 °C (140 °F). When filled, the internal pressure at 65 °C (149 °F) shall not exceed the test pressure of the pressure receptacles. The vapor pressures and volumetric expansions of all substances in the pressure receptacles shall be considered. The maximum filling limits may be determined using the procedure in (3)(e) of P200 of the UN Recommendations.

* * * * *

■ 31. In, § 173.422 paragraphs (d) and (e) are revised and paragraph (f) is added to read as follows:

§ 173.422 Additional requirements for excepted packages containing Class 7 (radioactive) materials.

* * * * *

(d) The training requirements of subpart H of part 172 of this subchapter;

(e) For a material that meets the definition of a hazardous substance or a hazardous waste, the shipping paper requirements of subpart C of part 172 of this subchapter, except that such shipments are not subject to shipping paper requirements applicable to Class 7 (radioactive) materials in §§ 172.202(a)(5), 172.202(a)(6), 172.203(d) and 172.204(c)(4); and

(f) For transportation by vessel—

(1) The following information must be shown on a special transport document such as a bill of lading, air waybill, or other similar document:

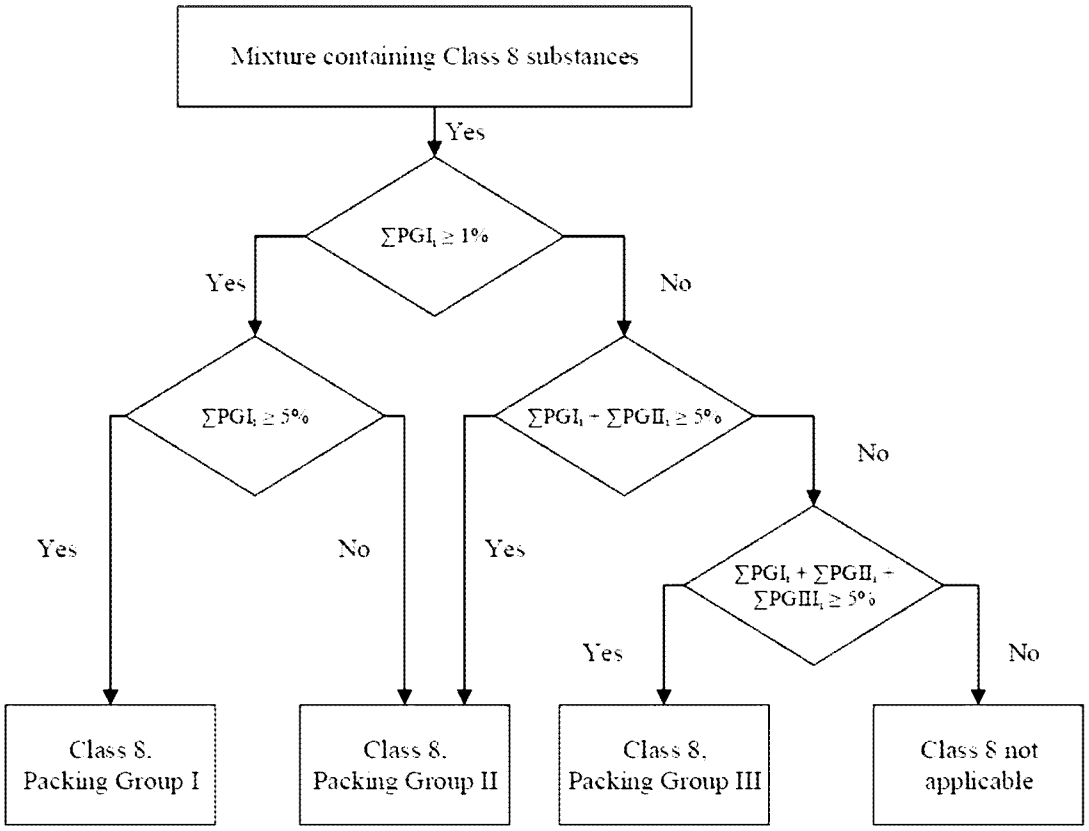
(i) The UN identification number for the material preceded by the letters ''UN'', as shown in column (4) of the Hazardous Materials Table in § 172.101 of this subchapter; and

(ii) The name and address of the consignor and the consignee.

(2) The certificate requirements in § 176.27 must be met.

■ 32. Add appendix I to part 173 to read as follows:

Appendix I to Part 173—Calculation Method



PART 174—CARRIAGE BY RAIL

■ 33. The authority citation for part 174 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

■ 34. Revise § 174.50 to read as follows:

§ 174.50 Nonconforming or leaking packages.

A leaking non-bulk package may not be forwarded until repaired, reconditioned, or overpacked in

accordance with § 173.3 of this subchapter. Except as otherwise provided in this section, a bulk packaging that no longer conforms to this subchapter may not be forwarded by rail unless repaired or approved for movement by the Associate Administrator for Safety, Federal Railroad Administration, or for cross-border movements to or from Canada, moved in accordance with the TDG Regulations (see § 171.12) or a Temporary Certificate issued by the Competent Authority of Canada, as applicable. For FRA Approval, notification and approval must be in writing, or through telephonic or electronic means, with subsequent written confirmation provided within two weeks. For the applicable address and telephone number, see § 107.117(d)(4) of this chapter. A leaking bulk package containing a hazardous material may be moved without repair or approval only so far as necessary to reduce or to eliminate an immediate threat or harm to human health or to the environment when it is determined its movement would provide greater safety than allowing the package to remain in place. In the case of a liquid leak, measures must be taken to prevent the spread of liquid.

PART 175—CARRIAGE BY AIRCRAFT

■ 35. The authority citation for part 175 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81 and 1.97.

■ 36. In § 175.10, revise paragraphs (a)(2) and (3), (a)(14) and (15), (a)(17)(v) introductory text, and (a)(18) and (19), and add paragraph (a)(26) to read as follows:

§ 175.10 Exceptions for passengers, crewmembers, and air operators.

(a) * * *

(2) One packet of safety matches or a lighter intended for use by an individual when carried on one's person or in carry-on baggage only. Lighter fuel, lighter refills, and lighters containing unabsorbed liquid fuel (other than liquefied gas) are not permitted on one's person or in carry-on or checked baggage. For lighters powered by lithium batteries (*e.g.,* laser plasma lighters, tesla coil lighters, flux lighters, arc lighters and double arc lighters), each battery must be of a type which meets the requirements of each test in the UN Manual of Tests and Criteria, Part III, Subsection 38.3. Measures must be taken to prevent unintentional activation of the heating element while on board the aircraft. Recharging of the devices and/or the batteries on board the aircraft is not permitted. Each battery must not exceed the following:

(i) For lithium metal batteries, a lithium content of 2 grams; or

(ii) For lithium ion batteries, a Watt-hour (Wh) rating of 100 Wh.

(3) Implanted or externally fitted medical devices in humans or animals that contain radioactive materials (*e.g.,* cardiac pacemaker), as the result of medical treatment; and radiopharmaceuticals that have been injected or ingested.

* * * * *

(14) Battery powered heat-producing devices (*e.g.,* battery-operated equipment such as diving lamps and soldering equipment) as checked or carry-on baggage and with the approval of the operator of the aircraft. The heating element, the battery, or other component (*e.g.,* fuse) must be isolated to prevent unintentional activation during transport. Any battery that is removed must be carried in accordance with the provisions for spare batteries in paragraph (a)(18) of this section.

Each installed or spare lithium battery:

(i) For a lithium metal battery, a lithium content must not exceed 2 grams; or

(ii) For a lithium ion battery, the Watt-hour rating must not exceed 100 Wh.

(15) A wheelchair or other battery-powered mobility aid equipped with a non-spillable battery or a dry sealed battery when carried as checked baggage, provided—

(i) The battery conforms to the requirements of § 173.159a(d) of this subchapter for non-spillable batteries;

(ii) The battery conforms to the requirements of § 172.102(c)(1), Special provision 130 of this subchapter for dry sealed batteries, as applicable;

(iii) Visual inspection including removal of the battery, where necessary, reveals no obvious defects (removal of the battery from the housing should be performed by qualified airline personnel only);

(iv) The battery is disconnected and the battery terminals are protected to prevent short circuits, unless the wheelchair or mobility aid design provides an effective means of preventing unintentional activation;

(v) The non-spillable battery is—

(A) Securely attached to the wheelchair or mobility aid;

(B) Removed and placed in a strong, rigid packaging marked ''NONSPILLABLE BATTERY'' (unless fully enclosed in a rigid housing that is properly marked); or

or

(C) Is handled in accordance with paragraph (a)(16)(iv) of this section; and

(vi) The dry sealed battery is—

(A) Securely attached to the wheelchair or mobility aid; or

(B) Removed and placed in a strong, rigid packaging marked with the words ''not restricted'' in accordance with § 172.102(c)(2), special provision 130, of this subchapter;

(vii) A maximum of one spare battery that conforms to the requirements in (a)(15)(i) or (ii) may be carried per passenger if handled in accordance with paragraph (a)(15)(v) or (vi) of this section, as applicable.

* * * * *

(17) * * *

(v) Where a lithium ion battery-powered wheelchair or other mobility aid does not provide adequate protection to the battery:

* * * * *

(18) Except as provided in § 173.21 of this subchapter, portable electronic devices (*e.g.,* watches, calculating machines, cameras, cellular phones, laptop and notebook computers, camcorders, medical devices, etc.) containing dry cells or dry batteries (including lithium cells or batteries) and spare dry cells or batteries for these devices, when carried by passengers or crew members for personal use. Portable electronic devices powered by lithium batteries may be carried in either checked or carry-on baggage. When carried in checked baggage, portable electronic devices powered by lithium batteries must be completely switched off (not in sleep or hibernation mode) and protected to prevent unintentional activation or damage. Spare lithium batteries must be carried in carry-on baggage only. Each installed or spare lithium battery must be of a type proven to meet the requirements of each test in the UN Manual of Tests and Criteria, Part III, Sub-section 38.3, and each spare lithium battery must be individually protected so as to prevent short circuits (*e.g.,* by placement in original retail packaging, by otherwise insulating terminals by taping over exposed terminals, or placing each battery in a separate plastic bag or protective pouch). In addition, each installed or spare lithium battery:

(i) For a lithium metal battery, the lithium content must not exceed 2 grams;

(ii) For a lithium ion battery, the Watt-hour rating must not exceed 100 Wh. With the approval of the operator, portable electronic devices may contain lithium ion batteries exceeding 100 Wh, but not exceeding 160 Wh and no more than two individually protected lithium ion batteries each exceeding 100 Wh, but not exceeding 160 Wh, may be

carried per person as spare batteries in carry-on baggage.

(iii) For a non-spillable battery, the battery and equipment must conform to § 173.159a(d). Each battery must not exceed a voltage greater than 12 volts and a watt-hour rating of not more than 100 Wh. No more than two individually protected spare batteries may be carried. Such equipment and spare batteries must be carried in checked or carry-on baggage.

(iv) Articles containing lithium metal or lithium ion cells or batteries the primary purpose of which is to provide power to another device must be carried as spare batteries in accordance with the provisions of this paragraph.

(19) Except as provided in § 173.21 of this subchapter, battery-powered portable electronic smoking devices (*e.g.,* e-cigarettes, e-cigs, e-cigars, e-pipes, e-hookahs, personal vaporizers, electronic nicotine delivery systems) when carried by passengers or crewmembers for personal use must be carried on one's person or in carry-on baggage only. Measures must be taken to prevent unintentional activation of the heating element while on board the aircraft. Spare lithium batteries also must be carried on one's person or in carry-on baggage only and must be individually protected so as to prevent short circuits (by placement in original retail packaging or by otherwise insulating terminals, *e.g.,* by taping over exposed terminals or placing each battery in a separate plastic bag or protective pouch). Each lithium battery must be of a type which meets the requirements of each test in the UN Manual of Tests and Criteria, Part III, Subsection 38.3. Recharging of the devices and/or the batteries on board the aircraft is not permitted. Each installed or spare lithium battery:

(i) For a lithium metal battery, the lithium content must not exceed 2 grams; or

(ii) For a lithium ion battery, the Watt-hour rating must not exceed 100 Wh.

* * * * *

(26) Baggage equipped with lithium battery(ies) must be carried as carry-on baggage unless the battery(ies) is removed from the baggage. Removed battery(ies) must be carried in accordance with the provision for spare batteries prescribed in paragraph (a)(18) of this section. The provisions of this paragraph do not apply to baggage equipped with lithium batteries not exceeding:

(i) For lithium metal batteries, a lithium content of 0.3 grams; or

(ii) For lithium ion batteries, a Watt-hour rating of 2.7 Wh

* * * * *

■ 37. In § 175.33, paragraphs (a)(12) and (a)(13)(i) are revised to read as follows:

§ 175.33 Shipping paper and notification of pilot-in-command.

(a) * * *

(12) For UN1845, Carbon dioxide, solid (dry ice), the information required by paragraph (a) of this section may be replaced by the UN number, proper shipping name, hazard class, total quantity in each cargo compartment aboard the aircraft, and the airport at which the package(s) is to be unloaded must be provided.

(13)(i) For UN3480, Lithium ion batteries, and UN3090, Lithium metal batteries, the information required by paragraph (a) of this section may be replaced by the UN number, proper shipping name, class, total quantity at each specific loading location, the airport at which the package(s) is to be unloaded, and whether the package must be carried on cargo aircraft only. UN3480 (Lithium ion batteries) and UN3090 (Lithium metal batteries) carried under a special permit or a State exemption as prescribed in the ICAO Technical Instructions must meet all of the requirements of this section.

* * * * *

■ 38. In § 175.78, paragraph (b) is revised and paragraph (c)(8) is added to read as follows:

§ 175.78 Stowage compatibility of cargo.

* * * * *

(b)(1) At a minimum, the segregation instructions prescribed in the following Segregation Table must be followed to maintain acceptable segregation between packages containing hazardous materials with different hazards. The Segregation Table instructions apply whether or not the class or division is the primary or subsidiary risk.

(2) Packages and overpacks containing articles of Identification Numbers UN3090 and UN3480 prepared in accordance with § 173.185(b)(3) and (c)(4)(vi) must not be stowed on an aircraft next to, in contact with, or in a position that would allow interaction with packages or overpacks containing hazardous materials that bear a Class 1 (other than Division 1.4S), Division 2.1, Class 3, Division 4.1, or Division 5.1 hazard label. To maintain acceptable segregation between packages and overpacks, the segregation requirements shown in the Segregation Table must be followed. The segregation requirements apply based on all hazard labels applied to the package or overpack, irrespective of whether the hazard is the primary or subsidiary hazard.

TABLE TO PARAGRAPH (b): SEGREGATION TABLE

Hazard label	Class or division										
	1	2.1	2.2, 2.3	3	4.1	4.2	4.3	5.1	5.2	8	9 see (b)(2)
1	Note 1	Note 2	Note 2	Note 2	Note 2	Note 2	Note 2	Note 2	Note 2	Note 2	Note 2
2.1	Note 2										X
2.2, 2.3	Note 2										
3	Note 2							X (Note 3)			X
4.1	Note 2										X
4.2	Note 2							X			
4.3	Note 2									X	
5.1	Note 2			X (Note 3)		X					X
5.2	Note 2										
8	Note 2						X				
9 see (b)(2)	Note 2	X		X	X			X			

* * * * *

(c) * * *

(8) Note 3. ''Note 3'' at the intersection of a row and column means that UN3528, Engines, internal combustion, flammable liquid powered;

Engines, fuel cell, flammable liquid powered; Machinery internal combustion, flammable liquid powered; and Machinery, fuel cell, flammable liquid powered need not be segregated from packages containing dangerous goods in Division 5.1.

PART 176—CARRIAGE BY VESSEL

■ 39. The authority citation for part 176 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

■ 40. In § 176.30, paragraph (a)(9) is added to read as follows:

§ 176.30 Dangerous cargo manifest.

* * * * *

(a) * * *

(9) For excepted packages containing Class 7 materials only the following information is required:

(i) The UN identification number for the material preceded by the letters ''UN'';

(ii) The name and address of the consignor and the consignee; and

(iii) The stowage location of the hazardous material on board the vessel.

* * * * *

■ 41. In § 176.84, paragraph (b) table provisions 151, 152, 153, and 154 are added to read as follows:

§ 176.84 Other requirements for stowage, cargo handling, and segregation for cargo vessels and passenger vessels.

* * * * *

(b) * * *

Code	Provisions
*	* * * * * *
151	Segregation as for Class 7.
152	Segregation as for Class 8. However, in relation to Class 7, no segregation needs to be applied.
153	Stow ''separated longitudinally by an intervening complete compartment or hold from'' Divisions 1.1, 1.2, and 1.5.
154	Notwithstanding the stowage category indicated in column 10A of the § 172.101 Table, may be stowed in accordance with the provisions of packing instruction US 1 in § 173.62.
*	* * * * * *

* * * * *

PART 178—SPECIFICATIONS FOR PACKAGINGS

■ 42. The authority citation for part 178 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

■ 43. In § 178.71, revise paragraphs (d)(2) and (f) introductory text, add paragraph (f)(4), and revise paragraphs (i), (j), and (q)(12) are revised to read as follows:

§ 178.71 Specifications for UN pressure receptacles.

* * * * *

(d) * * *

(2) Service equipment must be configured or designed to prevent damage that could result in the release of the pressure receptacle contents during normal conditions of handling and transport. Manifold piping leading to shut-off valves must be sufficiently flexible to protect the valves and the piping from shearing or releasing the pressure receptacle contents. The filling and discharge valves and any protective caps must be secured against unintended opening. The valves must conform to ISO 10297:2014(E) or, for non-refillable pressure receptacles valves manufactured until December 31, 2020, ISO 13340:2001(E) (IBR, *see* § 171.7 of this subchapter), and be protected as specified in § 173.301b(f) of this subchapter. Until December 31, 2020, the manufacture of a valve conforming to the requirements in ISO 10297:2006(E) (IBR, *see* § 171.7 of this subchapter) is authorized. Until December 31, 2008, the manufacture of a valve conforming to the requirements in ISO 10297:1999(E) (IBR, *see* § 171.7 of this subchapter) is authorized. Additionally, valves must be initially inspected and tested in accordance with ISO 14246:2014(E) Gas cylinders—Cylinder valves—Manufacturing tests and examinations (IBR, *see* § 171.7 of this subchapter).

* * * * *

(f) *Design and construction requirements for UN refillable welded cylinders and UN pressure drums.* In addition to the general requirements of this section, UN refillable welded cylinders and UN pressure drums must conform to the following ISO standards, as applicable:

* * * * *

(4) ISO 21172–1:2015(E) Gas cylinders—Welded steel pressure drums up to 3,000 litres capacity for the transport of gases—Design and construction—Part 1: Capacities up to 1,000 litres (IBR, *see* § 171.7 of this subchapter). Irrespective of section 6.3.3.4 of this standard, welded steel gas pressure drums with dished ends convex to pressure may be used for the transport of corrosive substances provided all applicable additional requirements are met.

* * * * *

(i) *Design and construction requirements for UN non-refillable metal cylinders.* In addition to the general requirements of this section, UN non-refillable metal cylinders must conform to ISO 11118:2015(E) Gas cylinders—Non-refillable metallic gas cylinders—Specification and test methods (IBR, see § 171.7 of this subchapter). Until December 31, 2020, cylinders conforming to ISO 11118:1999(E) Gas cylinders—Non-refillable metallic gas cylinders—Specification and test methods (IBR, see § 171.7 of this subchapter) are authorized.

(j) *Design and construction requirements for UN refillable seamless steel tubes.* In addition to the general requirements of this section, UN refillable seamless steel tubes must conform to ISO 11120:2015(E) Gas cylinders—Refillable seamless steel tubes of water capacity between 150 L and 3,000 L—Design, construction and testing (IBR, *see* § 171.7 of this subchapter). Until December 31, 2022, UN refillable seamless steel tubes may be manufactured in accordance with ISO 11120: Gas cylinders—Refillable seamless steel tubes of water capacity between 150 L and 3,000 L—Design, construction and testing (IBR, *see* § 171.7 of this subchapter).

* * * * *

(q) * * *

(12) Identification of the cylinder thread type (*e.g.,* 25E). Information on the marks that may be used for identifying threads for cylinders is given in ISO/TR 11364, Gas Cylinders—Compilation of national and international valve stem/gas cylinder neck threads and their identification and marking system (IBR, *see* § 171.7 of this subchapter).

* * * * *

■ 44. In § 178.75 paragraph (d)(3)(v) is revised to read as follows:

§ 178.75 Specifications for UN pressure receptacles.

* * * * *

(d) * * *

(3) * * *

(v) ISO 11120:2015(E) Gas cylinders—Refillable seamless steel tubes of water capacity between 150 L and 3000 L—Design, construction and testing (IBR, see § 171.7 of this subchapter). Until December 31, 2020, pressure receptacles of a MEGC may be constructed and tested in accordance with ISO 11120:1999(E) Gas cylinders—Refillable seamless steel tubes of water capacity between 150 L and 3000 L—Design, construction and testing (IBR, see § 171.7 of this subchapter).

* * * * *

■ 45. In § 178.601, paragraph (l)(2)(viii) is revised to read as follows:

§ 178.601 General requirements.

* * * * *

(1) * * *

(2) * * *

(viii) Characteristics of test contents, including for plastic packagings subject to the hydrostatic pressure test in § 178.605 of this subpart, the temperature of the water used;

* * * * *

■ 46. In § 178.801, paragraph (l)(2)(viii) is revised to read as follows:

§ 178.801 General Requirements.

* * * * *

(1) * * *

(2) * * *

(viii) Characteristics of test contents, including for rigid plastics and composite IBCs subject to the hydrostatic pressure test in § 178.814 of this subpart, the temperature of the water used;

* * * * *

■ 47. In § 178.810, paragraph (c)(1) is revised to read as follows:

§ 178.810 Drop test.

* * * * *

(c) * * *

(1) Samples of all IBC design types must be dropped onto a rigid, non-resilient, smooth, flat, and horizontal surface. The point of impact must be the most vulnerable part of the base of the IBC being tested. Following the drop, the IBC must be restored to the upright position for observation. The same IBC or a different IBC of the same design may be used for each drop.

