

continued operation of the program in a budget-neutral manner, to protect consumers from the effects of adverse selection and premium increases that would result from issuer uncertainty. The Premium Stabilization Rule, previous Payment Notices, and other rulemakings noted above provided detail on the implementation of the risk adjustment program, including the specific parameters applicable for the 2018 benefit year.

#### B. Overall Impact

We have examined the impact of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), the Congressional Review Act (5 U.S.C. 804(2)), and Executive Order 13771 on Reducing Regulation and Controlling Regulatory Costs. Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects (\$100 million or more in any one year).

OMB has determined that this final rule is “economically significant” within the meaning of section 3(f)(1) of Executive Order 12866, because it is likely to have an annual effect of \$100 million in any 1 year. In addition, for the reasons noted above, OMB has determined that this final rule is a major rule under the Congressional Review Act.

This final rule offers further explanation of budget neutrality and the use of statewide average premium in the risk adjustment state payment transfer formula when HHS is operating the permanent risk adjustment program established by section 1343 of the PPACA on behalf of a state for the 2018 benefit year. We note that we previously estimated transfers associated with the risk adjustment program in the Premium Stabilization Rule and the 2018 Payment Notice, and that the provisions of this final rule do not change the risk adjustment transfers previously

estimated under the HHS-operated risk adjustment methodology established in those final rules. The approximate estimated risk adjustment transfers for the 2018 benefit year are \$4.8 billion. As such, we also incorporate into this final rule the RIA in the 2018 Payment Notice proposed and final rules.<sup>30</sup> This final rule is not subject to the requirements of Executive Order 13771 (82 FR 9339, February 3, 2017) because it is expected to result in no more than *de minimis* costs.

Dated: November 16, 2018.

**Seema Verma**,  
Administrator, Centers for Medicare & Medicaid Services.

Dated: November 19, 2018.

**Alex M. Azar II**,  
Secretary, Department of Health and Human Services.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 665

**RIN 0648–XG025**

#### Pacific Island Pelagic Fisheries; 2018 U.S. Territorial Longline Bigeye Tuna Catch Limits for American Samoa

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

**ACTION:** Announcement of a valid specified fishing agreement.

**SUMMARY:** NMFS announces a valid specified fishing agreement that allocates up to 1,000 metric tons (t) of the 2018 bigeye tuna limit for the Territory of American Samoa to identified U.S. longline fishing vessels. The agreement supports the long-term sustainability of fishery resources of the U.S. Pacific Islands, and fisheries development in American Samoa.

**DATES:** December 7, 2018.

**ADDRESSES:** NMFS prepared environmental analyses that describe the potential impacts on the human environment that would result from the action. The analyses, identified by NOAA–NMFS–2018–0026, are available from <https://www.regulations.gov/docket?D=NOAA-NMFS-2018-0026>, or from Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands

Region (PIR), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

The Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific (Pelagic FEP) is available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808–522–8220, fax 808–522–8226, or <http://www.wpcouncil.org>.

#### FOR FURTHER INFORMATION CONTACT:

Rebecca Walker, NMFS PIRO Sustainable Fisheries, 808–725–5184.

**SUPPLEMENTARY INFORMATION:** In a final rule published on October 23, 2018, NMFS specified a 2018 limit of 2,000 t of longline-caught bigeye tuna for the U.S. Pacific Island territories of American Samoa, Guam, and the CNMI (83 FR 53399). NMFS allows each territory to allocate up to 1,000 t of the 2,000 t limit to U.S. longline fishing vessels identified in a valid specified fishing agreement.

On November 19, 2018, NMFS received from the Council a specified fishing agreement between the government of American Samoa and Quota Management, Inc. (QMI). The Council’s Executive Director advised that the specified fishing agreement was consistent with the criteria set forth in 50 CFR 665.819(c)(1). NMFS reviewed the agreement and determined that it is consistent with the Pelagic FEP, the Magnuson-Stevens Fishery Conservation and Management Act, implementing regulations, and other applicable laws.

In accordance with 50 CFR 300.224(d) and 50 CFR 665.819(c)(9), vessels identified in the agreement may retain and land bigeye tuna in the western and central Pacific Ocean under the American Samoa limit. NMFS will begin attributing bigeye tuna caught by vessels identified in the agreement to American Samoa starting on December 10, 2018. This is seven days before December 17, 2018, which is the date NMFS forecasted the fishery would reach the CNMI bigeye tuna allocation limit. If NMFS determines that the fishery will reach the American Samoa 1,000-t attribution, we would restrict the retention of bigeye tuna caught by vessels identified in the agreement, unless the vessels are included in a subsequent specified fishing agreement with another U.S. territory, and we would publish a notice to that effect in the **Federal Register**.

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

<sup>30</sup> 81 FR 61455 and 81 FR 94058.

Dated: December 4, 2018.

**Alan D. Risenhoover,**

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

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