* * * * *

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

■ 48. The authority citation for part 180 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

■ 49. In § 180.207, paragraphs (a)(2) and (d)(1) and (4) are revised and paragraph (d)(6) is added to read as follows:

§ 180.207 Requirements for requalification of UN pressure receptacles.

* * * * *

(a) * * *

(2) No pressure receptacle due for requalification may be filled with a hazardous material and offered for transportation in commerce unless that pressure receptacle has been successfully requalified and marked in accordance with this subpart. A pressure receptacle may be requalified at any time during or before the month and year that the requalification is due. However, a pressure receptacle filled before the requalification becomes due may remain in service until it is emptied. In accordance with the Transport Canada TDG Regulations (IBR, *see* § 171.7) a CAN marked UN cylinder may be requalified in the United States by a domestic requalifier, provided the requirements in §§ 178.69, 178.70, and 178.71, as applicable, are met.

* * * * *

(d) * * *

(1) Seamless steel: Each seamless steel UN pressure receptacle, including MEGC's pressure receptacles, must be requalified in accordance with ISO 6406:2005(E) (IBR, see § 171.7 of this subchapter). However, UN cylinders with a tensile strength greater than or equal to 950 MPa must be requalified by ultrasonic examination in accordance with ISO 6406:2005(E). For seamless steel cylinders and tubes, the internal inspection and hydraulic pressure test may be replaced by a procedure conforming to ISO 16148:2016(E) (IBR, see § 171.1).

* * * * *

(4) Composite UN cylinders: Each composite cylinder must be inspected and tested in accordance with ISO 11623:2015(E) (IBR, see § 171.7 of this subchapter). Until December 31, 2020, ISO 11623:2002(E) (IBR, see § 171.7 of this subchapter) may be used.

* * * * *

(6) Valves: Inspection and maintenance of cylinder valves must be carried out in accordance with ISO 22434:2006 Transportable gas cylinders—Inspection and maintenance of cylinder valves (IBR, see § 171.7 of this subchapter).

Issued in Washington, DC, on November 6, 2018, under authority delegated in 49 CFR 1.97.

William S. Schoonover,

Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2018–24620 Filed 11–26–18; 8:45 am]

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Part III

Federal Communications Commission

47 CFR Parts 1 and 90

Creation of Interstitial 12.5 Kilohertz Channels in the 800 MHz Band Between 809–817/854–862 MHz; Improve Access to PLMR Spectrum; Land Mobile Communications Council; Final Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 90

[WP Docket Nos. 15–32, 16–261, RM–11572, RM–11719, RM–11722; FCC 18–143]

Creation of Interstitial 12.5 Kilohertz Channels in the 800 MHz Band Between 809–817/854–862 MHz; Improve Access to PLMR Spectrum; Land Mobile Communications Council

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) updates its rules to provide new spectrum capacity and eliminate unnecessary restrictions in the Private Land Mobile Radio (PLMR) bands, while reducing administrative burdens on applicants and licensees.

DATES:

Effective Date: December 27, 2018.

Compliance Date: Compliance will not be required for § 90.175(b) and (e) or for § 90.621(d)(4) until after approval by the Office of Management and Budget. The Commission will publish a document in the **Federal Register** announcing that compliance date.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order and Order, FCC 18–143, adopted on October 19, 2018 and released on October 22, 2018. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY–A257, Washington, DC 20554. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). The complete text of the order also is available on the Commission's website at *http://www.fcc.gov.*

1. Additional Industrial/Business Pool Frequencies. Spectrum in the 450–470 MHz band is designated for use by various services, including part 74 Broadcast Auxiliary Service (BAS), part 90 PLMR, and part 95 General Mobile Radio Service (GMRS). Frequencies at or near the edges between part 90 spectrum and spectrum designated for other services currently lie fallow and have not been designated for use by any service because they could not be used without overlapping spectrum designated for an adjacent service. When the 450–470 MHz frequency designations were adopted, PLMR stations operated in wideband (25 kilohertz) mode. Since 2013, however, the Commission has required narrowbanding (maximum 12.5 kilohertz bandwidth or equivalent efficiency) by such PLMR licensees. The implementation of PLMR narrowbanding and the development of very-narrowband four kilohertz equipment now make it possible to use some frequencies near the band edges *for* PLMR systems without overlapping spectrum designated for other services. In the *PLMR Access NPRM,* the Commission noted those developments and proposed to add certain frequencies near the band edges to the Industrial/Business (I/B) Pool frequency table. We now make available such frequencies where it would allow more efficient use of the spectrum without conflicting with other services.

2. *Frequencies between BAS spectrum and PLMR spectrum.* Currently, the 450.000–451.000 MHz and 455.000–456.000 MHz blocks are designated for use by BAS low power auxiliary stations (LPAS).[1] The first assignable 450–470 MHz band frequency pair in the I/B Pool frequency table is 451/456.01875 MHz. No frequencies between 451.000/456.000 MHz and 451/456.01875 MHz are designated for use on a primary basis by any service.[2]

3. In the *PLMR Access NPRM,* the Commission proposed to amend the I/B Pool frequency table to add frequency pairs 451/456.00625 MHz and 451/456.0125 MHz, with the limitation that the authorized bandwidths not exceed six kilohertz (the widest bandwidth that would avoid overlap between the frequency pairs). The Commission also sought comment on whether to add frequency pairs 451/456.000 MHz and 451/456.009375 MHz to the table, but it tentatively concluded this would not serve the public interest because (1) operation on 451/456.000 MHz would overlap BAS LPAS operations in the 450.000–451.000 MHz and 455.000–456.000 MHz bands;[3] and (2) operation on 451/456.009375 MHz would preclude use of frequency pairs 451/456.00625 MHz and 451/445.0125 MHz in the same area, resulting in the addition of only one new frequency pair instead of two.

4. Based on the record before us, we make available to PLMR applicants additional frequencies that can be used without overlapping currently assignable frequencies and without causing harmful interference. Commenters support the proposal to add frequency pairs 451/456.00625 MHz and 451/456.0125 to the I/B Pool table. Although the National Association of Broadcasters (NAB) objects generally to authorizing frequencies between the BAS spectrum and PLMR spectrum due to concerns about interference, it directs its comments to the use of frequency pair 451/456.000 MHz, which overlaps the BAS band, rather than to channels spectrally separated from the BAS band. Consequently, we amend our rules to add to the I/B Pool frequency table frequency pairs 451/456.00625 MHz and 451/456.0125 MHz, with the limitation that the authorized bandwidth not exceed six kilohertz.

5. We decline to add frequency pair 451/456.009375 MHz to the table, because use of this channel would conflict with frequency pairs 451/456.00625 MHz and 451/456.0125 MHz.[4] Mobile Relay Associates, LLC (MRA) agrees that adding two frequency pairs—451/456.00625 MHz and 451/456.0125 MHz—is more spectrally efficient than adding only one pair. Although some commenters argue that the decision whether to add two six-kilohertz channels or one eight-kilohertz channel in an area should be addressed in the frequency coordination process, we continue to believe that our goal—enhancing access to PLMR spectrum—is better served by adding two channels. This not only accommodates more users

[1] Devices authorized as low power auxiliary stations are intended to transmit over distances of approximately one hundred meters for uses such as wireless microphones, cue and control communications, and synchronization of TV camera signals. Remote pickup broadcast stations also operate in the 450.000–451.000 MHz and 455.000–456.000 MHz blocks.

[2] Medical Micropower Networks operate on a secondary basis in the 451–457 MHz band.

[3] LPAS devices are authorized to use the entire bands, so long as the emission bandwidth falls entirely within the bands.

[4] In 2014, the Wireless Telecommunications Bureau's Mobility Division (Division) granted a request for waiver to permit PLMR operation on frequency pair 451/456.009375 MHz, and it granted subsequent waiver requests for those channels prior to the *PLMR Access NPRM*'s tentative conclusion not to add the channel to the I/B Pool table. Stations already authorized to operate on frequency pair 451/456.009375 MHz pursuant to waiver will be grandfathered indefinitely but will not be permitted to add locations or expand their contours.

but encourages use of more efficient equipment.

6. We also decline to add frequency pair 451/456.000 MHz to the table. This channel would overlap with BAS LPAS spectrum. NAB concurs that it would not serve the public interest to designate for PLMR use a channel that overlaps BAS LPAS spectrum. It argues that spectrum overlap would result in interference to BAS LPAS operations in the 450.000–451.000 MHz and 455.000–456.000 MHz bands. According to NAB, this spectrum will be used increasingly by broadcasters because the broadcast incentive auction reduced the amount of spectrum available for BAS use in the 470–698 MHz band. MRA argues that PLMR operation on frequency pair 451/456.000 MHz with a four kilohertz bandwidth would not cause interference because of the small amount of spectral overlap into the 450.000–451.000 MHz and 455.000–456.000 MHz bands.[5] Given the low power at which BAS LPAS devices operate[6] and the difficulty in coordinating with itinerant BAS use (both geographically and spectrally), we conclude that authorizing PLMR operations that overlap BAS spectrum poses an unacceptable risk of harmful interference to BAS operations.

7. *Frequencies between PLMR spectrum and GMRS spectrum.* Currently, the last assignable I/B Pool frequency pair below 462/467.5375 MHz is 462/467.53125 MHz. GMRS frequencies begin with 462/467.550 MHz and end with 462/467.725 MHz. The first currently assignable I/B Pool frequencies after the GMRS blocks are 467.74375 MHz and 462/467.750 MHz. Frequencies between these I/B Pool frequencies and the GMRS channels are not designated for use by any service.

8. In the *PLMR Access NPRM,* the Commission proposed to amend the I/B Pool frequency table to add frequency pairs 462/467.5375 MHz and 462/467.7375 MHz, with the limitation that the authorized bandwidth not exceed four kilohertz (the widest bandwidth that would avoid overlapping any GMRS frequencies). We conclude, based on the record before us, that it is in the public interest to make available to PLMR applicants additional frequencies that can be used without overlapping the occupied bandwidth of currently assignable frequencies and without causing harmful interference. Commenters addressing this proposal support it. We note, with respect to the concern of Motorola Solutions, Inc. (Motorola) that operation on the proposed frequency pairs not cause interference to GMRS operators, that the proposed channels do not overlap GMRS spectrum[7] and that neither Motorola nor any other commenter has established that PLMR operations on frequency pairs 462/467.5375 MHz and 462/467.7375 MHz will interfere with GMRS operations.[8]

9. *Other undesignated 450–470 MHz frequencies.* We decline to add any other currently undesignated 450–470 MHz frequency pairs to the I/B Pool frequency table. All of the frequency pairs added above are adjacent to an assignable I/B Pool channel on one side and to spectrum designated for another service on the other side, so these actions simply expand existing I/B Pool blocks to include unused adjacent spectrum.

10. We reject MRA's proposal to designate for general I/B Pool use certain 454/459 MHz frequency pairs that are surrounded on both sides by spectrum designated for other uses.[9] In each case, the proposed frequency pair would be inserted between part 22 spectrum on one side, and channels designated for something other than general I/B Pool use on the other side.[10] Unlike the 451/456 MHz and 462/467 MHz frequency pairs discussed above, none of these 454/459 MHz frequency pairs is adjacent on either side to unrestricted I/B Pool frequencies. MRA has not explained why designating these frequency pairs as PLMR channels is more efficient than allotting them for the same uses as any of the adjacent channels.[11] Determining the best use for these frequency pairs requires a broader review than we have in the record before us. Commission staff is examining potential rule changes to promote efficient use of narrowband part 22 spectrum by increasing service, technical, and operational flexibility. We conclude that the disposition of the part 22-adjacent frequency pairs suggested by MRA is better addressed in a future rulemaking proceeding.

11. Interstitial Channels in the 800 MHz Band. We also create new opportunities for licensees by adding channel capacity in the heavily used 800 MHz Mid-Band, subject to certain protections designed to safeguard adjacent-channel incumbents from interference. The addition of these interstitial channels will enable licensees to take advantage of the increased availability of equipment that uses narrower bandwidth than the 25 kilohertz bandwidth channels historically used in the 800 MHz band, such as equipment used in the PLMR bands below 470 MHz and the 700 MHz public safety band. Thus, the Commission's narrowbanding proceeding required all 150–174 MHz and 450–470 MHz band PLMR licensees to narrowband their facilities to operate within a 12.5 kilohertz channel or with equivalent efficiency,[12] and the 700 MHz narrowband allocation requires a spectrum efficiency of at least one voice path per 12.5 kilohertz of spectrum bandwidth.

12. In 2015, the Commission proposed to increase channel capacity in the 800 MHz Mid-Band by adding interstitial 12.5 kilohertz offset frequencies, or channels, between the existing 25 kilohertz channels in the band. The Commission requested comment on whether the introduction of interstitial channels would promote more effective

[5] It also argues, based on its review of BAS licenses in the Commission's Universal Licensing System, that BAS licensees do not use the entire bands, so there would be no overlap. Our review, however, found numerous licensees authorized to operate anywhere within the entire bands over wide areas. Moreover, we note that in addition to the low power auxiliary station licensees reflected in our licensing database, low power auxiliary stations may be operated on a short-term basis under the authority conveyed by a part 73 or BAS license without prior authorization, subject to certain conditions.

[6] The maximum transmitter power in the 450–451 MHz and 455–456 MHz bands is one watt.

[7] We reject the suggestion that we permit coordination of these frequencies with a bandwidth wider than four kilohertz, as that would result in spectral overlap. GMRS licenses authorize nationwide operation on any GMRS channel, so there is no means for coordinating overlapping PLMR operations to avoid current or future GMRS users.

[8] In 2014, the Division granted a request for waiver to permit PLMR operation on frequency pairs 462/467.5375 MHz and 462/467.7375 MHz, and has granted subsequent waiver requests for those channels. We have received no interference complaints.

[9] Specifically, 454/459.009375 MHz, 454/459.990625 MHz and 454/459.996875 MHz.

[10] Frequency pair 454/459.009375 MHz is between an I/B oil spill containment and cleanup frequency pair and a part 22 Paging and Radiotelephone Service (PARS) and Rural Radiotelephone Service (RRS) frequency pair. Frequencies 454.990625 MHz and 454.996875 MHz are between part 22 General Aviation Air-ground Radiotelephone Service (GAARS) frequencies and part 74 BAS frequencies. Frequencies 459.990625 MHz and 459.996875 MHz are between part 22 GAARS spectrum and part 90 Public Safety (PS) Pool frequencies. MRA argues that part 90 channels and part 22 channels are fungible and used similarly, so the fact that the suggested frequency pairs are adjacent to part 22 channels rather than adjacent to part 90 channels should not preclude adding them to the I/B Pool frequency table.

[11] That the entity making the suggestion is a part 90 PLMR licensee is not a sufficient reason.

[12] The Commission's action applied to the T-Band as well as the 150–174 MHz and 450–470 MHz PLMR bands. Subsequently, however, the Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau waived the narrowbanding deadline for T-Band frequencies to relieve T-Band licensees from the narrowbanding requirement before the Commission determined how to implement the Spectrum Act.

use of the 800 MHz Mid-Band and asked what interference protection criteria should apply if interstitial channels were added to the Mid-Band. The Commission also requested comment on eligibility and licensing requirements and on authorized bandwidth and appropriate emission masks. In addition, the Commission sought comment on how the introduction of Terrestrial Trunked Radio (TETRA) technology in to the Mid-Band could impact the establishment of interstitial channels.[13] The Commission also proposed to make interstitial channels available for licensing in any National Public Safety Planning Advisory Committee (NPSPAC) region only after 800 MHz rebanding is completed in that region and to announce by public notice when licensing of interstitial channels may begin in each NPSPAC region.

13. Most commenters support the addition of interstitial channels to the band, although commenters differed on how best to protect incumbents on adjacent channels from interference. In an attempt to develop a consensus to move forward, the Land Mobile Communications Council (LMCC), which includes all of the part 90 frequency coordinators, proposed in its reply to comments to protect Mid-Band incumbents from adjacent-channel interference by using contour analysis in the frequency coordination process. Because LMCC filed its proposal during the reply comment phase of the proceeding, the Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau (WTB) (collectively, the Bureaus) sought comment on the LMCC proposal in a public notice. Parties commenting in response to that public notice generally support the LMCC proposal. MRA, however, suggests certain modifications.

14. *Availability of interstitial channels.* We conclude that the introduction of 12.5 kilohertz offset interstitial channels to the 800 MHz Mid-Band will promote more efficient use of this portion of the 800 MHz spectrum. These channels will be made available for licensing by NPSPAC region. We direct the Bureaus to announce by public notice the date upon which applicants in each NPSPAC region may apply for interstitial channels.

15. We are persuaded by parties arguing that the new interstitial channels will leverage newer, more efficient narrowband technology to alleviate channel congestion and allow licensees in the 800 MHz Mid-Band to increase capacity. Data in the Commission's Universal Licensing System confirm that the Mid-Band is heavily used and that no standard channels are available in some major metropolitan areas. For example, there are no 800 Mid-Band channels available for application in the Interleaved Band, other than channels vacated by Sprint Corporation (Sprint), in New York City, Chicago, Los Angeles, or Houston. The Sprint-vacated channels are reserved for public safety for three years following completion of rebanding, however, and for public safety and critical infrastructure applicants for the subsequent two years.

16. Providing additional channels in the 800 MHz band is consistent with the Commission's view that ''[t]he 800 MHz spectrum is essential to the future expansion of private land mobile systems.'' In many areas of the country, potential applicants have few, if any, options for initiating new service. In those areas, both the 800 MHz ''standard'' 25 kHz channels and channels in the VHF and UHF bands already are licensed to other parties. Cellular service is not a viable option because it lacks the ''one-to-many'' message capability inherent in PLMR systems, *i.e.,* the ability of a dispatcher to transmit the same voice message simultaneously to multiple radios. The availability of 800 MHz interstitial channels thus benefits those entities with critical communications needs that they are unable to satisfy using already occupied 800 MHz standard channels or channels in other bands. For public safety entities, this is a particularly important benefit because the ability to communicate reliably with first responders is critical to the health, safety, and welfare of the public at large.

17. We agree with commenters that suggest that potential applicants should not have to wait until the Commission announces the completion of band reconfiguration before interstitial channels become available for licensing in that region.[14] Instead we will use the termination of the application freeze in a NPSPAC region as the trigger for the Bureaus to announce the availability of interstitial channels in a region. That means interstitial channels will be available in all regions except the five bordering Mexico. This will reduce the time required to make interstitial channels available because the Commission lifts the application freeze in a NPSPAC region once all licensees have re-tuned to their replacement channels rather than waiting for a formal declaration of rebanding completion.

18. We find the likely costs of implementing this approach to be modest. First, any increase in capacity, whether using 25 kilohertz standard channels or the new 12.5 kilohertz interstitial channels would require the deployment of new equipment. The record does not suggest that narrowband capability will add to the cost of equipment. Some base station transmitters and individual subscriber units (user radios) are already capable of operating on the interstitial channels without the need for new equipment authorizations from the Commission. Others, only certified for the 25 kilohertz standard channels, will have to obtain new certifications. The certifications are based on tests conducted by Commission-approved Telecommunication Certification Bodies. Whether to obtain a new certification and enter the market for 12.5 kilohertz interstitial channel-capable equipment is a business decision to be made by the equipment manufacturer. Given the well-established use of 12.5 kHz technology in the VHF, UHF, and 700 MHz PLMR bands and emission masks and authorized bandwidth limits, we believe that manufacturers would have strong financial incentive to update their equipment authorizations to take advantage of an expanded 800 MHz PLMR market.

19. We reject the argument that interstitial channels should not be introduced because it will make it more difficult for 800 MHz Mid-Band licensees to increase capacity by implementing wideband technology. The Commission's current rules permit 800 MHz Mid-Band licensees seeking to deploy wideband technology to aggregate up to five contiguous standard channels based on a showing that single channel bandwidth is inadequate. Given the high level of 800 MHz usage, however, we believe that there will be far fewer opportunities going forward to aggregate standard channels than there will be to use interstitial channels, particularly in the busiest markets. Consequently, we conclude that spectrum efficiency is better served by introducing interstitial channels. Moreover, to the extent that channel aggregation continues to be feasible, the rules we adopt today do not limit licensees' ability to aggregate channels.

20. We also reject the suggestion from the State of Florida that interstitial channels should be 25 kilohertz rather

[13] The Commission's rules permit standard channel licensees in the 800 MHz Mid-Band to deploy TETRA, a spectrally efficient digital technology operating with an authorized bandwidth of up to 22 kilohertz.

[14] To date, the Commission has declared band reconfiguration complete in 41 of 59 NPSPAC regions.

than 12.5 kilohertz as proposed. Florida supplied no study or technical data on the effects of using 25 kilohertz interstitial channels vs. 12.5 kilohertz interstitial channels. Florida's proposal would result in considerably greater spectral overlap between adjacent channels, thus requiring greater geographical spacing between interstitial and regular channels, with a consequent reduction in spectrum efficiency. Specifying 12.5 kilohertz interstitial channels rather than 25 kilohertz interstitial channels is more spectrum-efficient because most modern digital technologies do not require 25 kilohertz channels for satisfactory operation.

21. *Potential interference costs imposed by interstitial channel implementation.* Parties endorsing the adoption of interstitial channels contend that appropriate interference safeguards are essential to ensure that the new interstitial channels not interfere with 25 kilohertz channel operations. We agree. The contour protection standards we adopt in this *Report and Order*—similar to those suggested by LMCC—are conservative but not so restrictive that they would make implementation of interstitial channels infeasible. Thus, in the interest of interference avoidance, we decline to adopt the less stringent contour protection values recommended by MRA.

22. We disagree with parties that claim interstitial channels would cause interference, especially to adjacent-channel operations. In particular, we reject Boeing's claim that the proposed channels could cause interference to its wideband Class B signal boosters [15] because such boosters operate on a secondary basis and thus are not protected against interference. Any new interference to a Class B booster that Boeing might receive could be remedied by replacing the Class B booster with a more selective Class A booster—a more spectrum-efficient alternative than not allowing interstitial channels in the 800 MHz Mid-Band because of potential interference to secondary operations. Similarly, we see no cause to expect interstitial channels coordinated in accordance with the contour protection matrix we adopt today to be any less compatible with adjacent TETRA channels than with standard channels using other emission types.

23. In response to SouthernLINC's concern about the potential impact of interstitial channels on its Enhanced SMR (ESMR) operations, we clarify that interstitial channels will only be available for licensing below the dividing line between the 800 MHz Mid-Band and ESMR segments of the band, including in regions of the United States where the Commission adopted alternate channel plans with extended ESMR segments and reduced Mid-Bands. This is reflected in administrative clarifications to the headings of several tables in our rules, as suggested by SouthernLINC, to define more accurately the frequency range of the Mid-Band in portions of the country with extended ESMR segments.

24. *Interference protection.* We agree that the new interstitial channels will benefit licensees in the 800 MHz Mid-Band only if appropriate interference safeguards are adopted. These adjacent channel interference avoidance rules apply to applicants for either 12.5 kilohertz or 25 kilohertz bandwidth channels in the 800 MHz Mid-Band. Adjacent-channel interference analysis is necessary to protect incumbents because the addition of interstitial channels to the 800 MHz Mid-Band will create greater spectral overlap between adjacent channels.

25. Most parties, including LMCC, submit that contour protection is the optimum methodology for avoiding mutual interference between interstitial channels and standard 25 kilohertz-spaced facilities. However, to lessen the burden on applicants, we have specified that contour analysis need not be applied to applications that meet or exceed the distances specified in the Commission's co-channel spacing rules. Those rules furnish adequate interference protection independent of the technology used by the applicant and the incumbent licensee. We agree with LMCC that a matrix is the clearest way of displaying the contour protection values appropriate to different technologies.

26. We also are persuaded by parties' arguments that contour overlap analysis generally has worked well as a method for assessing interference and that licensees are familiar with it. Moreover, because results are easily understandable and easily replicated, we believe that contour overlap analysis will minimize the potential for disputes over whether an applicant is likely to cause interference to an incumbent operator under our revised channel plan. Furthermore, no commenting party has proposed a viable alternative to contour overlap analysis for determining potential adjacent-channel interference.

27. LMCC suggests that we adopt a contour values matrix but not incorporate it into the Commission's rules, which LMCC believes would allow the matrix to be modified without the need for rulemaking. We set forth below the contour matrix values that we adopt, and do not incorporate them into part 90. We note, however, that the Administrative Procedure Act still compels us to adopt any such modifications only after public notice and comment. Should there be a need to modify the values shown below, *e.g.,* to take newly developed technology into account, we will do so with dispatch in an expedited notice and comment proceeding.

28. LMCC proposes using the Commission's F(50,50) curves to assess both coverage and interference contours. Its rationale for deviating from the accepted procedure of using the F(50,50) curves for prediction of coverage and the F(50,10) curves for prediction of interference is not persuasive and is inconsistent with the Commission's rules respecting the calculation of interference to co-channel systems. Thus, the matrix we adopt retains the accepted approach for definition of coverage and interference.

29. We agree with MRA that a contour overlap analysis is unnecessary where four kilohertz, or less, technology is employed if there is no spectral overlap between the applicant's facilities and an incumbent's facilities operating on an adjacent channel, as this is consistent with our practice in other bands. We reject, however, MRA's proposal to use a 60 dBu interference contour for analysis of a four kilohertz narrowband applicant to an adjacent-channel 25 kilohertz TETRA incumbent system and to use a 40 dBu interference contour for analysis of a 25 kilohertz TETRA applicant to an adjacent-channel four kilohertz narrowband incumbent system. MRA has neither explained nor justified its proposed adjustments.

30. The Commission's 800 MHz rules currently require frequency coordinators to consider only co-channel spacing when recommending the most appropriate frequency for an applicant. We modify this requirement because of our addition of interstitial channels to the 800 MHz Mid-Band. Once interstitial channels become available for licensing in each NPSPAC region, frequency coordinators must verify compliance with the contour overlap protections when determining the most appropriate frequency for an applicant in that region. Frequency coordinators must also perform contour analysis to protect licensees outside the NPSPAC region that are sufficiently close to be

[15] Class A signal boosters amplify only the discrete frequency or frequencies intended to be retransmitted, while Class B signal boosters amplify all signals within the signal booster's passband.

affected by the new application. Potentially affected incumbents are those operating on an adjacent-channel at distances closer than those specified under the minimum co-channel spacing requirements.

31. LMCC suggested that 800 MHz Mid-Band applicants pass both a forward and a reciprocal contour analysis.[16] We agree, because requiring reciprocal contour analysis will discourage applicants from filing applications that are of limited practical use but which block an incumbent on an adjacent channel from expanding its service contour once the new application is granted.[17] Applicants may, however, file applications that cause contour overlap to an incumbent if each incumbent licensee that receives contour overlap provides its written consent. In its consent letter, the incumbent operator must agree to accept any interference that occurs as a result of the contour overlap, including the contour overlap that occurs as a result of the incumbent's interference contour overlapping the applicant's coverage contour. By allowing incumbents to accept contour overlap, we provide applicants the opportunity to present more granular studies to the incumbent licensee if an applicant believes that interference would not occur in practice despite the contour overlap. Applicants and incumbents have similar flexibility under our existing co-channel spacing rules.

32. Although APCO observes that the contour protection values advanced in this proceeding are untested and recommends that manufacturers of 800 MHz radios validate these values, it does not propose specific tests. Moreover, manufacturers have declined the invitation to validate the values. We find it significant that the values endorsed by LMCC and others arose from a consensus of frequency coordinators well versed in making coverage versus interference assessments. We note that previously, in similar contexts, we have accepted industry-recommended interference protection recommendations that have later been validated in the field. In particular, the Commission has for years used contour overlap analysis to provide interference protection between geographically proximate PLMR systems in various frequency bands licensed under part 90 of the rules. Accordingly, we believe that the contour protection values we adopt below will suffice to satisfy APCO's concerns but will revisit that determination if field experience shows otherwise.

33. *Contour Matrix.* Interference contour levels are determined using Table 1 or Table 2 below. Table 1 is used to determine the interference contour level of a fixed station operating on a 12.5 kilohertz bandwidth channel while Table 2 is used to determine the interference contour level of a fixed station operating on a 25 kilohertz bandwidth channel. The dBu level of the interference contour is determined by cross-referencing the modulation type of the station operating on the 25 kilohertz bandwidth channel with the modulation type of the station operating on the 12.5 kilohertz bandwidth channel. The interference contour should be plotted using the F(50,10) R–6602 curves.

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[16] The forward analysis determines whether the applicant's interference contour overlaps a potentially affected incumbent's service contour while the reciprocal analysis determines whether the potentially affected incumbent's interference contour overlaps the applicant's service contour. Applicants would only pass the contour analysis if both the forward and reciprocal analysis indicate no overlap.

[17] We note that the Commission adopted a similar procedure for applicants in the Industrial/Business pool category seeking exclusive use of channels below 512 MHz.

Table 1 – Interference Contour Level for Fixed Station Operating on 12.5 kilohertz Bandwidth Channel

Interference Contour (12.5 kilohertz into 25 kilohertz channel)		12.5 kilohertz Bandwidth Technology of 12.5 kilohertz Bandwidth Channel				
		Transmitter Emission				
25 kilohertz Technology on 25 kilohertz Bandwidth Channel		11K3F3E or less	8K10F1E 8K10F1D 8K70D1W 9K80D7W	7K60FXE 7K60FXD 7K60F7E 7K60F7D 7K60F7W 8K30F1E 8K30F1D	4K00F1E 4K00F1D	11K0F7E 11K0F7D 11K0F7W
		Transmitter	Transmitter	Transmitter	Transmitter	Transmitter
Transmitter Emission		Interference Contour [dBu F(50,10)]				
16K0F3E or 20K0F3E	Receiver	25	20	25	NA	15
10K0F1E or 10K0F1D	Receiver	40	35	40	NA	25
12K5F9W	Receiver	40	35	40	NA	30
16K0F1E or 16K0F1D	Receiver	70	65	65	NA	NA
18K3D7W OR 17K7D7D	Receiver	25	20	25	NA	10

12.5 kilohertz Bandwidth Technology on 25 kilohertz Bandwidth Channel						
Transmitter Emission		Interference Contour [dBu F(50,10)]				
11K3F3E or less	Receiver	65	65	65	NA	70
8K10F1E, 8K10F1D, 8K70D1W, 9K80D7W, 9K80D1E or 9K80D1D	Receiver	NA	75	75	NA	NA
7K60FXE, 7K60FXD, 7K60F7E, 7K60F7D, 7K60F7W, 8K30F1E or 8K30F1D	Receiver	NA	75	75	NA	NA
4K00F1E or 4K00F1D	Receiver	NA	NA	NA	NA	NA

11K0F7E, 11K0F7D or 11K0F7W	Receiver	60	55	60	NA	NA
Section 90.221 Technology on 25 kilohertz Bandwidth Channels						
Transmitter Emission		Interference Contour [dBu F(50,10)]				
22K0D7E, 22K0D7D, 22K0D7W, 22K0DXW or 22K0G1W	Receiver	25	20	25	45	10
21K0D1E, 21K0D1D or 21K0D1W	Receiver	25	20	25	NA	10
21K7D7E, 21K7D7D or 21K0D1W	Receiver	25	20	25	NA	10

Table 2 – Interference Contour Level for Fixed Station Operating on 25 kilohertz Bandwidth Channel

Interference Contour (25 kilohertz into 12.5 kilohertz channel)		12.5 kilohertz Bandwidth Technology of 12.5 kilohertz Bandwidth Channel				
		Transmitter Emission				
25 kilohertz Technology on 25 kilohertz Bandwidth Channel		11K3F3E or less	8K10F1E 8K10F1D 8K70D1W 9K80D7W	7K60FXE 7K60FXD 7K60F7E 7K60F7D 7K60F7W 8K30F1E 8K30F1D	4K00F1E 4K00F1D	11K0F7E 11K0F7D 11K0F7W
		Receiver	Receiver	Receiver	Receiver	Receiver
Transmitter Emission		Interference Contour [dBu F(50, 10)]				
16K0F3E or 20K0F3E	Transmitter	40	50	45	NA	35
10K0F1E or 10K0F1D	Transmitter	50	50	50	NA	50
12K5F9W	Transmitter	40	50	45	NA	35
16K0F1E or 16K0F1D	Transmitter	35	40	40	NA	35
18K3D7W OR 17K7D7D	Transmitter	20	45	30	NA	15

12.5 kilohertz Bandwidth Technology on 25 kilohertz Bandwidth Channel						
Transmitter Emission		Interference Contour [dBu F(50,10)]				
11K3F3E or less	Transmitter	65	NA	75	NA	60
8K10F1E, 8K10F1D, 8K70D1W, 9K80D7W, 9K80D1E or 9K80D1D	Transmitter	65	75	70	NA	55
7K60FXE, 7K60FXD, 7K60F7E, 7K60F7D, 7K60F7W, 8K30F1E or 8K30F1D	Transmitter	65	75	75	NA	60
4K00F1E or 4K00F1D	Transmitter	NA	NA	NA	NA	NA
11K0F7E, 11K0F7D or 11K0F7W	Transmitter	70	NA	NA	NA	NA

Section 90.221 Technology on 25 kilohertz Bandwidth Channels						
Transmitter Emission		Interference Contour [dBu F(50,10)]				
22K0D7E, 2K0D7D, 22K0D7W, 22K0DXW or 22K0G1W	Transmitter	20	25	20	30	15
21K0D1E, 21K0D1D or 21K0D1W	Transmitter	20	25	20	NA	15
21K7D7E, 21K7D7D or 21K0D1W	Transmitter	15	20	15	NA	10

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34. Although no commenters specifically address the costs and benefits of adopting the protected contour approach, the record demonstrates that the costs of the Commission's requirements will be minimal. For example, the cost of frequency coordination may increase because the new interference criteria are more complex to apply than the previous criteria. Currently, frequency coordination fees are in the range of $300 per channel.[18] Even if these fees were to increase substantially to accommodate the new interference criteria, they still would be nominal when viewed against the cost of equipment, which may cost thousands or tens of thousands of dollars.[19]

35. The Commission sought comment on the bandwidth and emission mask limits applicable to the interstitial channels.[20] We adopt a maximum authorized bandwidth of 11.25 kilohertz and apply the limits of emission mask D[21] to transmitters operating on the new interstitial 12.5 kilohertz offset channels in the 800 MHz Mid-Band, as proposed. These parameters have worked well to limit interference in other PLMR bands, and commenting parties agree these limits are appropriate for licensees operating on interstitial channels in the 800 MHz Mid-Band. We update sections 90.209 (bandwidth limitations) and 90.210 (emission masks) of the Commission's rules accordingly.

36. We do not, however, change the technical specifications for transmitters

[18] The typical coordination fee per channel for regular 800 MHz applications is $300.

[19] This includes base station transmitter and receiver, antenna, transmission line, tower, equipment housing, and subscriber units. A frame of reference for the cost of a base station can be derived from the 800 MHz rebanding proceeding, in which the Commission found that the cost of just retuning—not purchasing or replacing—11 base stations totaled $444,963, representing $40,451 per base station.

[20] The authorized bandwidth is the frequency band specified in kilohertz and centered on the carrier frequency containing those frequencies in which a total of 99 percent of the radiated power appears.

[21] An emission mask is a technical parameter that limits emissions from a transmitter into adjacent channels. Emission mask D limits the amount of power a transmitter operating on a 12.5 kilohertz bandwidth channel may radiate into the upper- and lower-adjacent channels.

designed to operate solely on the standard 25 kilohertz bandwidth channels in the 800 MHz Mid-Band. As of the effective date of this *Report and Order and Order,* recognized Telecommunication Certification Bodies may accept applications for certification of transmitters designed to operate on the interstitial 12.5 kilohertz bandwidth channels in the 800 MHz Mid-Band. Telecommunication Certification Bodies may certify a transmitter for operation on the interstitial channels only if that transmitter meets the authorized bandwidth and emission mask limits we adopt here as well as other pertinent part 90 technical specifications.

37. *Eligibility issues.* The Commission sought comment on eligibility criteria for the interstitial channels. As noted above, channels in the 800 MHz Mid-Band currently fall into four eligibility pools or categories: General Category, Public Safety, Business/Industrial/Land Transportation (B/ILT), and high-site SMR. Each category is subject to specific eligibility criteria. The Commission requested comment on whether to assign eligibility for each interstitial channel based on the category of the lower-adjacent standard channel.[22] The Commission also sought comment on whether public safety eligible entities should receive preferential or exclusive access to public safety category interstitial channels, particularly in markets where public safety licensees are required by the Spectrum Act to vacate the T-Band. The Utilities Telecom Council (UTC) suggests that we provide a ''preference for utilities to access the interstitial channels'' and the Michigan Public Safety Frequency Advisory Committee (MPSFAC) recommends that we ''grant public safety exclusive access'' to the interstitial channels for ''a period of at least five years.''

38. The Commission has already established standard channel allocations in the 800 MHz Mid-Band for General Category, Public Safety, B/ILT, and high-site SMR. No party has presented a compelling case for abandoning the current allocation of 800 MHz Mid-Band spectrum among the four usage categories. Although UTC and MPSFAC urge preferences that would benefit their constituencies, they have failed to show how the public interest would be advanced by so upsetting the allocation structure of the Mid-Band. By contrast, we agree with commenting parties that support linking eligibility for each interstitial channel to eligibility for the lower-adjacent standard 25 kilohertz bandwidth channel. This reserves a set of interstitial channels for each of the four user categories in the 800 MHz Mid-Band. We retain that allocation and assign eligibility for each interstitial channel based on the category of the lower-adjacent standard channel as proposed in the *800 MHz Interstitial NPRM.*[23] We update our rules to reflect the addition of Mid-Band interstitial channels to each category or pool.[24] As suggested by SouthernLINC, we also correct the headers to several tables in our rules listing pool channels. These updated headers more accurately reflect the frequency range of the Mid-Band in portions of the United States where there are extended ESMR segments.

39. In sum, we find that the existing reservation of channels as between the General Category, Public Safety, high-site SMR, and B/ILT classifications has proven equitable over time, and no party presents convincing evidence that it should be changed merely because interstitial channels are being introduced into the 800 MHz band.

40. For a three-year period, however, we afford priority access to 800 MHz Mid-Band interstitial channels to T-Band incumbents in the urban areas specified in section 90.303 of the Commission's rules.[25] In this context, priority access means that if a T-Band licensee and another—non-T-Band—applicant timely file for the same frequency, and the frequency conflict cannot be resolved by the Commission-certified frequency coordinator, the frequency coordinator shall recommend the T-Band licensee's application to the Commission. To be eligible for priority, the T-Band incumbent licensee must commit to surrendering an equal amount of T-Band spectrum. Channels from the 470–512 MHz band will be counted on a one-for-one basis for 12.5 kilohertz bandwidth interstitial channels from the 800 MHz Mid-Band. Our action is similar to the Commission giving public safety T-Band incumbents priority access to the former Reserve Channels in the 700 MHz band.

41. Although the National Public Safety Telecommunications Council claims that interstitial channels will not provide ''significant opportunities for relocation of T-Band operations in most T-Band areas'' because applicants seeking to license interstitial channels must maintain geographic separation from incumbents operating on the standard 25 kilohertz bandwidth channels,'' we agree with APCO that, even if the number of new interstitial channels in spectrum-congested markets will be ''relatively small,'' a limited preference can ''provide partial relief for public safety licensees required to relinquish their T-Band spectrum.''

42. Finally, we find speculative Enterprise Wireless Alliance's (EWA's) warning of a ''land rush'' by what it considers ''unqualified, entirely speculative applicants,'' and reject its suggestion that the Commission ''convene an industry meeting to address this matter'' before any interstitial channels are made available. Bureau staff routinely reviews applications to verify qualifications. Should EWA or other parties identify specific instances of unqualified applicants, we will not hesitate to investigate, and, if warranted, deny their applications.

43. *Licensing Additional 800 MHz Channels.* In this section, we take actions to clear the way for licensing of 800 MHz channels in additional NPSPAC regions. First, we address a petition filed by LMCC that proposes filing priority for incumbent licensees to apply for 800 MHz Expansion Band (EB) and Guard Band (GB) frequencies before the frequencies are made available to new applicants. As explained below, we deny the request. This action permits the release of EB/GB channels in regions

[22] Enterprise Wireless Alliance, in its petition for rulemaking, urged dispensing with the discrete categories for the interstitial channels, making them all available to applicants from all four of the categories regardless of the eligibility requirements of the adjacent channels.

[23] We note that we do not make available for licensing an interstitial channel between standard channels 470 (814/859.9875 MHz) and 471 (815/860.0125 MHz) because an interstitial channel between these two standard channels would overlap the Expansion Band segment of the 800 MHz Mid-Band. If made available for licensing, the interstitial channel would be assigned to the Public Safety Pool because the lower-adjacent standard channel (Channel 470) is a Public Safety Pool channel. The Commission established the Expansion Band to create spectral separation between public safety systems and high-density cellular architecture systems in the band. Thus, Public Safety Pool channels previously falling in the Expansion Band pre-rebanding were converted to SMR or B/ILT Pool channels so that all Public Safety Pool channels would stay below the Expansion Band. Therefore, a public safety interstitial channel between standard channels 470 and 471 would partially fall in the Expansion Band contrary to the Commission's intent in the *800 MHz Report and Order* to limit the Expansion Band to SMR and B/ILT use. Similarly, we do not include interstitial channel 372a in the Table 1A of section 90.617(a)(2). The inclusion of channel 372a to the Public Safety Pool channels listed in Table 1A would reduce the size of the Expansion Band in counties of the Southeast region which have a reduced Mid-Band and extended ESMR segment.

[24] The interstitial channels are denoted by an ''a'' after the channel number.

[25] Priority will apply for licensees that relocate from the T-Band to interstitial channels in their license category, *e.g.,* a public safety licensee may relocate only to a public safety category interstitial channel. While we afford this priority to both public safety and non-public safety T-Band licensees, we note that the Commission has not yet determined how Spectrum Act implementation will affect non-public safety T-Band licensees.

where licensing was deferred pending resolution of the petition. We also announce the completion of rebanding in additional NPSPAC regions, which will allow us to commence licensing those 800 MHz channels.

44. *800 MHz band incumbent priority.* As part of 800 MHz rebanding, the Commission created the Expansion (815–816/860–861 MHz) and Guard (816–817/861–862 MHz) Bands as ''buffers'' to provide spectral separation between low-site [26] commercial licensees operating cellular architecture systems above 817/862 MHz and high-site licensees [27] operating below 815/860 MHz.[28] Of the 40 EB channels, 28 are designated for SMR stations, and the remainder are designated for B/ILT Pool eligibles.[29] The 40 GB channels are in the General Pool and thus are available for Public Safety, B/ILT, and SMR operations.

45. In 2014, LMCC petitioned the Commission to provide a six-month window for incumbent 800 MHz licensees in a market to acquire EB/GB channels to expand existing systems before accepting applications from new entrants. In the *PLMR Access NPRM,* the Commission proposed to adopt LMCC's suggestion in part: It proposed to provide a window for incumbent 800 MHz licensees in a market to acquire or expand coverage on the 12 EB B/ILT channels before accepting applications from new entrants. The Commission expected that these incumbent licensees were unlikely to acquire spectrum for other than operational purposes and would put additional channels into service promptly to meet existing needs.[30] The Commission declined, however, to propose to afford incumbent priority for the 28 EB SMR channels.[31]

46. EWA argues that SMR incumbents need channels to expand existing systems to meet customer demand,[32] but most commenters agree with the Commission that SMR incumbents and new licensees have the same economic incentives to use the spectrum in a timely manner, so they should be treated similarly and 800 MHz SMR incumbents should not be afforded priority for EB SMR channels. We conclude that the success or failure of commercial services should be determined in the marketplace without affording certain competitors an undue regulatory advantage.[33] Therefore, we decline to afford incumbent priority for EB SMR channels. In addition, we agree with the majority of commenters that filing priority also is not justified for 800 MHz incumbents seeking GB channels, because it will hamper or even bar new competitors and services in areas of high spectrum demand.

47. In addition, we decline to adopt the proposal to afford priority to 800 MHz incumbents for EB B/ILT channels. Commenters opposing the proposal argue that incumbent priority is not supported by any distinction between PLMR and commercial licensees (because all businesses compete for customers, and therefore all have an economic incentive to use spectrum effectively and efficiently), and that a preference for incumbents would contravene the Commission's general policy of assigning spectrum through mechanisms that do not favor some applicants over others. Even some commenters that support the proposal recognize that there is no more public interest in favoring incumbent B/ILT systems and services than in favoring incumbent SMR systems and services. We therefore conclude that we should treat incumbent priority for B/ILT and SMR systems equally and not provide for priority in either case. Because the 12 EB B/ILT channels constitute only 15% of the EB/GB channels and are already scarce in some areas, we agree with PLMR frequency coordinators that priority access for just this small portion of the spectrum would not provide sufficient relief for B/ILT incumbents to merit further complicating the already-complex 800 MHz licensing regime.

48. Finally, we are not persuaded by EWA's suggestion that we impose additional conditions on EB/GB licensees to deter warehousing and encourage spectral efficiency. To the extent that EWA's proposal applies to licensees that obtain EB/GB channels outside the six-month window proposed in the *PLMR Access NPRM,* EWA's proposal is beyond the scope of this proceeding, as is its suggestion that we amend section 90.617(g) of the rules to eliminate public safety applicants' priority for Sprint-vacated channels in the Interleaved Band. Moreover, as to future EB/GB applications, the Commission will enforce its construction deadline rules in the same manner as it enforces them in other parts of the spectrum.

49. *Completion of 800 MHz band reconfiguration in certain NPSPAC regions.* The Bureaus declare a NPSPAC region complete with 800 MHz band reconfiguration after (a) all licensees in the region have retuned their facilities to new frequencies assigned by the 800 MHz Transition Administrator, (b) all licensees in that region have ceased operating on their former frequencies, and (c) the incumbents' licenses have been modified to authorize operation on their new operating channels. Upon the completion of rebanding, the Bureaus (a) alert relevant stakeholders of the expiration of the interim interference criteria and full implementation of the interference abatement rules in sections 22.970(a) and 90.672(a) of our rules, and (b) announce when they will begin to accept applications for EB and GB channels and for any remaining channels in the interleaved segment of the band vacated by Sprint. The Transition Administrator has certified that band reconfiguration is complete and all licensees are now operating on their post-rebanding channels in 44 NPSPAC regions, the most recent being Regions 9 (Florida), 33 (Ohio), and 43 (Washington State).[34] Therefore, the

[26] Low-site systems are arranged in a cellular configuration with frequency reuse, and typically employ low antenna elevations and relatively high power. They frequently have been a source of interference to the reception of signals from high-site systems.

[27] High-site systems typically use high antenna elevations (towers, mountaintops, high buildings, etc.) to achieve wide-area coverage with one, or only a few, transmitter sites. High-site licensees include Public Safety, B/ILT, and non-cellular SMR licensees.

[28] No Guard Band exists in the southeastern portion of the United States in counties served by both Sprint Corporation and SouthernLINC and in areas adjacent to the U.S.-Canada border. Furthermore, the Expansion Band consists of the 812.5–813.5 MHz/857.5–858.5 MHz segment of the band in these counties served by both Sprint and SouthernLINC except for a 70-mile radius around Atlanta where the Expansion Band is reduced to one-half megahertz. *Id.* at 15058, para. 166.

[29] EB users also include Public Safety licensees that chose to remain on channels that are now designated for SMR stations. They are permitted to expand geographically on the EB channels they retained.

[30] *See id.*

[31] *See id.* at 9442, para. 33. The Commission explained that, because SMR licensees compete for customers in the commercial wireless marketplace, both incumbents and new licensees have similar economic motives to use the spectrum in a timely manner so there is no justification for incumbent priority. *Id.* The Commission also sought comment on whether to provide incumbent priority for 40 GB channels but questioned whether preferring 800 MHz SMR incumbents over potential competitors for this spectrum would further the public interest. *See id.* at 9443, para. 34.

[32] Other commenters support incumbent priority for all EB/GB channels, but do not articulate a specific justification for SMR incumbent priority.

[33] We are not persuaded by MRA's suggestion that competition-related arguments are inapposite because EB SMR licensees provide non-interconnected dispatch service to business fleets and are more akin to B/ILT licensees than they are to other commercial providers serving the public.

[34] In addition to the Florida, Ohio and Washington State regions, band reconfiguration is complete in Regions 1 (Alabama), 2 (Alaska), 7 (Colorado), 8 (New York—Metropolitan), 10 (Georgia), 11 (Hawaii), 12 (Idaho), 13 (Illinois), 14 (Indiana), 15 (Iowa), 16 (Kansas), 17 (Kentucky), 18 (Louisiana), 19 (New England), 20 (Maryland, Washington, DC, and Virginia—Northern), 21 (Michigan), 22 (Minnesota), 23 (Mississippi), 24

temporary waiver of the interference criteria in those regions has expired, and the minimum threshold levels specified in sections 22.970(a) and 90.672(a) are now in effect in those 44 regions.

50. We direct the Bureaus to announce by public notice the dates and procedures for submitting applications for EB/GB and vacated interleaved channels in those regions where rebanding is complete, and for EB/GB channels in those regions where EB/GB licensing was deferred pending the resolution of the LMCC request for incumbent priority.[35]

51. *Trackside Signal Boosters.* As proposed in the *PLMR Access NPRM,* we modify our rules to permit railroads to use fixed trackside single-channel Class A signal boosters under certain conditions to increase rail safety by facilitating communication between the front and rear of trains. A signal booster is a device at a fixed location that automatically receives, amplifies, and retransmits, on a one-way or two-way basis, the signals received from base, fixed, mobile, and portable stations, with no change in frequency or authorized bandwidth. Section 90.219(d)(3) of our rules limits each retransmitted channel to five watts effective radiated power (ERP) to reduce the potential for interference to other users. Fixed use of frequencies in the 450–470 MHz band generally is permitted on a secondary basis to land mobile operations, but section 90.261(f) of the Commission's rules excludes certain frequencies in order to reserve them for other specialized uses, including railroad frequencies at 452/457.925 MHz to 452/457.96875 MHz.

52. In the *PLMR Access NPRM,* the Commission proposed to amend sections 90.219(d)(3) and 90.261(f) to permit railroads to use fixed trackside single-channel Class A signal boosters with up to 30 watts ERP on frequencies 452/457.90625 to 452/457.9625 MHz in areas where coverage is unsatisfactory due to distance or intervening terrain barriers. It sought comment on whether it also should permit such operations on the channel pairs at the edge of the frequencies coordinated by the Association of American Railroads—452/457.9000 MHz and 452/457.96875 MHz.

53. Most commenters support the proposal. In addition, the Association of American Railroads submits that permitting such operations on frequencies 452/457.9000 MHz and 452/457.96875 MHz would increase the reliability of railroad safety and communications systems without causing interference to other users. The National Association of Manufacturers and MRFAC, Inc. (NAM/MRFAC), however, oppose use of higher power railroad signal boosters on these two channels, which overlap channels available to other users, due to concerns about interference in railroad yards or terminal areas near manufacturing plants. We conclude that NAM/MRFAC's concerns are misplaced. The proposed rule permits high-power trackside signal boosters only in areas where communication between the front and rear of trains is unsatisfactory due to distance or intervening terrain barriers. This is an exception to the general limits on signal booster power, and does not authorize such operations in most areas, such as typical urban or industrial settings.

54. We conclude that permitting higher power railroad signal boosters will serve the public interest. On balance, the safety benefits of permitting the proposed signal boosters on the 452/457 MHz frequencies coordinated by Association of American Railroads outweigh the concerns that have been raised. Authorizing these operations may increase rail safety by helping facilitate communications between the front and rear end of trains. We accordingly amend sections 90.219(d)(3) and 90.261(f) to permit railroad licensees to use single-channel Class A signal boosters with up to 30 watts ERP on frequencies 452/457.9000 MHz to 452/457.96875 MHz, but only in areas where communication between the front and rear of trains is unsatisfactory due to distance or intervening terrain barriers, and not in typical urban or industrial areas.

55. *Conditional Licensing Authority.* Pursuant to section 90.159(b) of the Commission's rules, most applicants proposing to operate a new or modified PLMR station on frequencies below 470 MHz that require frequency coordination may begin operating the proposed station 10 days after the application is filed and may continue to operate it for up to 180 days while the application is pending.[36] This conditional authority is not available for applicants in the PLMR frequency bands above 470 MHz, where spectrum is available on an exclusive basis. When the Commission adopted this rule in 1989, it stated that it was restricting conditional authority to bands where frequencies are shared in order to be conservative, but that it might consider extending the concept to bands above 470 MHz based on its experience with the shared bands. To expedite deployment of communications facilities and reduce administrative burdens, we amend our rules to expand conditional authority to 700 MHz Public Safety narrowband and 800 MHz band PLMR applicants.

56. In its petition asking the Commission to expand conditional authority to T-Band, 800 MHz, and 900 MHz band PLMR applicants, LMCC argued that experience had demonstrated that expansion of conditional authority is now appropriate. In the *PLMR Access NPRM,* the Commission agreed with LMCC and others that expanding conditional authority would enable more applicants to meet pressing communications requirements without seeking special temporary authority (STA) and would provide greater flexibility and earlier deployment of spectrum without compromising quality of service. Consequently, the Commission proposed to expand conditional authority to 800 and 900 MHz PLMR applicants and sought comment on whether to expand it to applicants for 700 MHz Public Safety narrowband frequencies. In response to comments from MRA, the Commission also asked whether any limitations or additional conditions should be imposed on conditional authority.

57. We agree with the commenters that expanding conditional authority is in the public interest and that we should no longer restrict conditional authority to bands below 470 MHz. We find that such authority will expedite deployment of communications facilities and reduce administrative burdens on licensees and the Commission, without increasing the risk

(Missouri), 25 (Montana), 26 (Nebraska), 28 (New Jersey, Pennsylvania, and Delaware), 30 (New York—Albany), 31 (North Carolina), 32 (North Dakota), 35 (Oregon), 36 (Pennsylvania), 37 (South Carolina), 38 (South Dakota), 39 (Tennessee), 41 (Utah), 42 (Virginia), 44 (West Virginia), 45 (Wisconsin), 46 (Wyoming), 47 (Puerto Rico), 48 (U.S. Virgin Islands), 51 (Texas—Houston), 54 (Chicago—Metropolitan), 55 (New York—Buffalo), and 64 (American Samoa).

[35] To date, EB/GB channels have been made available for licensing in 20, generally less populated, NPSPAC regions. Licensing of EB/GB channels in another 21 NPSPAC regions where rebanding is complete has been deferred pending the resolution of *PLMR Access* proceeding.

[36] This conditional authority applies only to applications that meet the following requirements: The proposed station location is south of Line A and west of Line C; the proposed antenna structure has previously been determined by the Federal Aviation Administration to pose no hazard to aviation safety, or the proposed structure height does not exceed 6.1 meters above ground level or above an existing man-made structure; grant of the application does not require a waiver of the Commission's rules; the proposed facility will not have a significant environmental effect; and the proposed station is not in a quiet zone.

of harmful interference. Accordingly, we amend section 90.159 to expand conditional authority to 800 MHz band (including the 800 MHz NPSPAC band) PLMR applicants, and we amend section 1.931 to provide an appropriate cross-reference. We also agree with the commenters that conditional authority would not create any different interference risk for 700 MHz Public Safety narrowband frequencies, so there is no reason to exclude those applicants from the benefits of conditional licensing. We amend the rules regarding 700 MHz Public Safety narrowband frequencies and 800 MHz band frequencies accordingly.

58. We do not expand conditional licensing to the T-Band band. Acceptance of applications for new or expanded T-Band operations has been suspended in order to maintain a stable spectral landscape while the Commission determines how to proceed with respect to that spectrum, which Congress has designated for reallocation and reassignment. Commenters addressing the question assert that conditional authority should be expanded to T-Band applicants notwithstanding the current application freeze. We conclude, however, that there is no reason to make any changes to the T-Band licensing rules as long as the freeze is in effect. For similar reasons, we decline to expand conditional licensing to the 900 MHz band at this time, in light of the licensing freeze recently adopted as the Commission explores whether any rule changes may be appropriate to improve spectrum efficiency or expand flexibility in the 900 MHz band in order to better serve PLMR users' current and future communications needs.

59. We deny LMCC's request that we modify the *PLMR Access NPRM* proposal to allow site-based SMR applicants to operate while an application is pending. Section 90.159 does not provide conditional authority for commercial mobile radio service applicants, and the *PLMR Access NPRM* did not propose to remove that limitation. When the Commission adopted that section, it specifically excluded SMR applicants because, unlike private mobile radio service applications, SMR applications require 30 days pre-grant public notice.

60. We also reject MRA's argument that conditional licensing should be limited to unopposed applications and that operations under conditional authority should be secondary to incumbent licensee operations.[37] Other commenters, opposing MRA's suggestions, note that the frequency coordination process provides a safeguard against incompatible operations. As the Commission noted in the *PLMR Access NPRM,* our rules already permit modification or cancellation of conditional authority at any time without hearing if the need arises. We conclude, based on the record before us, that MRA's suggested changes to the conditional licensing rules are unnecessary and that individual incidents of interference can be addressed under our existing licensing and enforcement procedures.[38]

61. We also decline the suggestion of the State of Florida to extend conditional authority beyond 180 days if the application remains pending. LMCC opposes Florida's proposal and encourages the Commission to enforce the 180-day limitation strictly. The Commission concluded in 1989 that 180 days is a reasonable period for conditional authorization because it corresponds with the Communications Act's 180-day limit on temporary authority. Expanding conditional licensing beyond 180 days would raise legal and policy issues that depart from Commission precedent and are not addressed in the current record. An applicant whose application is pending longer than 180 days must request and, if warranted, be granted special temporary authority if it wishes to continue operating.

62. *Termination of the Freeze on Inter-Category Sharing in the 800 MHz Band.* We also terminate the freeze on inter-category sharing put into effect in 1995 by WTB.[39] Because of the changing use of the spectrum, the fundamental rationale behind the freeze no longer applies. In addition, elimination of the freeze will relieve burdens on applicants, which currently must request waivers, and the Commission, which must process them.

63. Ordinarily, an applicant is licensed on a frequency in the pool (General Category, Public Safety, B/ILT, or high-site SMR) for which it meets the eligibility criteria. However, the Commission's rules permit ''inter-category sharing'' in certain circumstances. An applicant eligible for licensing in the 800 MHz Public Safety Pool or B/ILT Pool may be licensed on channels outside of its pool if (a) a Commission-certified frequency coordinator certifies that no channels are available in the pool for which the applicant is eligible, and (b) the desired out-of-pool channel is available as certified by the out-of-pool channel coordinator. Formerly, the rules also permitted entities eligible for the SMR Pool or General Category Pool to obtain out-of-pool channels through inter-category sharing.

64. Because of a freeze on SMR applications on certain channels, by 1995, SMR applicants had obtained numerous inter-category sharing authorizations primarily for channels in the B/ILT Pool. This led B/ILT entities to file inter-category sharing requests for public safety channels. Concerned that this might lead to a shortage of public safety channels, WTB issued its ''freeze order'' suspending acceptance of applications proposing inter-category sharing in the 800 MHz band.

65. Over time, public safety began to use the 800 MHz band more intensely. This led to a shortage of public safety channels in some areas. Public safety agencies, unable to identify vacant public safety channels, began seeking waivers of the inter-category freeze to obtain channels in other pools.[40] Appropriate waiver requests were routinely approved.

66. *Discussion.* We find the freeze on inter-category sharing is no longer necessary. The channel environment in the 800 MHz band has evolved over the last 20 years. The primary demand for channels is from public safety entities, many of which are constructing complex, multi-channel, statewide or county-wide systems. Public safety applicants' requests for waiver of the inter-category sharing freeze have without exception been granted, provided they satisfied the requirements of the inter-category sharing rule.

67. We envision no untoward effects from lifting the freeze. Applicants still must meet the prerequisites for inter-category sharing, and parties are still free to oppose a given inter-category sharing application. In the unlikely event that our action here results in difficulties similar to those that led to the institution of the 1995 freeze, we direct the Bureaus to reinstitute the freeze as necessary.

68. Termination of the freeze on inter-category sharing is procedural and therefore not subject to the notice and comment requirements of the Administrative Procedure Act.

[37] *See* MRA 16–261 Comments at 10–13.

[38] Indeed, MRA's arguments that change is needed are premised primarily on the operations of one licensee, whose licenses subsequently were revoked.

[39] We take this action on our own motion, though we note that some comments in response to the *PLMR Access NPRM* requested termination of the freeze.

[40] There also were applications filed by B/ILT entities seeking inter-category sharing of public safety channels; these, however, were infrequent.

69. *Central Station Alarm Channels.* Section 90.35 of the Commission's rules lists the frequencies that are available for assignment to I/B Pool stations and sets forth eligibility requirements and frequency-specific use limitations. Certain frequencies are reserved for the use of central station commercial protection services to maintain communications paths between alarm systems at customer premises and central station alarm monitoring centers.[41] Except for five ''primary'' frequency pairs, these frequencies are limited to two watts output power.[42] In the *PLMR Access NPRM,* the Commission noted that these channels were set aside for central station use 50 years ago,[43] and it observed that this spectrum appeared to be underused. The Commission surmised that the need for these channels had diminished due to advances in other services and technologies that can be used to complete the communications path to the alarm service central office, such as cellular telephone, satellite communication services, and the internet. The Commission proposed to modify section 90.35(c) to make frequencies that currently are limited to central station alarm operations available for other uses, including ways to provide expanded PLMR access, the costs and benefits of such approaches, and how interference to incumbents might be prevented. We agree with the majority of commenters addressing the issue that central station channels should be made available for other uses.

70. Only The Monitoring Association (formerly the Central Station Alarm Association) argues generally that the use restriction on these channels should be retained. It asserts that the restriction should not be removed at this time because an increasing percentage of alarm systems will use wireless devices to relay signals to the central station, and millions of existing users are expected to transition to central station channels in response to the sunset of 2G cellular service and decommissioning of telephone land lines.[44] We believe that access to additional frequencies to help relieve congestion affecting PLMR users can be provided while still meeting the needs of the alarm industry.

71. The reservation of these channels for central station commercial protection services reflected the Commission's approach to PLMR spectrum at the time, when what is now the I/B Pool was divided into multiple industry-specific services. The Commission subsequently consolidated the separate services into the I/B Pool to encourage more efficient use of the spectrum and to reduce administrative burdens. It recognized, however, that ''some types of radio users employ radio not just for day-to-day business needs but also to respond to emergencies that could be extremely dangerous to the general public.'' Rather than leave that spectrum designated for those industries' exclusive use, the Commission required entities applying for frequencies formerly allocated solely to the Railroad, Power, Petroleum, or Automobile Emergency Radio Services to obtain coordination or concurrence from the certified frequency coordinator for that service. That coordinator could deny coordination or concurrence where an application ''would have a demonstrable, material, adverse effect on safety.''[45] We find that this approach has worked well to expand access to PLMR spectrum while protecting safety-related communications. We further find that such a requirement would address The Monitoring Association's concerns that unrestricted sharing with other I/B Pool eligibles will result in interference to central station alarm systems.

72. Consequently, we amend sections 90.35(c), 90.175(b), and 90.267(f) of the Commission's rules to require entities other than central station commercial protection services to obtain the concurrence of the central station alarm channel frequency coordinator[46] before they are permitted to use these channels.[47] We conclude that this approach serves the public interest because it will make unused central station frequencies available for other PLMR operations while protecting central station operations.[48]

73. Finally, The Monitoring Association and LMCC suggest that the Commission modify section 90.35(c)(64) of the Commission's rules to ease limitations on central station use of primary channels for data signaling, which The Monitoring Association argues will make the channels more useful for alarm services. We agree that the purpose of the rule permitting data signaling—to allow central station licensees to improve their systems' operating efficiency and to facilitate immediate communication with police and fire departments in emergencies—is no longer served by the current technical restrictions, which are 40 years old. We amend section 90.35(c) to

[41] Specifically, six 12.5 kilohertz frequency pairs (460/465.900 MHz, 460/465.9125 MHz, 460/465.925 MHz, 460/465.9375 MHz, 460/465.950 MHz, and 460/465.9625 MHz) and the upper-adjacent 6.25 kilohertz interstitial frequency pairs (460/465.90625 MHz, 460/465.91875 MHz, 460/465.93125 MHz, 460/465.94375 MHz, 460/465.95625 MHz, and 460/465.96875 MHz) are set aside for central station protection service use in the 88 urbanized areas with a population over 200,000 in the 1960 Census (urban frequencies), and four 12.5 kilohertz frequency pairs (460/465.975 MHz, 460/465.9875 MHz, 461/466.000 MHz, and 461/466.0125 MHz) and the upper-adjacent 6.25 kilohertz interstitial frequency pairs (460/465.98125 MHz, 460/465.99375 MHz, 461/466.00625 MHz, and 461/466.01875 MHz) are designated for central station protection service use nationwide (nationwide frequencies).

[42] 460/465.900 MHz, 460/465.925 MHz, 460/465.950 MHz, 460/465.975 MHz, and 461/466.000 MHz.

[43] The Commission designated these channels for central station alarm use to ''provide for reasonably reliable radio systems.''

[44] After the comment cycle ended, LMCC and The Monitoring Association submitted a joint plan whereby some central station alarm channels would be available to all I/B Pool applicants, while others would remain designated only for central station use but The Monitoring Association agreed that it would not object to requests for waivers under certain conditions. Specifically, urban primary channels would be available to all I/B Pool applicants proposing centralized trunked operations, provided that (1) the proposed interference contour does not overlap an incumbent central station licensee's authorized service area without the incumbent's consent, and (2) the applicant does not seek the last available primary frequency pair in that urbanized area. Nationwide primary channels would remain designated for central station use only, as would all non-primary channels (both urban and nationwide). As part of the proposed joint plan, The Monitoring Association represented that, as the frequency coordinator for the central station alarm channels, it would consider concurring with waiver requests for nationwide primary channels under the following conditions: (1) There are no exclusive use frequencies available in the applicant's primary pool, and (2) the applicant does not seek all or part of the last available primary frequency pair in any of the 88 urbanized areas with a population over 200,000 in the 1960 Census. For the reasons set forth above, however, we continue to believe that even this level of designated exclusive use of the subject channels is unnecessary, and we decline to adopt the proposed joint plan.

[45] The coordinator must provide a written supporting statement containing the technical basis for the denial of concurrence. If that the relevant coordinators cannot cooperatively resolve their differences, the matter may be referred to WTB.

[46] The Commission certified the Central Station Electrical Protection Association (CSEPA) as the frequency coordinator for the central station alarm channels in 1986. *See Frequency Coordination in the Private Land Mobile Radio Services,* Report and Order, 103 F.C.C. 2d 1093, 1138, para. 90 (1986). CSEPA became the Central Station Alarm Association and is now known as The Monitoring Association. *See http://tma.us/about-csaa/.*

[47] We extend this approach to both the primary and non-primary channels. We expect relatively few requests for the non-primary channels, however, given that they already are heavily used for central station operations and there is no shortage of other low-power channels for which applicants will not need The Monitoring Association's concurrence.

[48] NPSTC suggests that public safety entities receive preferential or exclusive access to these channels in markets where public safety licensees are required by the Spectrum Act to vacate the T-Band. We decline NPSTC's suggestion that we give public safety T-Band licensees priority for the channels formerly designated only for central station commercial protection services, because the central station frequencies are in the I/B Pool.

ease limitations on central station use of primary channels for data signaling.

74. *Editorial Corrections and Updates.* In addition to the substantive proposals discussed above, the *PLMR Access NPRM* proposed to make certain corrections to section 90.35. The Commission received no comments regarding these proposals.[49] As proposed, we restore two airports (Kahului and Ke-Ahole) to the list of airports at or near which certain frequencies are reserved for commercial air transportation services. These two airports were inadvertently deleted when the list was last updated.[50] We also correct the coordinates for one airport (Boeing/King County International) that were listed incorrectly. In addition, we correct the entries in the I/B Pool table for frequencies from 153.0425 MHz to 153.4025 MHz for which the notation indicating that the concurrence of the Petroleum Coordinator is required was inadvertently deleted.

75. *Procedural Matters. Final Regulatory Flexibility Analysis.*—As required by the Regulatory Flexibility Act (RFA) of 1980, as amended, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated into the *NPRMs.* The Commission sought, but did not receive, written public comment on the possible significant economic impact on small entities regarding the proposals addressed in the *NPRMs,* including comments on the IRFAs. The Chief Counsel of Advocacy of the SBA did not file any comments in response to the proposed rule changes in these proceedings.

76. In the Report and Order and Order, we introduce new, full power, interstitial 12.5 kilohertz bandwidth offset channels to the 809–817/854–862 MHz band (800 MHz Mid-Band), subject to certain protections designed to minimize the possibility of interference between licensees operating on adjacent channels. We also amend section 90.35 of our rules to make available for PLMR use particular frequencies located between the Industrial/Business (I/B) Pool and either General Mobile Radio Service (GMRS) or Broadcast Auxiliary Service (BAS) spectrum, to allow wider use of some frequencies currently designated for central station alarm operations, and to make updates and corrections; amends section 90.159 of our rules to extend conditional licensing authority to applicants for site-based licenses in specific bands above 470 MHz; and amend sections 90.219(d)(3) and 90.261(f) of our rules to accommodate certain railroad operations. In addition, we announce the completion of 800 MHz band reconfiguration in certain National Public Safety Planning Advisory Committee (NPSPAC) regions, and terminate the freeze on inter-category sharing that was put into effect in 1995.

77. The following types of small entities may be affected by the rules adopted herein: Small businesses, small organizations, small governmental jurisdictions; private land mobile radio licensees; frequency coordinators; and radio and television broadcasting and wireless communications equipment manufacturing.

78. PLMR entities seeking licenses are required to obtain coordination from certain frequency coordinators as specified in section 90.175 of the Commission's rules, 47 CFR 90.175.

79. To date, frequency coordinators only needed to consider co-channel mileage separation requirements when coordinating applications for the 800 MHz band. We are amending our rules, however, to require frequency coordinators to perform a contour overlap analysis when coordinating applications for the 800 MHz Mid-Band in order to minimize the potential for adjacent-channel interference. For frequency bands below 512 MHz, frequency coordinators are required to analyze adjacent channel interference. Thus, we anticipate the burden and cost levels would be comparable to the existing contour overlap analysis in the below 512 MHz band, which OMB approved. In that case, the Commission estimated it would it would take a frequency coordinator one hour to perform a contour overlap analysis and provide a concurrence letter to an applicant at an in-house rate of $40 per hour. The Commission estimated that frequency coordinators would receive 2,500 requests for contour analysis per year for a total annual cost burden of $100,000.

80. In addition, we adopt rules in the *Report and Order* which allow equipment manufacturers to manufacture transmitters capable of operating on the new interstitial 12.5 kilohertz bandwidth offset channels provided their equipment satisfies certain bandwidth and emission mask limitations. Equipment manufacturers will be required to obtain a new equipment authorization or modify an existing equipment authorization when designing equipment intended to operate on the new offset channels. The Commission estimates that 22,250 FCC Form 731 applications are filed annually at an in-house cost to the equipment manufacturer of $500 per application resulting in a total annual cost burden of $11,125,000. We do not propose any substantive or material changes to the wording of this existing information collection. Instead, if equipment manufacturers chose to develop equipment capable of operating on the new 12.5 kilohertz bandwidth offset channels, then the number of respondents subject to the existing information collections could increase.

81. The *Report and Order* also requires entities not engaged in central station alarm operations that seek licenses for frequencies formerly reserved exclusively for central station alarm operations to obtain the concurrence of the Commission-certified frequency coordinator for those frequencies. It is estimated that no more than 1 hour of effort would be required to request and receive such concurrence. The number of such applicants or licensees that may be required to request such concurrence depends on future events and this is difficult of estimation. However, 200 such applicants or licensees may be affected.

82. In order to minimize the economic impact resulting from the rules we adopt today on small entities and other licensees in the 800 Mid-Band, we leave in place our existing licensing scheme and technical requirements for entities who seek to continue operating in the 800 MHz Mid-Band using 25 kilohertz bandwidth equipment. Thus, eligible entities will be permitted to continue applying to license facilities on standard 25 kilohertz bandwidth channels in the 800 MHz Mid-Band without needing to make changes to the 25 kilohertz bandwidth equipment they use today. Only entities who chose to operate on the newly established 12.5 kilohertz bandwidth offset channels in the 800 MHz Mid-Band will be required to employ equipment that conforms to the technical parameters we adopt in this *Report and Order* including bandwidth limitations and emission mask requirements.

83. Finally, in the *Report and Order,* we require all applicants, whether employing 25 kilohertz or 12.5 kilohertz bandwidth equipment, to comply with a contour overlap analysis when seeking to license channels in the 800 MHz Mid-Band. The contour overlap analysis is needed to minimize the potential for interference between licensees operating

[49] MRA requests that section 90.307(e) be revised to update the list of television stations that must be protected by part 90 T-Band stations. In addition to being beyond the scope of the *PLMR Access NPRM* proposals, we note that updating the list would be premature while the post-incentive auction repacking process is still ongoing.

[50] We also take this opportunity to update the list to reflect intervening airport closures and name changes.

on adjacent channels. Nonetheless, we provide regulatory flexibility for this requirement by allowing applicants who cause contour overlap to obtain letters of consent from incumbent operators. By allowing applicants to obtain consent for contour overlap, we provide PLMR applicants with the opportunity to present more granular studies to incumbents if an applicant believes that interference would not be an issue in practice despite the contour overlap or for an incumbent operator to accept interference to portions of its service area where such interference would present no detriment to its operations.

84. *Paperwork Reduction Act Analysis.*—The requirements in revised section 90.175(e) and new section 90.621(d)(4) constitute new information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, and the requirements in revised section 90.175(b) constitutes a modified information collection. They will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the new information collection requirements contained in this proceeding. In addition, we note that, pursuant to the Small Business Paperwork Relief Act of 2002, we previously sought, but did not receive, specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees. We describe impacts that might affect small businesses, which includes more businesses with fewer than 25 employees, in the Final Regulatory Flexibility Analysis.

85. *Congressional Review Act*—The Commission will send a copy of the *Report and Order and Order* to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

86. *Ordering Clauses.* Accordingly, *it is ordered* that, pursuant to Sections 4(i), 201(b), 303, 308, 316, 324, 332, and 337 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 201(b), 303, 308, 316, 324, 332, 337, this *Report and Order and Order is hereby adopted.*

87. *It is further ordered* that the amendments of the Commission's rules as set forth in Appendix B *are adopted*, effective thirty days from the date of publication in the **Federal Register**. Sections 90.175(b) and (e) and section 90.621(d)(4) contain new or modified information collection requirements that require review by the OMB under the PRA.[51] The Commission directs the Bureaus to announce the effective date of those information collections in a document published in the **Federal Register** after the Commission receives OMB approval, and directs the Bureaus to cause sections 90.175(k) and 90.621(d)(5) to be revised accordingly.

88. *It is further ordered* pursuant to sections 4(i) and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(c) that the suspension of the acceptance of applications for inter-category sharing of frequencies allocated to the 800 MHz Public Safety and Business/Industrial Land Transportations Pools imposed April 5, 1995, is hereby *terminated*.

89. *It is further ordered* that, if no petitions for reconsideration or applications for review are timely filed, the above-captioned proceedings *shall be terminated* and the dockets *closed*.

List of Subjects

47 CFR Part 1

Administrative practice and procedure, Civil rights, Claims, Communications common carriers, Cuba, Drug abuse, Environmental impact statements, Equal access to justice, Equal employment opportunity, Federal buildings and facilities, Government employees, Income taxes, Indemnity payments, Individuals with disabilities, Investigations, Lawyers, Metric system, Penalties, Radio, Reporting and recordkeeping requirements, Telecommunications, Television, Wages.

47 CFR Part 90

Administrative practice and procedure, Business and industry, Civil defense, Common carriers, Communications equipment, Emergency medical services, Individuals with disabilities, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

Final Rules

For the reasons set forth in the preamble, the Federal Communications Commission amends 47 CFR parts 1 and 90 as follows:

[51] We observe that sections 90.35(c)(63) and (c)(66) and 90.267(f) cross-reference section 90.175(b) and (e). The operation of licensees as described in sections 90.35(c)(63) and (c)(66) and 90.267(f) therefore may occur only after OMB approval and Bureau announcement of the effective date for the new or modified information collections contained in section 90.175(b).

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. chs. 2, 5, 9, 13; Sec. 102(c), Div. P, Public Law 115–141, 132 Stat. 1084; 28 U.S.C. 2462, unless otherwise noted.

■ 2. Section 1.931 is amended by revising paragraph (b)(11) to read as follows:

§ 1.931 Application for special temporary authority.

* * * * *

(b) * * *

(11) An applicant for an itinerant station license, an applicant for a new private land mobile radio station license in the frequency bands below 470 MHz or in the 769–775/799–805 MHz, the 806–824/851–866 MHz band, or the one-way paging 929–930 MHz band (other than a commercial mobile radio service applicant or licensee on these bands) or an applicant seeking to modify or acquire through assignment or transfer an existing station below 470 MHz or in the 769–775/799–805 MHz, the 806–824/851–866 MHz band, or the one-way paging 929–930 MHz band may operate the proposed station during the pendency of its application for a period of up to 180 days under a conditional permit. Conditional operations may commence upon the filing of a properly completed application that complies with § 90.127 if the application, when frequency coordination is required, is accompanied by evidence of frequency coordination in accordance with § 90.175 of this chapter. Operation under such a permit is evidenced by the properly executed Form 601 with certifications that satisfy the requirements of § 90.159(b).

* * * * *

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

■ 3. The authority citation for part 90 continues to read as follows:

Authority: 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7), 1401–1473.

■ 4. Section 90.35 is amended by:

■ a. In paragraph (b)(3)—

■ i. Revising the entries for ''153.035'' through ''153.410'';

■ ii. Removing two entries for ''450 to 470'' through ''451.01875'' and adding in their place four entries for ''450 to 470'' through ''451.01875'';

■ iii. Removing two entries for ''454.000'' through ''456.01875'' and adding in their place four entries for ''454.000'' through ''456.01875'';

■ iv. Removing two entries for ''462.53125'' through ''462.750'' and

adding in their place four entries for ''462.53125'' through ''462.750''; and

■ v. Removing two entries for ''467.53125'' through ''467.74375'' and adding in their place four entries for ''467.53125'' through ''467.74375''.

■ b. Adding paragraph (c)(2);

■ c. Revising paragraphs (c)(61)(iv), (c)(63), and (c)(64) introductory text;

■ d. Removing paragraphs (c)(64)(i) through (vi), (ix), and (xi);

■ e. Redesignating paragraphs (c)(64)(vii), (viii), and (x) as (c)(64)(i), (ii), and (iii), respectively; and

■ f. Revising paragraph (c)(66).

The revisions and addition read as follows:

§ 90.35 Industrial/Business Pool.

* * * * *

(b) * * *

(3) *Frequencies.*

INDUSTRIAL/BUSINESS POOL FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations	Coordinator
*	*	*	*
153.035	do		IP.
153.0425	do	30	IP.
153.050	do	4, 7	IP.
153.0575	do	4, 7, 30	IP.
153.065	do		IP.
153.0725	do	30	IP.
153.080	do	4, 7	IP.
153.0875	do	4, 7, 30	IP.
153.095	do		IP.
153.1025	do	30, 80	IP.
153.110	do	4, 7	IP.
153.1175	do	4, 7, 30	IP.
153.125	do		IP.
153.1325	do	30	IP.
153.140	do	4, 7	IP.
153.1475	do	4, 7, 30	IP.
153.155	do		IP.
153.1625	do	30	IP.
153.170	do	4, 7	IP.
153.1775	do	4, 7, 30	IP.
153.185	do		IP.
153.1925	do	30	IP.
153.200	do	4, 7	IP.
153.2075	do	4, 7, 30	IP.
153.215	do		IP.
153.2225	do	30	IP.
153.230	do	4, 7	IP.
153.2375	do	4, 7, 30	IP.
153.245	do		IP.
153.2525	do	30	IP.
153.260	do	4, 7	IP.
153.2675	do	4, 7, 30	IP.
153.275	do		IP.
153.2825	do	30	IP.
153.290	do	4, 7	IP.
153.2975	do	4, 7, 30	IP.
153.305	do		IP.
153.3125	do	30	IP.
153.320	do	4, 7	IP.
153.3275	do	4, 7, 30	IP.
153.335	do		IP.
153.3425	do	30	IP.
153.350	do	4, 7	IP.
153.3575	do	4, 7, 30	IP.
153.365	do		IP.
153.3725	do	30	IP.
153.380	do		IP.
153.3875	do	30	IP.
153.395	do		IP.
153.4025	do	30	IP.
153.410	do		IW.
*	*	*	*
450 to 470	Fixed, base, or mobile	27, 57	
451.00625	Base or mobile	33	
451.0125	do	33	
451.01875	do	33	IW.
*	*	*	*
454.000	do	8	IP.
456.00625	do	33	

INDUSTRIAL/BUSINESS POOL FREQUENCY TABLE—Continued

Frequency or band	Class of station(s)	Limitations	Coordinator
456.0125	.....do	33	
456.01875	.....do	33	IW.
* * *	* *	*	*
462.53125	.....do	33	
462.5375	.....do	2	
462.7375	.....do	2	
462.750	Base	29, 36	
* * *	* *	*	*
467.53125	.....do	33	
467.5375	.....do	2	
467.7375	.....do	2	
467.74375	.....do	33, 62	
* * *	* *	*	*

(c) * * *

(2) This frequency will be assigned with an authorized bandwidth not to exceed 4 kHz.

* * * * *

(61) * * *

(iv) The airports and their respective reference coordinates are (coordinates are referenced to North American Datum 1983 (NAD83)):

City and airport	Reference coordinates	
	N latitude	W longitude
Aberdeen, SD: Aberdeen Regional (ABR)	45°26′56.6″	98°25′18.6″
Aguana, GU: Guam International (GUM)	13°29′00.4″	144°47′45.5″ E
Akron, OH: Akron-Canton Regional (CAK)	40°54′58.7″	81°26′32.9″
Alamosa, CO: San Luis Valley Regional/Bergman Field (ALS)	37°26′05.7″	105°51′59.6″
Albany, NY: Albany Int'l (ALB)	42°44′53.2″	73°48′10.7″
Albuquerque, NM: Albuquerque International Sunport (ABQ)	35°02′24.8″	106°36′33.1″
Allentown-Bethlehem, PA: Lehigh Valley Int'l (ABE)	40°39′08.5″	75°26′25.5″
Amarillo, TX: Amarillo International (AMA)	35°13′09.7″	101°42′21.3″
Anchorage, AK: Ted Stevens Anchorage International (ANC)	61°10′27.6″	149°59′46.3″
Appleton, WI: Appleton Int'l (ATW)	44°15′26.7″	88°31′10.1″
Aspen, CO: Aspen-Pitkin County/Sardy Field (ASE)	39°13′23.4″	106°52′07.9″
Atlanta, GA:		
Atlanta International (ATL)	33°38′25.6″	84°25′37.0″
Dekalb-Peachtree (PDK)	33°52′32.2″	84°18′07.1″
Fulton County/Brown Field (FTY)	33°46′44.9″	84°31′16.9″
Austin, TX: Austin Bergstrom International (AUS)	30°11′40.3″	97°40′11.5″
Bakersfield, CA: Meadows Field (BFL)	35°26′00.9″	119°03′24.4″
Baltimore, MD: Baltimore-Washington International Thurgood Marshall (BWI)	39°10′31.5″	74°40′05.5″
Baton Rouge, LA: Baton Rouge Metropolitan (BTR)	30°31′59.4″	91°08′58.7″
Billings, MT: Billings Logan International (BIL)	45°48′27.6″	108°32′34.3″
Birmingham, AL: Birmingham-Shuttlesworth Int'l (BHM)	33°33′46.6″	86°45′12.8″
Bismarck, ND: Bismarck Municipal (BIS)	46°46′21.8″	100°44′44.7″
Boise, ID: Boise Air Terminal/Gowen Field (BOI)	43°33′52.0″	116°13′22.0″
Boston, MA: Logan International (BOS)	42°21′51.7″	17°00′18.7″
Bozeman, MT: Bozeman Yellowstone Int'l (BZN)	45°46′36.8″	111°09′10.8″
Bridgeport, CT: Sikorsky Memorial (BDR)	41°09′48.5″	73°07′34.2″
Buffalo, NY: Buffalo Niagara Int'l (BUF)	42°56′25.9″	78°43′55.8″
Burlington, VT: Burlington Int'l (BTV)	44°28′18.7″	73°09′11.8″
Cedar Rapids, IA: The Eastern Iowa (CID)	41°53′04.5″	91°42′39.1″
Charleston, SC: Charleston AFB/International (CHS)	32°53′55.1″	80°02′25.8″
Charlotte, NC: Charlotte-Douglas Int'l (CLT)	35°12′50.4″	80°56′35.3″
Chattanooga, TN: Lovell (CHA)	35°02′06.9″	85°12′13.6″
Chicago, IL-Northwest IN:		
Chicago Executive (PWK)	42°06′51.1″	87°54′05.3″
South Bend Int'l (SBN)	41°42′32.2″	86°19′06.5″
Midway (MDW)	41°47′09.5″	87°45′08.7″
O'Hare International (ORD)	41°58′46.5″	87°54′16.1″
DuPage (DPA)	41°54′24.8″	88°14′54.3″
Cincinnati, OH: Cincinnati Municipal/Lunken Field (LUK)	39°06′12.0″	84°25′07.0″
Cleveland, OH:		
Burke Lakefront (BKL)	41°31′03.0″	81°41′00.0″
Cuyahoga County (CGF)	41°33′54.5″	81°29′10.9″
Hopkins International (CLE)	41°24′39.2″	81°50′57.8″

City and airport	Reference coordinates	
	N latitude	W longitude
Columbia, SC: Columbia Metropolitan (CAE)	33°56′19.8″	81°07′10.3″
Columbus, GA: Columbus (CSG)	32°30′58.8″	84°56′19.9″
Columbus, OH:		
John Glenn Columbus Int'l (CMH)	39°59′52.8″	82°53′30.8″
Rickenbacker International (LCK)	39°48′49.5″	82°55′40.3″
Corpus Christi, TX Corpus Christi International (CRP)	27°46′13.3″	97°30′04.4″
Covington/Cincinnati, KY: Cincinnati/Northern Kentucky Int'l (CVG)	39°02′46.1″	84°39′43.8″
Crescent City, CA: JackMcNamara Field (CEC)	41°46′48.6″	124°14′11.5″
Dallas, TX:		
Addison (ADS)	32°58′06.8″	96°50′11.2″
Dallas-Ft. Worth Int'l (DFW)	32°53′45.4″	97°02′13.9″
Dallas-Love Field (DAL)	32°50′49.6″	96°51′06.4″
Dallas Executive (RBD)	32°40′51.1″	96°52′05.5″
Davenport, IA:		
Davenport Municipal (DVN)	41°36′37.0″	90°35′18.0″
Quad City Int'l (MLI)	41°26′54.7″	90°30′27.1″
Dayton, OH: James M. Cox Int'l (DAY)	39°54′08.6″	84°13′09.8″
Denver, CO:		
Centennial (APA)	39°34′12.5″	104°50′57.5″
Colorado Springs Municipal (COS)	38°48′20.9″	104°42′00.9″
Rocky Mountain Metropolitan (BJC)	39°54′31.6″	105°07′01.9″
Denver International (DEN)	39°51′30.3″	104°40′01.2″
Des Moines, IA: Des Moines Int'l (DSM)	41°32′05.8″	93°39′38.5″
Detroit, MI:		
Coleman A. Young Municipal (DET)	42°24′33.1″	83°00′35.5″
Detroit Metro-Wayne County (DTW)	42°12′43.4″	83°20′55.8″
Oakland County Int'l (PTK)	42°39′54.7″	83°25′07.4″
Willow Run (YIP)	42°14′16.5″	83°31′49.5″
Duluth, MN: Duluth International (DLH)	46°50′31.5″	92°11′37.1″
Durango, CO: Durango-La Plata County (DRO)	37°09′05.5″	107°45′13.6″
Eagle, CO: Eagle County Regional (EGE)	39°38′33.2″	106°55′03.7″
El Paso, TX: El Paso International (ELP)	31°48′24.0″	106°22′40.1″
Eugene, OR: Mahlon Sweet Field (EUG)	44°07′23.7″	123°13′07.3″
Eureka, CA: Samoa Field (O33)	40°46′51.4″	124°12′44.2″
Fargo, ND: Hector International (FAR)	46°55′09.7″	96°48′53.9″
Flint, MI: Bishop Int'l (FNT)	42°57′55.8″	83°44′36.4″
Ft. Lauderdale-Hollywood, FL:		
Ft. Lauderdale Executive (FXE)	26°11′50.2″	80°10′14.6″
Ft. Lauderdale-Hollywood Int'l (FLL)	26°04′21.3″	80°09′09.9″
Ft. Myers, FL:		
Page Field (FMY)	26°35′11.8″	81°51′47.7″
Southwest Florida Int'l (RSW)	26°32′10.2″	81°45′18.6″
Ft. Wayne, IN: Fort Wayne International (FWA)	40°58′42.5″	85°11′42.5″
Ft. Worth, TX:		
Fort Worth Alliance (AFW)	32°59′12.5″	97°19′07.7″
Meacham Int'l (FTW)	32°49′11.2″	97°21′44.8″
Fresno, CA:		
Fresno Chandler Executive (FCH)	36°43′56.5″	119°49′11.6″
Fresno Yosemite Int'l (FAT)	36°46′34.3″	119°43′05.3″
Gainesville, FL: Gainesville Regional (GNV)	29°41′24.2″	82°16′18.4″
Grand Forks, ND: Grand Forks International (GFK)	47°56′57.3″	97°10′34.0″
Grand Rapids, MI: Gerald R. Ford Int'l (GRR)	42°52′51.0″	85°31′22.1″
Great Falls, MT: Great Falls International (GTF)	47°28′55.2″	111°22′14.5″
Green Bay, WI: Austin Straubel Int'l (GRB)	44°29′06.3″	88°07′46.5″
Greensboro, NC: Piedmont Tirad International (GSO)	36°05′51.9″	79°56′14.3″
Greer, SC: Greenville-Spartanburg Int'l (GSP)	34°53′44.4″	82°13′07.9″
Gunnison, CO: Gunnison-Crested Butte Regional (GUC)	38°32′02.2″	106°55′58.9″
Hana, HI: Hana (HNM)	20°47′44.3″	156°00′52.0″
Harlingen, TX: Valley International (HRL)	26°13′42.6″	97°39′15.8″
Harrisburg, PA:		
Capital City (CXY)	40°13′01.7″	76°51′05.3″
Harrisburg Int'l (MDT)	40°11′36.6″	76°45′48.3″
Hartford, CT (Windsor Locks):		
Bradley Int'l (BDL)	41°56′20.0″	72°40′59.6″
Hartford-Brainard (HFD)	41°44′10.6″	72°39′00.8″
Hayden, CO: Yampa Valley (HDN)	40°28′52.2″	107°13′03.6″
Hilo, HI: Hilo Int'l (ITO)	19°43′12.9″	155°02′54.5″
Honolulu, HI: Daniel K. Inouye Int'l (HNL)	21°19′07.3″	157°55′20.7″
Houston, TX:		
W.P. Hobby (HOU)	29°38′43.5″	95°16′44.0″
D.W. Hooks Memorial (DWH)	30°03′42.7″	95°33′10.0″
George Bush Intercontinental (IAH)	29°58′49.7″	95°20′23.0″

City and airport	Reference coordinates	
	N latitude	W longitude
Indianapolis, IN: Indianapolis Int'l (IND)	39°43′02.4″	86°17′39.8″
Jackson Hole, WY: Jackson Hole (JAC)	43°36′26.4″	110°44′15.9″
Jacksonville, FL:		
Jacksonville Executive at Craig (CRG)	30°20′10.8″	81°30′52.0″
Jacksonville Int'l (JAX)	30°29′38.6″	81°41′16.3″
Kahului, HI: Kahului (OGG)	20°53′55.4″	156°25′48.9″
Kailula-Kona, HI: Kona Int'l at Ke-Ahole (KOA)	19°44′19.7″	156°02′44.2″
Kalamazoo, MI: Kalamazoo/Battle Creek International (AZO)	42°14′05.5″	85°33′07.4″
Kalispell, MT: Glacier Park International (FCA)	48°18′41.1″	114°15′18.2″
Kansas City, MO-KS:		
Kansas City Int'l (MCI)	39°17′51.4″	94°42′50.1″
Charles B. Wheeler Downtown (MKC)	39°07′23.7″	94°35′33.9″
Kauna Kakai, HI: Molokai (MKK)	21°09′10.4″	157°05′46.5″
Knoxville, TN: McGhee Tyson (TYS)	35°48′44.9″	83°59′34.3″
LaCrosse, WI: LaCrosse Regional (LSE)	43°52′46.5″	91°15′24.6″
Lansing, MI: Capital Region Int'l (LAN)	42°46′43.3″	84°35′14.5″
Las Vegas, NV: McCarran Int'l (LAS)	36°04′49.3″	115°09′08.4″
Lihue, HI: Lihue (LIH)	21°58′33.5″	159°20′20.3″
Lincoln, NE: Lincoln (LNK)	40°51′03.5″	96°45′33.3″
Little Rock, AR: Bill and Hillary Clinton National/Adams Field (LIT)	34°43′48.8″	92°13′27.3″
Los Angeles, CA:		
Bob Hope (BUR)	34°12′02.2″	118°21′30.6″
Catalina (AVX)	33°24′17.8″	118°24′57.1″
Long Beach-Daugherty Field (LGB)	33°49′03.8″	118°09′05.8″
Los Angeles Int'l (LAX)	33°56′33.1″	118°24′29.1″
Ontario Int'l (ONT)	34°03′21.6″	117°36′04.3″
John Wayne-Orange County (SNA)	33°40′32.4″	117°52′05.6″
Louisville, KY: Louisville Int'l-Standiford Field (SDF)	38°10′27.8″	85°44′09.6″
Lubbock, TX: Lubbock Preston Smith Int'l (LBB)	33°39′49.1″	101°49′22.0″
Lynchburg, VA: Lynchburg Regional-Preston Glen Field (LYH)	37°19′36.1″	79°12′01.6″
Madison, WI: Dane County Regional-Truax Field (MSN)	43°08′23.5″	89°20′15.1″
Manchester, NH: Manchester (MHT)	42°56′04.3″	71°26′13.4″
Memphis, TN: Memphis Int'l (MEM)	35°02′32.7″	89°58′36.0″
Miami, FL:		
Miami Int'l (MIA)	25°47′35.7″	80°17′26.0″
Opa-Locka Executive (OPF)	25°54′25.2″	80°16′42.2″
Miami Executive (TMB)	25°38′52.4″	80°25′58.0″
Milwaukee, WI: General Mitchell Int'l (MKE)	42°56′50.0″	87°53′47.7″
Minneapolis-St. Paul, MN: Minneapolis-St. Paul Int'l (MSP)	44°52′49.9″	93°13′00.9″
Minot, ND: Minot International (MOT)	48°15′33.8″	101°16′49.2″
Missoula, MT: Missoula International (MSO)	46°54′58.7″	114°05′26.0″
Mobile, AL: Mobile Regional (MOB)	30°41′29.1″	88°14′34.2″
Modesto, CA: Modesto City-County (MOD)	37°37′32.9″	120°57′15.9″
Monterey, CA: Monterey Regional (MRY)	36°35′13.1″	121°50′34.6″
Montrose, CO: Montrose Regional (MTJ)	38°30′31.9″	107°53′37.8″
Nashville, TN: Nashville Int'l (BNA)	36°07′28.1″	86°40′41.5″
New Haven, CT: Tweed-New Haven (HVN)	41°15′50.0″	72°53′13.6″
New Orleans, LA:		
Lakefront (NEW)	30°02′32.7″	90°01′41.7″
Louis Armstrong New Orleans Int'l (MSY)	29°59′36.2″	90°15′28.9″
Newburgh, NY: Stewart International (SWF)	41°30′14.7″	74°06′17.4″
Newport News-Hampton,VA: Newport News/Williamsburg (PHF)	37°07′54.8″	76°29′34.8″
New York-Northeast NJ:		
Republic (FRG)	40°43′43.6″	73°24′48.3″
JFK International (JFK)	40°38′23.1″	73°46′44.1″
LaGuardia (LGA)	40°46′38.1″	73°52′21.4″
Long Island-McArthur (ISP)	40°47′42.8″	73°06′00.8″
Morristown Municipal (NJ) (MMU)	40°47′57.7″	74°24′53.5″
Newark Int'l (EWR)	40°41′32.9″	74°10′07.2″
Teterboro (NJ) (TEB)	40°51′00.4″	74°03′39.0″
Norfolk, VA: Norfolk Int'l (ORF)	36°53′40.6″	76°12′04.4″
Oklahoma City, OK:		
Wiley Post (PWA)	35°32′04.4″	97°38′49.9″
Will Rogers World (OKC)	35°23′35.1″	97°36′02.6″
Omaha, NE: Eppley Airfield (OMA)	41°18′09.1″	95°53′39.0″
Orlando, FL:		
Orlando Executive (ORL)	28°32′43.7″	81°19′58.6″
Orlando Int'l (MCO)	28°25′44.0″	81°18′57.7″
Palm Springs, CA: Palm Springs International (PSP)	33°49′46.8″	116°30′24.1″
Peoria, IL: General Wayne A. Downing Peoria Int'l (PIA)	40°39′51.3″	89°41′35.9″
Philadelphia, PA-NJ:		
Northeast Philadelphia (PNE)	40°04′55.0″	75°00′38.1″

City and airport	Reference coordinates	
	N latitude	W longitude
Philadelphia Int'l (PHL)	39°52′19.0″	75°14′28.1″
Phoenix, AZ:		
Phoenix-Sky Harbor Int'l (PHX)	33°26′03.0″	112°00′29.0″
Scottsdale (SDL)	33°37′22.3″	111°54′37.9″
Pittsburgh, PA:		
Allegheny County (AGC)	40°21′15.9″	79°55′48.9″
Pittsburgh Int'l (PIT)	40°29′29.3″	80°13′58.3″
Portland, ME: Portland International Jetport (PWM)	43°38′46.2″	70°18′31.5″
Portland, OR:		
Portland-Hillsboro (HIO)	45°32′25.4″	122°56′59.4″
Portland International (PDX)	45°35′19.4″	122°35′51.0″
Portland-Troutdale (TTD)	45°32′57.7″	122°24′04.5″
Providence-Pawtucket, RI-MA:		
North Central State (SFZ)	41°55′14.7″	71°29′29.0″
T.F. Green State (PVD)	41°43′26.4″	71°25′41.6″
Pueblo, CO: Pueblo Memorial (PUB)	38°17′20.7″	104°29′47.7″
Raleigh/Durham, NC: Raleigh-Durham International (RDU)	35°52′39.5″	78°47′14.9″
Rapid City, SD: Rapid City Regional (RAP)	44°02′43.2″	103°03′26.5″
Reno, NV: Reno/Tahoe International (RNO)	39°29′54.8″	119°46′05.0″
Richmond, VA: Richmond International (RIC)	37°30′18.6″	77°19′10.8″
Roanoke, VA: Roanoke-Blacksburg Regional/Woodrum Field (ROA)	37°19′31.7″	79°58′31.5″
Rochester, MN: Rochester International (RST)	43°54′26.0″	92°29′56.4″
Rochester, NY: Greater Rochester Int'l (ROC)	43°07′07.9″	77°40′20.6″
Sacramento, CA:		
Sacramento Executive (SAC)	38°30′45.1″	121°29′36.5″
Sacramento Int'l (SMF)	38°41′43.5″	121°35′26.8″
Saginaw, MI: MBS International (MBS)	43°31′58.5″	84°04′46.7″
Saipan Isl., CQ: Francisco C. Ada/Saipan Int'l (GSN)	15°07′08.4″	145°43′45.7″ E
St. Louis, MO:		
Spirit of St. Louis (SUS)	38°39′42.7″	90°39′04.4″
Lambert-St. Louis Int'l (STL)	38°44′51.7″	90°21′35.9″
St. Petersburg, FL:		
Albert Whitted Municipal (SPG)	27°45′54.4″	82°37′37.1″
St. Petersburg Clearwater Int'l (PIE)	27°54′38.8″	82°41′14.9″
Salt Lake City, UT: Salt Lake City Int'l (SLC)	40°47′18.2″	111°58′39.9″
San Antonio, TX: San Antonio Int'l (SAT)	29°32′01.3″	29°32′01.3″
San Diego, CA: San Diego Int'l (SAN)	32°44′00.8″	117°11′22.8″
San Francisco-Oakland, CA:		
Metropolitan Oakland Int'l (OAK)	37°43′16.7″	122°13′14.6″
San Francisco Int'l (SFO)	37°37′08.4″	122°22′29.4″
San Jose, CA: Norman Y. Mineta San Jose Int'l (SJC)	37°21′42.7″	121°55′44.4″
San Juan, PR: Luis Munoz (SJU)	18°26′21.9″	66°00′06.6″
Santa Barbara, CA: Santa Barbara Municipal (SBA)	34°25′34.4″	119°50′25.3″
Santa Fe, NM: Santa Fe Municipal (SAF)	35°37′00.4″	106°05′17.3″
Sarasota, FL: Sarasota/Bradenton International (SRQ)	27°23′43.2″	82°33′14.8″
Savanna, GA: Savanah/Hilton Head Int'l (SAV)	32°07′39.3″	81°12′7.7″
Scranton, PA: Wilkes Barre/Scranton Int'l (AVP)	41°20′17.3″	75°43′27.4″
Seattle, WA:		
Boeing/King County Int'l (BFI)	47°31′48.4″	122°18′07.4″
Seattle-Tacoma Int'l (SEA)	47°26′56.3″	122°18′33.5″
Shreveport, LA:		
Shreveport Downtown (DTN)	32°32′24.8″	93°44′42.1″
Shreveport Regional (SHV)	32°26′47.9″	93°49′32.2″
Sioux City, IA: Sioux Gateway/Colonel Bud Day Field (SUX)	42°24′09.4″	96°23′03.7″
Sioux Falls, SD: Joe Foss Field (FSD)	43°34′52.9″	96°44′30.1″
South Bend, IN: South Bend Regional (SBN)	41°42′32.2″	86°19′06.5″
Spokane, WA:		
Grant County Int'l (MWH)	47°12′27.5″	119°19′12.7″
Spokane Int'l (GEG)	47°37′11.5″	117°32′01.8″
Springfield, MA:		
Westfield-Barnes Regional (BAF)	42°09′27.8″	72°42′56.2″
Westover ARB/Metropolitan (CEF)	42°11′53.8″	72°32′03.3″
Springfield, MO: Springfield-Branson National (SGF)	37°14′39.6″	93°23′12.7″
Syracuse, NY: Syracuse-Hancock Int'l (SYR)	43°06′40.3″	76°06′22.7″
Tacoma, WA: Tacoma Narrows (TIW)	47°16′04.6″	122°34′41.2″
Tallahasee, FL: Tallahasee Int'l (TLH)	30°23′47.5″	84°21′01.2″
Tampa, FL: Tampa Int'l (TPA)	27°58′31.7″	82°31′59.7″
Telluride, CO: Telluride Regional (TEX)	37°57′13.5″	107°54′30.5″
Toledo, OH: Toledo Express (TOL)	41°35′12.5″	83°48′28.2″
Trenton, NJ-PA: Trenton Mercer (TTN)	40°16′36.1″	74°48′48.5″
Tucson, AZ: Tucson Int'l (TUS)	32°06′57.9″	110°56′27.7″
Tulsa, OK:		

City and airport	Reference coordinates	
	N latitude	W longitude
R.L. Jones, Jr. (RVS)	36°02′22.7″	95°59′04.7″
Tulsa Int'l (TUL)	36°11′54.1″	95°53′17.7″
Washington, DC:		
Dulles International (IAD)	38°56′40.3″	77°27′20.9″
Ronald Reagan National (DCA)	38°51′07.5″	77°02′15.8″
Waterloo, IA: Waterloo Regional (ALO)	42°33′25.5″	92°24′01.2″
West Palm Beach, FL: Palm Beach International (PBI)	26°40′59.4″	80°05′44.1″
White Plains, NY: Westchester County (HPN)	41°04′01.1″	73°42′27.3″
Wichita, KS: Wichita Dwight D. Eisenhower National (ICT)	37°38′59.9″	97°25′58.9″
Wilmington, DE: New Castle (ILG)	39°40′43.4″	75°36′23.5″
Worcester, MA: Worcester Regional (ORH)	42°16′02.4″	71°52′32.6″
Youngstown-Warren, OH-PA: Youngstown-Warren Regional (YNG)	41°15′38.7″	80°40′44.8″

Coordinates followed by an ''E'' are east longitude.

* * * * *

(63) Unless concurrence is obtained in accordance with § 90.175(b) of this chapter from the Commission-certified frequency coordinator for frequencies designated for central station alarm operations (central station alarm frequency coordinator), this frequency may be used within the boundaries of urbanized areas of 200,000 or more population, defined in the United States Census of Population, 1960, vol. 1, table 23, page 1–50, only by persons rendering a central station commercial protection service within the service area of the radio station using the frequency and may be used only for communications pertaining to safety of life and property, and for maintenance or testing of the protection facilities. Central station commercial protection service is defined as an electrical protection and supervisory service rendered to the public from and by a central station accepted and certified by one or more of the recognized rating agencies, or the Underwriters Laboratories' (UL), or Factory Mutual System. Other stations in the Industrial/Business Pool may be licensed on this frequency without the central station alarm frequency coordinator's concurrence only when all base, mobile relay and control stations are located at least 120 km (75 miles) from the city center or centers of the specified urban areas of 200,000 or more population. With respect to combination urbanized areas containing more than one city, 120 km (75 mile) separation shall be maintained from each city center which is included in the urbanized area. The locations of centers of cities are determined from appendix, page 226, of the U.S. Commerce publication ''Air Line Distance Between Cities in the United States.''

(64) Persons who render a central station commercial protection service are authorized to operate fixed stations on this frequency for the transmission of tone or impulse signals on a co-primary basis to base/mobile operations. Fixed stations may be licensed as mobiles. Fixed stations used for central station alarm operations may use antennas mounted not more than 6.1 meters (20 feet) above a man-made supporting structure, including antenna structure.

* * * * *

(66) Unless concurrence is obtained in accordance with section 90.175(b) of this chapter from the Commission-certified frequency coordinator for frequencies designated for central station alarm operations, this frequency may be assigned only to persons rendering a central station commercial protection service, which is defined in paragraph (c)(63) of this section, within the service area of the radio station using the frequency.

* * * * *

■ 5. Section 90.159 is amended by revising paragraphs (b) introductory text, (b)(1), and (c) to read as follows:

§ 90.159 Temporary and conditional permits.

* * * * *

(b) An applicant proposing to operate a new land mobile radio station or modify an existing station below 470 MHz or in the 769–775/799–805 MHz band, 806–824/851–866 MHz band, or the one-way paging 929–930 MHz band (other than a commercial mobile radio service applicant or licensee on these bands) that is required to submit a frequency coordination recommendation pursuant to paragraphs (b) through (h) of § 90.175 of this part may operate the proposed station during the pendency of its application for a period of up to one hundred eighty (180) days upon the filing of a properly completed formal Form 601 application that complies with § 90.127 of this part if the application is accompanied by evidence of frequency coordination in accordance with § 90.175 of this part and provided that the following conditions are satisfied:

(1) The proposed station location is west of Line C as defined in § 90.7, and (for applicants proposing to operate below 470 MHz or in the 769–775/799–805 MHz band or the 806–824/851–866 MHz band) south of Line A as defined in § 90.7.

* * * * *

(c) An applicant proposing to operate an itinerant station or an applicant seeking the assignment of authorization or transfer of control for an existing station below 470 MHz or in the 769–775/799–805 MHz, the 806–824/851–866 MHz band, or the one-way paging 929–930 MHz band (other than a commercial mobile radio service applicant or licensee on these bands) may operate the proposed station during the pendency of its application for a period of up to one hundred eighty (180) days upon the filing of a properly completed formal Form 601 application that complies with § 90.127 of this part. Conditional authority ceases immediately if the application is dismissed by the Commission. All other categories of applications listed in § 90.175 of this part that do not require evidence of frequency coordination are excluded from the provisions of this section.

* * * * *

■ 6. Section 90.175 is amended by revising paragraphs (b)(1), (b)(2), and (e) and adding paragraph (k) to read as follows:

§ 90.175 Frequency coordinator requirements.

* * * * *

(b) * * *

(1) A statement is required from the applicable frequency coordinator as specified in §§ 90.20(c)(2) and 90.35(b) recommending the most appropriate frequency. In addition, for frequencies to which § 90.35(c)(63) or (66) is applicable, the written concurrence of

the Commission-certified frequency coordinator for frequencies designated for central station alarm operations must be obtained. In addition, for frequencies above 150 MHz, if the interference contour of a proposed station would overlap the service contour of a station on a frequency formerly shared prior to radio service consolidation by licensees in the Manufacturers Radio Service, the Forest Products Radio Service, the Power Radio Service, the Petroleum Radio Service, the Motor Carrier Radio Service, the Railroad Radio Service, the Telephone Maintenance Radio Service or the Automobile Emergency Radio Service, the written concurrence of the coordinator for the industry-specific service, or the written concurrence of the licensee itself, must be obtained. Requests for concurrence must be responded to within 20 days of receipt of the request. The written request for concurrence shall advise the receiving party of the maximum 20 day response period. The coordinator's recommendation may include comments on technical factors such as power, antenna height and gain, terrain and other factors which may serve to minimize potential interference. In addition:

(2) On frequencies designated for coordination or concurrence by a specific frequency coordinator as specified in §§ 90.20(c)(3) and 90.35(b), and on frequencies designated for concurrence as specified in § 90.35(c)(63) or (66), the applicable frequency coordinator shall provide a written supporting statement in instances in which coordination or concurrence is denied. The supporting statement shall contain sufficient detail to permit discernment of the technical basis for the denial of concurrence. Concurrence may be denied only when a grant of the underlying application would have a demonstrable, material, adverse effect on safety.

* * * * *

(e) For frequencies between *470–512 MHz, 769–775/799–805 MHz, 806–824/851–869 MHz and 896–901/935–940 MHz:* A recommendation of the specific frequencies that are available for assignment in accordance with the loading standards and mileage separations applicable to the specific radio service, frequency pool, or category of user involved is required from an applicable frequency coordinator. In addition, a frequency coordinator must perform the contour overlap analysis detailed in § 90.621(d) when coordinating applications for channels in the 809–817 MHz/854–862 MHz band segment once interstitial 12.5 kHz bandwidth channels become available for licensing in a National Public Safety Planning Advisory Committee region.

* * * * *

(k) *Compliance date.* Paragraphs (b) and (e) of this section contain information-collection and recordkeeping requirements. Compliance will not be required until after approval by the Office of Management and Budget. The Commission will publish a document in the **Federal Register** announcing that compliance date and revising this paragraph accordingly.

■ 7. Section 90.209 is amended by:

■ a. In the table in paragraph (b)(5)—

■ i. Removing the entry ''809–824/854–869'';

■ ii. Adding entries for ''809–817/854–862'' and ''817–824/862–869'' in numerical order; and

■ iii. Revising footnote 6; and

■ b. Adding paragraph (b)(8).

The additions and revision read as follows:

§ 90.209 Bandwidth limitations.

* * * * *

(b) * * *

(5) * * *

STANDARD CHANNEL SPACING/BANDWIDTH

Frequency band (MHz)	Channel spacing (kilohertz)	Authorized bandwidth (kilohertz)
* * * * * * *		
809–817/854–862	12.5	[6] 20/11.25
817–824/862–869	25	[6] 20
* * * * * * *		

[6] Operations using equipment designed to operate with a 25 kilohertz channel bandwidth may be authorized up to a 20 kilohertz bandwidth unless the equipment meets the Adjacent Channel Power limits of § 90.221 in which case operations may be authorized up to a 22 kilohertz bandwidth. Operations using equipment designed to operate with a 12.5 kilohertz channel bandwidth may be authorized up to an 11.25 kilohertz bandwidth.

* * * * *

(8) Applicants may begin to license 12.5 kilohertz bandwidth channels in the 809–817/854–862 MHz band segment only after the Wireless Telecommunications Bureau and the Public Safety and Homeland Security Bureau jointly release a public notice announcing the availability of those channels for licensing in a National Public Safety Planning Advisory Committee region.

■ 8. Section 90.210 is amended in the table by revising the entry for ''809–824/854–869'' and footnote 5 to the table to read as follows:

§ 90.210 Emission masks.

* * * * *

APPLICABLE EMISSION MASKS

Frequency band (MHz)	Mask for equipment with audio low pass filter	Mask for equipment without audio low pass filter
* * * * * * *		
809–824/854–869 [3 5]	B, D	D, G.

APPLICABLE EMISSION MASKS—Continued

Frequency band (MHz)	Mask for equipment with audio low pass filter	Mask for equipment without audio low pass filter
* * * * * * *		
* * * * * * *		

[3] Equipment used in this licensed to EA or non-EA systems shall comply with the emission mask provisions of § 90.691 of this chapter.

* * * * * * *

[5] Equipment designed to operate on 25 kilohertz bandwidth channels must meet the requirements of either Emission Mask B or G, whichever is applicable, while equipment designed to operate on 12.5 kilohertz bandwidth channels must meet the requirements of Emission Mask D. Equipment designed to operate on 25 kilohertz bandwidth channels may alternatively meet the Adjacent Channel Power limits of § 90.221.

* * * * *

■ 9. Section 90.219 is amended by revising paragraph (d)(3) to read as follows:

§ 90.219 Use of signal boosters.

* * * * *

(d) * * *

(3)(i) Except as set forth in paragraph (d)(3)(ii) of this section, signal boosters must be deployed such that the radiated power of each retransmitted channel, on the forward link and on the reverse link, does not exceed 5 Watts effective radiated power (ERP).

(ii) Railroad licensees may operate Class A signal boosters transmitting on a single channel with up to 30 Watts ERP on frequencies 452/457.9000 to 452/457.96875 MHz in areas where communication between the front and rear of trains is unsatisfactory due to distance or intervening terrain barriers.

* * * * *

■ 10. Section 90.261 is amended by revising paragraph (f) introductory text to read as follows:

§ 90.261 Assignment and use of the frequencies in the band 450–470 MHz for fixed operations.

* * * * *

(f) Secondary fixed operations pursuant to paragraph (a) of this section will not be authorized on the following frequencies or on frequencies subject to § 90.267, except as provided in § 90.219(d)(3)(ii):

* * * * *

■ 11. Section 90.267 is amended by revising paragraphs (f) introductory text, (f)(2) and (3) to read as follows:

§ 90.267 Assignment and use of the frequencies in the band 450–470 MHz for low power use.

* * * * *

(f) *Group D Frequencies.* The Industrial/Business Pool frequencies in Group D are available on a coordinated basis, pursuant to §§ 90.35(b)(2) and 90.175(b). Central station alarm signaling on these frequencies are co-primary with regard to co-channel or adjacent channel base, mobile or data operations.

* * * * *

(2) Unless concurrence is obtained in accordance with section 90.175(b) of this chapter from the Commission-certified frequency coordinator for frequencies designated for central station alarm operations, Group D frequencies subject to § 90.35(c)(63) are limited to central station alarm use within the urban areas described in § 90.35(c)(63). Outside the urban areas described in § 90.35(c)(63), Group D frequencies subject to § 90.35(c)(63) are available for general Industrial/Business use on a coordinated basis, pursuant to § 90.35(b)(2) and § 90.175(b).

(3) Unless concurrence is obtained in accordance with section 90.175(b) of this chapter from the Commission-certified frequency coordinator for frequencies designated for central station alarm operations, Group D frequencies subject to § 90.35(c)(66) are limited to central station alarm use nationwide.

* * * * *

■ 12. Section 90.613 is amended by adding footnote 1 to the first table and revising the Channel No. entries for ''231'' to ''550'' in the table to read as follows:

§ 90.613 Frequencies available.

* * * * *

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS [1]

Channel No.	Base frequency (MHz)
* * * * *	
231	854.0125
231a	.0250
232	.0375
232a	.0500
233	.0625
233a	.0750
234	.0875
234a	.1000
235	.1125
235a	.1250

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS [1]—Continued

Channel No.	Base frequency (MHz)
236	.1375
236a	.1500
237	.1625
237a	.1750
238	.1875
238a	.2000
239	.2125
239a	.2250
240	.2375
240a	.2500
241	.2625
241a	.2750
242	.2875
242a	.3000
243	.3125
243a	.3250
244	.3375
244a	.3500
245	.3625
245a	.3750
246	.3875
246a	.4000
247	.4125
247a	.4250
248	.4375
248a	.4500
249	.4625
249a	.4750
250	.4875
250a	.5000
251	.5125
251a	.5250
252	.5375
252a	.5500
253	.5625
253a	.5750
254	.5875
254a	.6000
255	.6125
255a	.6250
256	.6375
256a	.6500
257	.6625
257a	.6750
258	.6875
258a	.7000
259	.7125
259a	.7250
260	.7375
260a	.7500
261	.7625
261a	.7750
262	.7875
262a	.8000

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS [1]—Continued

Channel No.	Base frequency (MHz)
263	.8125
263a	.8250
264	.8375
264a	.8500
265	.8625
265a	.8750
266	.8875
266a	.9000
267	.9125
267a	.9250
268	.9375
268a	.9500
269	.9625
269a	.9750
270	.9875
270a	855.0000
271	.0125
271a	.0250
272	.0375
272a	.0500
273	.0625
273a	.0750
274	.0875
274a	.1000
275	.1125
275a	.1250
276	.1375
276a	.1500
277	.1625
277a	.1750
278	.1875
278a	.2000
279	.2125
279a	.2250
280	.2375
280a	.2500
281	.2625
281a	.2750
282	.2875
282a	.3000
283	.3125
283a	.3250
284	.3375
284a	.3500
285	.3625
285a	.3750
286	.3875
286a	.4000
287	.4125
287a	.4250
288	.4375
288a	.4500
289	.4625
289a	.4750
290	.4875
290a	.5000
291	.5125
291a	.5250
292	.5375
292a	.5500
293	.5625
293a	.5750
294	.5875
294a	.6000
295	.6125
295a	.6250
296	.6375
296a	.6500
297	.6625

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS [1]—Continued

Channel No.	Base frequency (MHz)
297a	.6750
298	.6875
298a	.7000
299	.7125
299a	.7250
300	.7375
300a	.7500
301	.7625
301a	.7750
302	.7875
302a	.8000
303	.8125
303a	.8250
304	.8375
304a	.8500
305	.8625
305a	.8750
306	.8875
306a	.9000
307	.9125
307a	.9250
308	.9375
308a	.9500
309	.9625
309a	.9750
310	.9875
310a	856.0000
311	.0125
311a	.0250
312	.0375
312a	.0500
313	.0625
313a	.0750
314	.0875
314a	.1000
315	.1125
315a	.1250
316	.1375
316a	.1500
317	.1625
317a	.1750
318	.1875
318a	.2000
319	.2125
319a	.2250
320	.2375
320a	.2500
321	.2625
321a	.2750
322	.2875
322a	.3000
323	.3125
323a	.3250
324	.3375
324a	.3500
325	.3625
325a	.3750
326	.3875
326a	.4000
327	.4125
327a	.4250
328	.4375
328a	.4500
329	.4625
329a	.4750
330	.4875
330a	.5000
331	.5125
331a	.5250

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS [1]—Continued

Channel No.	Base frequency (MHz)
332	.5375
332a	.5500
333	.5625
333a	.5750
334	.5875
334a	.6000
335	.6125
335a	.6250
336	.6375
336a	.6500
337	.6625
337a	.6750
338	.6875
338a	.7000
339	.7125
339a	.7250
340	.7375
340a	.7500
341	.7625
341a	.7750
342	.7875
342a	.8000
343	.8125
343a	.8250
344	.8375
344a	.8500
345	.8625
345a	.8750
346	.8875
346a	.9000
347	.9125
347a	.9250
348	.9375
348a	.9500
349	.9625
349a	.9750
350	.9875
350a	857.0000
351	.0125
351a	.0250
352	.0375
352a	.0500
353	.0625
353a	.0750
354	.0875
354a	.1000
355	.1125
355a	.1250
356	.1375
356a	.1500
357	.1625
357a	.1750
358	.1875
358a	.2000
359	.2125
359a	.2250
360	.2375
360a	.2500
361	.2625
361a	.2750
362	.2875
362a	.3000
363	.3125
363a	.3250
364	.3375
364a	.3500
365	.3625
365a	.3750
366	.3875

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS [1]—Continued

Channel No.	Base frequency (MHz)
366a	.4000
367	.4125
367a	.4250
368	.4375
368a	.4500
369	.4625
369a	.4750
370	.4875
370a	.5000
371	.5125
371a	.5250
372	.5375
372a	.5500
373	.5625
373a	.5750
374	.5875
374a	.6000
375	.6125
375a	.6250
376	.6375
376a	.6500
377	.6625
377a	.6750
378	.6875
378a	.7000
379	.7125
379a	.7250
380	.7375
380a	.7500
381	.7625
381a	.7750
382	.7875
382a	.8000
383	.8125
383a	.8250
384	.8375
384a	.8500
385	.8625
385a	.8750
386	.8875
386a	.9000
387	.9125
387a	.9250
388	.9375
388a	.9500
389	.9625
389a	.9750
390	.9875
390a	858.0000
391	.0125
391a	.0250
392	.0375
392a	.0500
393	.0625
393a	.0750
394	.0875
394a	.1000
395	.1125
395a	.1250
396	.1375
396a	.1500
397	.1625
397a	.1750
398	.1875
398a	.2000
399	.2125
399a	.2250
400	.2375
400a	.2500

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS [1]—Continued

Channel No.	Base frequency (MHz)
401	.2625
401a	.2750
402	.2875
402a	.3000
403	.3125
403a	.3250
404	.3375
404a	.3500
405	.3625
405a	.3750
406	.3875
406a	.4000
407	.4125
407a	.4250
408	.4375
408a	.4500
409	.4625
409a	.4750
410	.4875
410a	.5000
411	.5125
411a	.5250
412	.5375
412a	.5500
413	.5625
413a	.5750
414	.5875
414a	.6000
415	.6125
415a	.6250
416	.6375
416a	.6500
417	.6625
417a	.6750
418	.6875
418a	.7000
419	.7125
419a	.7250
420	.7375
420a	.7500
421	.7625
421a	.7750
422	.7875
422a	.8000
423	.8125
423a	.8250
424	.8375
424a	.8500
425	.8625
425a	.8750
426	.8875
426a	.9000
427	.9125
427a	.9250
428	.9375
428a	.9500
429	.9625
429a	.9750
430	.9875
430a	859.0000
431	.0125
431a	.0250
432	.0375
432a	.0500
433	.0625
433a	.0750
434	.0875
434a	.1000
435	.1125

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS [1]—Continued

Channel No.	Base frequency (MHz)
435a	.1250
436	.1375
436a	.1500
437	.1625
437a	.1750
438	.1875
438a	.2000
439	.2125
439a	.2250
440	.2375
440a	.2500
441	.2625
441a	.2750
442	.2875
442a	.3000
443	.3125
443a	.3250
444	.3375
444a	.3500
445	.3625
445a	.3750
446	.3875
446a	.4000
447	.4125
447a	.4250
448	.4375
448a	.4500
449	.4625
449a	.4750
450	.4875
450a	.5000
451	.5125
451a	.5250
452	.5375
452a	.5500
453	.5625
453a	.5750
454	.5875
454a	.6000
455	.6125
455a	.6250
456	.6375
456a	.6500
457	.6625
457a	.6750
458	.6875
458a	.7000
459	.7125
459a	.7250
460	.7375
460a	.7500
461	.7625
461a	.7750
462	.7875
462a	.8000
463	.8125
463a	.8250
464	.8375
464a	.8500
465	.8625
465a	.8750
466	.8875
466a	.9000
467	.9125
467a	.9250
468	.9375
468a	.9500
469	.9625
469a	.9750

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS [1]—Continued

Channel No.	Base frequency (MHz)
470	.9875
471	860.0125
471a	.0250
472	.0375
472a	.0500
473	.0625
473a	.0750
474	.0875
474a	.1000
475	.1125
475a	.1250
476	.1375
476a	.1500
477	.1625
477a	.1750
478	.1875
478a	.2000
479	.2125
479a	.2250
480	.2375
480a	.2500
481	.2625
481a	.2750
482	.2875
482a	.3000
483	.3125
483a	.3250
484	.3375
484a	.3500
485	.3625
485a	.3750
486	.3875
486a	.4000
487	.4125
487a	.4250
488	.4375
488a	.4500
489	.4625
489a	.4750
490	.4875
490a	.5000
491	.5125
491a	.5250
492	.5375
492a	.5500
493	.5625
493a	.5750
494	.5875
494a	.6000
495	.6125
495a	.6250
496	.6375
496a	.6500
497	.6625
497a	.6750
498	.6875
498a	.7000
499	.7125
499a	.7250
500	.7375
500a	.7500
501	.7625
501a	.7750
502	.7875
502a	.8000
503	.8125
503a	.8250
504	.8375
504a	.8500

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS [1]—Continued

Channel No.	Base frequency (MHz)
505	.8625
505a	.8750
506	.8875
506a	.9000
507	.9125
507a	.9250
508	.9375
508a	.9500
509	.9625
509a	.9750
510	.9875
510a	861.0000
511	.0125
511a	.0250
512	.0375
512a	.0500
513	.0625
513a	.0750
514	.0875
514a	.1000
515	.1125
515a	.1250
516	.1375
516a	.1500
517	.1625
517a	.1750
518	.1875
518a	.2000
519	.2125
519a	.2250
520	.2375
520a	.2500
521	.2625
521a	.2750
522	.2875
522a	.3000
523	.3125
523a	.3250
524	.3375
524a	.3500
525	.3625
525a	.3750
526	.3875
526a	.4000
527	.4125
527a	.4250
528	.4375
528a	.4500
529	.4625
529a	.4750
530	.4875
530a	.5000
531	.5125
531a	.5250
532	.5375
532a	.5500
533	.5625
533a	.5750
534	.5875
534a	.6000
535	.6125
535a	.6250
536	.6375
536a	.6500
537	.6625
537a	.6750
538	.6875
538a	.7000
539	.7125

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS [1]—Continued

Channel No.	Base frequency (MHz)
539a	.7250
540	.7375
540a	.7500
541	.7625
541a	.7750
542	.7875
542a	.8000
543	.8125
543a	.8250
544	.8375
544a	.8500
545	.8625
545a	.8750
546	.8875
546a	.9000
547	.9125
547a	.9250
548	.9375
548a	.9500
549	.9625
549a	.9750
550	.9875

* * * * *

[1] The channel bandwidth for interstitial channel pairs (denoted with an ''a'' after the channel number) is 12.5 kilohertz. All other channel pairs have a channel bandwidth of 25 kilohertz.

* * * * *

■ 13. Section 90.615 is amended by revising the introductory text and adding paragraph (d) to read as follows:

§ 90.615 Individual channels available in the General Category in 806–824/851–869 MHz band.

The General Category will consist of channels 231–260a and 511–550 at locations farther than 110 km (68.4 miles) from the U.S./Mexico border and 140 km (87 miles) from the U.S./Canadian border. All entities will be eligible for licensing on these channels except as described in paragraphs (a) and (b) of this section.

* * * * *

(d) Applicants may begin to license interstitial channels (denoted with an ''a'' after the channel number) only after the Wireless Telecommunications Bureau and the Public Safety and Homeland Security Bureau jointly release a public notice announcing the availability of those channels for licensing in a National Public Safety Planning Advisory Committee region.

■ 14. Section 90.617 is amended by revising Table 1 in paragraph (a) introductory text, Table 1A in paragraph (a)(2) and Table 1B in paragraph (a)(3); Table 2 in paragraph (b) introductory text, Table 2A in paragraph (b)(1) and Table 2B in paragraph (b)(2); Table 4B

in paragraph (d) introductory text, Table 4C in paragraph (d)(1) and Table 4D in paragraph (d)(2); and adding paragraphs (l) and (m) to read as follows:

§ 90.617 Frequencies in the 809.750–824/854.750–869 MHz, and 896–901/935–940 MHz bands available for trunked, conventional or cellular system use in non-border areas.

* * * * *

(a) * * *

TABLE 1—PUBLIC SAFETY POOL 806–816/851–861 MHZ BAND CHANNELS

[139 Channels]

Group No.	Channel Nos.
269	269–289–311–399–439.
269a	269a–289a–311a–399a–439a.
270	270–290–312–400–440.
270a	270a–290a–312a–400a–440a.
279	279–299–319–339–359.
279a	279a–299a–319a–339a–359a.
280	280–300–320–340–360.
280a	280a–300a–320a–340a–360a.
309	309–329–349–369–389.
309a	309a–329a–349a–369a–389a.
310	310–330–350–370–390.
310a	310a–330a–350a–370a–390a.
313	313–353–393–441–461.
313a	313a–353a–393a–441a–461a.
314	314–354–394–448–468.
314a	314a–354a–394a–448a–468a.
321	321–341–361–381–419.
321a	321a–341a–361a–381a–419a.
328	328–348–368–388–420.
328a	328a–348a–368a–388a–420a.
351	351–379–409–429–449.
351a	351a–379a–409a–429a–449a.
352	352–380–410–430–450.
332a	352a–380a–410a–430a–450a.
Single Channels	391, 392, 401, 408, 421, 428, 459, 460, 469, 470. 391a, 392a, 401a, 408a, 421a, 428a, 459a, 460a, 469a.

* * * * *

(2) * * *

TABLE 1A—PUBLIC SAFETY POOL 806–813.5/851–858.5 MHZ BAND CHANNELS FOR COUNTIES IN SOUTHEASTERN U.S.

[139 Channels]

Group No.	Channel Nos.
261	261–313–324–335–353.
261a	261a–313a–324a–335a–353a.
262	262–314–325–336–354.
262a	262a–314a–325a–336a–354a.
265	265–285–315–333–351.
265a	265a–285a–315a–333a–351a.
266	266–286–316–334–352.
266a	266a–286a–316a–334a–352a.
269	269–289–311–322–357.
269a	269a–289a–311a–322a–357a.
270	270–290–312–323–355.
270a	270a–290a–312a–323a–355a.
271	271–328–348–358–368.
271a	271a–328a–348a–358a–368a.
279	279–299–317–339–359.
279a	279a–299a–317a–339a–359a.
280	280–300–318–340–360.
280a	280a–300a–318a–340a–360a.
309	309–319–329–349–369.
309a	309a–319a–329a–349a–369a.
310	310–320–330–350–370.
310a	310a–320a–330a–350a–370a.
321	321–331–341–361–372.
321a	321a–331a–341a–361a.
Single Channels	326, 327, 332, 337, 338, 342, 343, 344, 345, 356. 326a, 327a, 332a, 337a, 338a, 342a, 343a, 344a, 345a, 356a.

(3) * * *

TABLE 1B—PUBLIC SAFETY POOL 806–813.5/851–858.5 MHz BAND CHANNELS FOR ATLANTA, GA

[139 Channels]

Group No.	Channel Nos.
261	261–313–324–335–353.
261a	261a–313a–324a–335a–353a.
262	262–314–325–336–354.
262a	262a–314a–325a–336a–354a.
269	269–289–311–322–357.
269a	269a–289a–311a–322a–357a.
270	270–290–312–323–355.
270a	270a–290a–312a–323a–355a.
279	279–299–319–339–359.
279a	279a–299a–319a–339a–359a.
280	280–300–320–340–360.
280a	280a–300a–320a–340a–360a.
285	285–315–333–351–379.
285a	285a–315a–333a–351a–379a.
286	286–316–334–352–380.
286a	286a–316a–334a–352a–380a.
309	309–329–349–369–389.
309a	309a–329a–349a–369a–389a.
310	310–330–350–370–390.
310a	310a–330a–350a–370a–390a.
321	321–331–341–361–381.
321a	321a–331a–341a–361a–381a.
328	328–348–358–368–388.
328a	328a–348a–358a–368a–388a.
Single Channels	317, 318, 326, 327, 332, 337, 338, 356, 371, 372. 317a, 318a, 326a, 327a, 332a, 337a, 338a, 356a, 371a.

(b) * * *

TABLE 2—BUSINESS/INDUSTRIAL/LAND TRANSPORTATION POOL 806–816/851–861 MHz BAND CHANNELS

[200 Channels]

Group No.	Channel Nos.
322	322–362–402–442–482.
322a	322a–362a–402a–442a–482a.
323	323–363–403–443–483.
323a	323a–363a–403a–443a–483a.
324	324–364–404–444–484.
324a	324a–364a–404a–444a–484a.
325	325–365–405–445–485.
325a	325a–365a–405a–445a–485a.
326	326–366–406–446–486.
326a	326a–366a–406a–446a–486a.
327	327–367–407–447–487.
327a	327a–367a–407a–447a–487a.
342	342–382–422–462–502.
342a	342a–382a–422a–462a–502a.
343	343–383–423–463–503.
343a	343a–383a–423a–463a–503a.
344	344–384–424–464–504.
344a	344a–384a–424a–464a–504a.
345	345–385–425–465–505.
345a	345a–385a–425a–465a–505a.
346	346–386–426–466–506.
346a	346a–386a–426a–466a–506a.
347	347–387–427–467–507.
347a	347a–387a–427a–467a–507a.
Single Channels	261, 271, 281, 291, 301, 262, 272, 282, 292, 302, 263, 273, 283, 293, 303, 264, 274, 284, 294, 304, 265, 275, 285, 295, 305, 266, 276, 286, 296, 306, 267, 277, 287, 297, 307, 268, 278, 288, 298, 308. 261a, 271a, 281a, 291a, 301a, 262a, 272a, 282a, 292a, 302a, 263a, 273a, 283a, 293a, 303a, 264a, 274a, 284a, 294a, 304a, 265a, 275a, 285a, 295a, 305a, 266a, 276a, 286a, 296a, 306a, 267a, 277a, 287a, 297a, 307a, 268a, 278a, 288a, 298a, 308a.

(1) * * *

TABLE 2A—BUSINESS/INDUSTRIAL/LAND TRANSPORTATION POOL 806–813.5/851–858.5 MHz BAND FOR CHANNELS IN SOUTHEASTERN U.S.

[137 Channels]

	Channel Nos.
Single Channels	263, 264, 267, 268, 272, 273, 274, 275, 276, 277, 278, 281, 282, 283, 284, 287, 288, 291, 292, 293, 294, 295, 296, 297, 298, 301, 302, 303, 304, 305, 306, 307, 308, 346, 347, 362, 363, 364, 365, 366, 367, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 399, 400, 401, 403, 403, 404, 405, 406, 407, 408, 409, 410. 263a, 264a, 267a, 268a, 272a, 273a, 274a, 275a, 276a, 277a, 278a, 281a, 282a, 283a, 284a, 287a, 288a, 291a, 292a, 293a, 294a, 295a, 296a, 297a, 298a, 301a, 302a, 303a, 304a, 305a, 306a, 307a, 308a, 346a, 347a, 362a, 363a, 364a, 365a, 366a, 367a, 379a, 380a, 381a, 382a, 383a, 384a, 385a, 386a, 387a, 388a, 389a, 390a, 391a, 392a, 393a, 394a, 399a, 400a, 401a, 403a, 403a, 404a, 405a, 406a, 407a, 408a, 409a.

(2) * * *

TABLE 2B—BUSINESS/INDUSTRIAL/LAND TRANSPORTATION POOL 806–813.5/851–858.5 MHz BAND FOR CHANNELS IN ATLANTA, GA

[137 Channels]

	Channel Nos.
Single Channels	263, 264, 265, 266, 267, 268, 271, 272, 273, 274, 275, 276, 277, 278, 281, 282, 283, 284, 287, 288, 291, 292, 293, 294, 295, 295, 297, 298, 301, 302, 303, 304, 305, 306, 307, 308, 342, 343, 344, 345, 346, 347, 362, 363, 364, 365, 366, 367, 382, 383, 384, 385, 386, 387, 391, 392, 393, 394, 399, 400, 401, 402, 403, 404, 405, 406, 407, 409, 410. 263a, 264a, 265a, 266a, 267a, 268a, 271a, 272a, 273a, 274a, 275a, 276a, 277a, 278a, 281a, 282a, 283a, 284a, 287a, 288a, 291a, 292a, 293a, 294a, 295a, 295a, 297a, 298a, 301a, 302a, 303a, 304a, 305a, 306a, 307a, 308a, 342a, 343a, 344a, 345a, 346a, 347a, 362a, 363a, 364a, 365a, 366a, 367a, 382a, 383a, 384a, 385a, 386a, 387a, 391a, 392a, 393a, 394a, 399a, 400a, 401a, 402a, 403a, 404a, 405a, 406a, 407a, 409a.

* * * * *

(d) * * *

TABLE 4B—SMR CATEGORY 806–816/851–861 MHz BAND CHANNELS, AVAILABLE AFTER JANUARY 21, 2005, FOR SITE-BASED LICENSING

[160 Channels]

Group No.	Channel Nos.
315	315–355–395–435–475.
315a	315a–355a–395a–435a–475a.
316	316–356–396–436–476.
316a	316a–356a–396a–436a–476a.
317	317–357–397–437–477.
317a	317a–357a–397a–437a–477a.
318	318–358–398–438–478.
318a	318a–358a–398a–438a–478a.
331	331–371–411–451–491.
331a	331a–371a–411a–451a–491a.
332	332–372–412–452–492.
332a	332a–372a–412a–452a–492a.
333	333–373–413–453–493.
333a	333a–373a–413a–453a–493a.
334	334–374–414–454–494.
334a	334a–374a–414a–454a–494a.
335	335–375–415–455–495.
335a	335a–375a–415a–455a–495a.
336	336–376–416–456–496.
336a	336a–376a–416a–456a–496a.
337	337–377–417–457–497.
337a	337a–377a–417a–457a–497a.
338	338–378–418–458–498.
338a	338a–378a–418a–458a–498a
Single Channels	431, 432, 433, 434, 471, 472, 473, 474, 479, 480, 481, 488, 489, 490, 499, 500, 501, 508, 509, 510.

TABLE 4B—SMR CATEGORY 806–816/851–861 MHz BAND CHANNELS, AVAILABLE AFTER JANUARY 21, 2005, FOR SITE-BASED LICENSING—Continued

[160 Channels]

Group No.	Channel Nos.
	431a, 432a, 433a, 434a, 471a, 472a, 473a, 474a, 479a, 480a, 481a, 488a, 489a, 490a, 499a, 500a, 501a, 508a, 509a, 510a.

(1) * * *

TABLE 4C—SMR CATEGORY 806–813.5/851–858.5 MHz BAND CHANNELS AVAILABLE FOR SITE-BASED LICENSING IN SOUTHEASTERN U.S. AFTER JANUARY 21, 2005

[22 Channels]

	Channel Nos.
Single Channels	371, 373, 374, 375, 376, 377, 378, 395, 396, 397, 398. 371a, 373a, 374a, 375a, 376a, 377a, 378a, 395a, 396a, 397a, 398a.

(2) * * *

TABLE 4D—SMR CATEGORY 806–813.5/851–858.5 MHz BAND CHANNELS AVAILABLE FOR SITE-BASED LICENSING IN ATLANTA, GA AFTER JANUARY 21, 2005

[22 Channels]

	Channel Nos.
Single Channels	373, 374, 375, 376, 377, 378, 395, 396, 397, 398, 408. 373a, 374a, 375a, 376a, 377a, 378a, 395a, 396a, 397a, 398a, 408a.

* * * * *

(l) Applicants may begin to license interstitial pool channels (denoted with an ''a'' after the channel number) listed in paragraphs (a) through (d) of this section only after the Wireless Telecommunications Bureau and the Public Safety and Homeland Security Bureau jointly release a public notice announcing the availability of those channels for licensing in a National Public Safety Planning Advisory Committee region.

(m) Incumbent licensees in the 470–512 MHz band in the urban areas specified in § 90.303 of the Commission's rules are given priority access over mutually exclusive applicants for a three-year period to all interstitial channel pairs in the public safety pool or the business/industrial/land transportation pool listed above for which they are eligible, provided that any relocating T-Band incumbent must commit to surrendering an equal amount of 470–512 MHz spectrum on a channel-for-channel basis. The three-year period begins on the date these channel pairs become available for licensing in a National Public Safety Planning Advisory Committee region. Priority access applies to any applicant seeking to license a base station within 80 kilometers (50 miles) or mobile units or control stations within 128 kilometers (80 miles) of the geographic center of the urbanized areas listed in § 90.303 of the Commission's rules.

■ 15. Section 90.619 is revised by amending Table C6 in paragraph (c)(6) introductory text, Table C7 in paragraph (c)(7), Table C8 in paragraph (c)(8) and Table C9 in paragraph (c)(9) to read as follows:

§ 90.619 Operations within the U.S./Mexico and U.S./Canada border areas.

* * * * *

(6) * * *

TABLE C6—PUBLIC SAFETY POOL 806–816/851–861 MHz BAND CHANNELS IN THE CANADA BORDER REGIONS

Canada border region	Channel Nos.	Total (channels)
Regions 1, 4, 5 and 6	231–260a	60
Region 2	See paragraph (c)(6)(i) of this section	
Region 3	231–320a, 501–508a	180
Regions 7A and 8	269, 289, 311, 399, 439, 270, 290, 312, 400, 440, 279, 299, 319, 339, 359, 280, 300, 320, 340, 360, 309, 329, 349, 369, 389, 310, 330, 350, 370, 390, 313, 353, 393, 441, 461, 314, 354, 394, 448, 468, 321, 341, 361, 381, 419, 328, 348, 368, 388, 420, 351, 379, 409, 429, 449, 352, 380, 410, 430, 450, 391, 392, 401, 408, 421, 428, 459, 460, 469, 470.	139

TABLE C6—PUBLIC SAFETY POOL 806–816/851–861 MHz BAND CHANNELS IN THE CANADA BORDER REGIONS—Continued

Canada border region	Channel Nos.	Total (channels)
	269a, 289a, 311a, 399a, 439a, 270a, 290a, 312a, 400a, 440a, 279a, 299a, 319a, 339a, 359a, 280a, 300a, 320a, 340a, 360a, 309a, 329a, 349a, 369a, 389a, 310a, 330a, 350a, 370a, 390a, 313a, 353a, 393a, 441a, 461a, 314a, 354a, 394a, 448a, 468a, 321a, 341a, 361a, 381a, 419a, 328a, 348a, 368a, 388a, 420a, 351a, 379a, 409a, 429a, 449a, 352a, 380a, 410a, 430a, 450a, 391a, 392a, 401a, 408a, 421a, 428a, 459a, 460a, 469a.	.....
Region 7B	231–260, 269, 289, 311, 399, 439, 270, 290, 312, 400, 440, 279, 299, 319, 339, 359, 280, 300, 320, 340, 360, 309, 329, 349, 369, 389, 310, 330, 350, 370, 390, 313, 353, 393, 441, 461, 314, 354, 394, 448, 468, 315, 355, 395, 435, 475, 316, 356, 396, 436, 476, 317, 357, 397, 437, 477, 318, 358, 398, 438, 478, 321, 341, 361, 381, 419, 328, 348, 368, 388, 420, 331, 371, 411, 451, 491, 332, 372, 412, 452, 492, 333, 373, 413, 453, 493, 334, 374, 414, 454, 494, 335, 375, 415, 455, 495, 336, 376, 416, 456, 496, 337, 377, 417, 457, 497, 338, 378, 418, 458, 498, 351, 379, 409, 429, 449, 352, 380, 410, 430, 450, 391, 392, 401, 408, 421, 428, 459, 460, 469, 470, 431, 432, 433, 434, 471, 472, 473, 474, 479, 480.	339
	231a–260a, 269a, 289a, 311a, 399a, 439a, 270a, 290a, 312a, 400a, 440a, 279a, 299a, 319a, 339a, 359a, 280a, 300a, 320a, 340a, 360a, 309a, 329a, 349a, 369a, 389a, 310a, 330a, 350a, 370a, 390a, 313a, 353a, 393a, 441a, 461a, 314a, 354a, 394a, 448a, 468a, 315a, 355a, 395a, 435a, 475a, 316a, 356a, 396a, 436a, 476a, 317a, 357a, 397a, 437a, 477a, 318a, 358a, 398a, 438a, 478a, 321a, 341a, 361a, 381a, 419a, 328a, 348a, 368a, 388a, 420a, 331a, 371a, 411a, 451a, 491a, 332a, 372a, 412a, 452a, 492a, 333a, 373a, 413a, 453a, 493a, 334a, 374a, 414a, 454a, 494a, 335a, 375a, 415a, 455a, 495a, 336a, 376a, 416a, 456a, 496a, 337a, 377a, 417a, 457a, 497a, 338a, 378a, 418a, 458a, 498a, 351a, 379a, 409a, 429a, 449a, 352a, 380a, 410a, 430a, 450a, 391a, 392a, 401a, 408a, 421a, 428a, 459a, 460a, 469a, 431a, 432a, 433a, 434a, 471a, 472a, 473a, 474a, 479a, 480a.	.....

* * * * *

(7) * * *

TABLE C7—GENERAL CATEGORY 806–821/851–866 MHz BAND CHANNELS IN THE CANADA BORDER REGIONS

Canada border region	General category channels where 800 MHz high density cellular systems are prohibited	General category channels where 800 MHz high density cellular systems are permitted
Regions 1, 4, 5 and 6	261–560	561–710
Region 2	231–620	621–710
Region 3	321–500a	509–710
Regions 7A and 8	231–260a, 511–550	None
Region 7B	511–550	None

(8) * * *

TABLE C8—BUSINESS/INDUSTRIAL/LAND TRANSPORTATION POOL 806–816/851–861 MHz BAND CHANNELS IN THE CANADA BORDER REGIONS

Canada border region	Channel Nos.	Total (channels)
Regions 1, 2, 3, 4, 5 and 6	None	0
Regions 7A, 7B and 8	261, 271, 281, 291, 301, 262, 272, 282, 292, 302, 263, 273, 283, 293, 303, 264, 274, 284, 294, 304, 265, 275, 285, 295, 305, 266, 276, 286, 296, 306, 267, 277, 287, 297, 307, 268, 278, 288, 298, 308, 322, 362, 402, 442, 482, 323, 363, 403, 443, 483, 324, 364, 404, 444, 484, 325, 365, 405, 445, 485, 326, 366, 406, 446, 486, 327, 367, 407, 447, 487, 342, 382, 422, 462, 502, 343, 383, 423, 463, 503, 344, 384, 424, 464, 504, 345, 385, 425, 465, 505, 346, 386, 426, 466, 506, 347, 387, 427, 467, 507.	200

TABLE C8—BUSINESS/INDUSTRIAL/LAND TRANSPORTATION POOL 806–816/851–861 MHz BAND CHANNELS IN THE CANADA BORDER REGIONS—Continued

Canada border region	Channel Nos.	Total (channels)
	261a, 271a, 281a, 291a, 301a, 262a, 272a, 282a, 292a, 302a, 263a, 273a, 283a, 293a, 303a, 264a, 274a, 284a, 294a, 304a, 265a, 275a, 285a, 295a, 305a, 266a, 276a, 286a, 296a, 306a, 267a, 277a, 287a, 297a, 307a, 268a, 278a, 288a, 298a, 308a, 322a, 362a, 402a, 442a, 482a, 323a, 363a, 403a, 443a, 483a, 324a, 364a, 404a, 444a, 484a, 325a, 365a, 405a, 445a, 485a, 326a, 366a, 406a, 446a, 486a, 327a, 367a, 407a, 447a, 487a, 342a, 382a, 422a, 462a, 502a, 343a, 383a, 423a, 463a, 503a, 344a, 384a, 424a, 464a, 504a, 345a, 385a, 425a, 465a, 505a, 346a, 386a, 426a, 466a, 506a, 347a, 387a, 427a, 467a, 507a.	.....

(9) * * *

TABLE C9—SMR CATEGORY 806–816/851–861 MHz CHANNELS AVAILABLE FOR SITE-BASED LICENSING IN THE CANADA BORDER REGIONS

Canada border region	Channel Nos.	Total (channels)
Regions 1, 2, 3, 4, 5 and 6	None	0
Regions 7A and 8	315, 355, 395, 435, 475, 316, 356, 396, 436, 476, 317, 357, 397, 437, 477, 318, 358, 398, 438, 478, 331, 371, 411, 451, 491, 332, 372, 412, 452, 492, 333, 373, 413, 453, 493, 334, 374, 414, 454, 494, 335, 375, 415, 455, 495, 336, 376, 416, 456, 496, 337, 377, 417, 457, 497, 338, 378, 418, 458, 498, 431, 432, 433, 434, 471, 472, 473, 474, 479, 480, 481, 488, 489, 490, 499, 500, 501, 508, 509, 510.	160
	315a, 355a, 395a, 435a, 475a, 316a, 356a, 396a, 436a, 476a, 317a, 357a, 397a, 437a, 477a, 318a, 358a, 398a, 438a, 478a, 331a, 371a, 411a, 451a, 491a, 332a, 372a, 412a, 452a, 492a, 333a, 373a, 413a, 453a, 493a, 334a, 374a, 414a, 454a, 494a, 335a, 375a, 415a, 455a, 495a, 336a, 376a, 416a, 456a, 496a, 337a, 377a, 417a, 457a, 497a, 338a, 378a, 418a, 458a, 498a, 431a, 432a, 433a, 434a, 471a, 472a, 473a, 474a, 479a, 480a, 481a, 488a, 489a, 490a, 499a, 500a, 501a, 508a, 509a, 510a.	.....
Region 7B	481, 488, 489, 490, 499, 500, 501, 508, 509, 510.	20
	481a, 488a, 489a, 490a, 499a, 500a, 501a, 508a, 509a, 510a.	.....

* * * * *

■ 16. Section 90.621 is revised by revising paragraph (b) and adding paragraph (d) to read as follows:

§ 90.621 Selection and assignment of frequencies.

* * * * *

(b) Stations authorized on frequencies listed in this subpart, except for those stations authorized pursuant to paragraph (g) of this section and EA-based and MTA-based SMR systems, will be assigned co-channel frequencies solely on the basis of distance between fixed stations. In addition, contour overlap as detailed in paragraph (d) of this section will be the basis for geographic separation between fixed stations operating on adjacent-channel frequencies in the 809–817 MHz/854–862 MHz sub-band. The separation between co-channel systems will be a minimum of 113 km (70 mi) with one exception. For incumbent licensees in Channel Blocks F1 through V, that have received the consent of all affected parties or a certified frequency coordinator to use an 18 dBμV/m signal strength interference contour (see § 90.693), the separation between co-channel systems will be a minimum of 173 km (107 mi). The following exceptions to these separations shall apply:

* * * * *

(d) Geographic separation between fixed stations operating on adjacent channels in the 809–817 MHz/854–862 MHz band segment will be based on contour overlap as detailed below.

(1) *Forward contour analysis.* An applicant seeking to license a fixed station on a channel in the 809–817 MHz/854–862 MHz band segment will only be granted if the applicant's proposed interference contour creates no overlap to the 40 dBu F(50,50) contour of an incumbent operating a fixed station on an upper- or lower-adjacent channel. The applicant's interference contour is determined using the dBu level listed in the appropriate table in paragraph 43 of *Creation of Interstitial 12.5 Kilohertz Channels in the 800 MHz Band Between 809–817/854–862 MHz, et al.* PS Docket No. 15–32 *et al.* Report and Order and Order, FCC 18–143 rel. Oct. 22, 2018 (*PLMR Order*).

(2) *Reciprocal contour analysis.* In addition to the contour analysis described above, any applicant seeking to license a fixed station on a channel in the 809–817 MHz/854–862 MHz band segment must also pass a reciprocal contour analysis. Under the reciprocal analysis, the interference contour of an incumbent operating a fixed station on an upper- or lower-adjacent channel must create no contour overlap to the proposed 40 dBu F(50,50) contour of the applicant's fixed station. The incumbent's interference contour is determined using the dBu level listed in the appropriate table in paragraph 43 of the *PLMR Order,* above.

(3) *Contour matrix.* Interference contour levels for the contour analysis described in paragraphs (d)(1) and (2) of this section are determined using Table 1 or Table 2 in paragraph 43 of the *PLMR Order.* Table 1 is used to determine the interference contour level of a fixed station operating on a 12.5 kilohertz bandwidth channel while Table 2 is used to determine the interference contour level of a fixed station operating on a 25 kilohertz bandwidth channel. The dBu level of

the interference contour is determined by cross-referencing the modulation type of the station operating on the 25 kilohertz bandwidth channel with the modulation type of the station operating on the 12.5 kilohertz bandwidth channel. The interference contour should be plotted using the F(50,10) R–6602 curves.

(4) *Letters of concurrence.* Applicants may submit applications which cause overlap under the forward contour analysis described in paragraph (d)(1) of this section provided the applicant includes a letter of concurrence from each incumbent that receives contour overlap. In the letter of concurrence, the incumbent operator must agree to accept any interference that occurs as a result of the contour overlap. Applicants may also submit applications which receive contour overlap under the reciprocal analysis described in paragraph (d)(2) of this section provided the applicant includes a letter of concurrence from each incumbent that causes contour overlap. In this case, the incumbent operator must state in its letter of concurrence that it does not object to the applicant receiving contour overlap from the incumbent's facility.

(5) *Compliance date.* Paragraph (d)(4) of this section contains information-collection and recordkeeping requirements. Compliance will not be required until after approval by the Office of Management and Budget. The Commission will publish a document in the **Federal Register** announcing that compliance date and revising this paragraph accordingly.

* * * * *

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