

meeting at: <http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books>.

**DATES:** October 26, 2018.

**TIME:** 9:00 a.m. to 5:00 p.m.

**ADDRESSES:** Thurgood Marshall Federal Judiciary Building, Mechem Conference Center, Administrative Office of the United States Courts, One Columbus Circle NE, Washington, DC 20544.

**FOR FURTHER INFORMATION CONTACT:** Rebecca A. Womeldorf, Rules Committee Secretary, Rules Committee Staff, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502-1820.

Dated: August 6, 2018.

**Rebecca A. Womeldorf,**  
*Rules Committee Secretary.*

[FR Doc. 2018-17090 Filed 8-8-18; 8:45 am]

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## JUDICIAL CONFERENCE OF THE UNITED STATES

### Advisory Committees on the Federal Rules of Appellate, Bankruptcy, and Civil Procedure, and the Federal Rules of Evidence; Hearings on Proposed Amendments to the Appellate, Bankruptcy, Civil, and Evidence Rules

**AGENCY:** Advisory Committees on the Federal Rules of Appellate, Bankruptcy, and Civil Procedure, and the Federal Rules of Evidence, Judicial Conference of the United States.

**ACTION:** Notice of proposed amendments and open hearings.

**SUMMARY:** The Advisory Committees on Appellate, Bankruptcy, Civil, and Evidence Rules have proposed amendments to the following rules:

*Appellate Rules:* 35, 40.

*Bankruptcy Rules:* 2002, 2004, 8012.

*Civil Rule:* 30.

*Evidence Rule:* 404.

The text of the proposed rules and the accompanying committee notes are posted on the Judiciary's website at: <http://www.uscourts.gov/rules-policies/proposed-amendments-published-public-comment>.

All written comments and suggestions with respect to the proposed amendments may be submitted on or after the opening of the period for public comment on August 15, 2018, but no later than February 15, 2019. Written comments must be submitted electronically, following the instructions provided on the website. All comments submitted will be posted on the website and available to the public.

Public hearings are scheduled on the proposed amendments as follows:

- Appellate Rules in Washington, DC, on October 26, 2018, and in Phoenix, Arizona, on January 4, 2019;

- Bankruptcy Rules in Washington, DC, on January 10, 2019, and in Kansas City, Missouri, on January 26, 2019;

- Civil Rules in Phoenix, Arizona, on January 4, 2019, and in Washington, DC, on February 8, 2019; and

- Evidence Rules in Phoenix, Arizona, on January 4, 2019, and in Washington, DC, on January 18, 2019.

Those wishing to testify must contact the Secretary of the Committee on Rules of Practice and Procedure by email at: [RulesCommittee\\_Secretary@ao.uscourts.gov](mailto:RulesCommittee_Secretary@ao.uscourts.gov), at least 30 days before the hearing.

#### FOR FURTHER INFORMATION CONTACT:

Rebecca A. Womeldorf, Secretary, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7-240, Washington, DC 20544, Telephone (202) 502-1820.

Dated: August 6, 2018.

**Rebecca A. Womeldorf,**

*Secretary, Committee on Rules of Practice and Procedure, Judicial Conference of the United States.*

[FR Doc. 2018-17092 Filed 8-8-18; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On August 3, 2018, the Department of Justice lodged a proposed consent decree with the United States District Court for the Middle District of Florida in the lawsuit entitled *United States, State of Indiana, and the Oklahoma Department of Environmental Quality v. Anchor Glass Container Corporations, Inc.*, Civil Action No. 3:18-cv-943-J-39MCR.

In this action, the United States, the State of Indiana, and the Oklahoma Department of Environmental Quality filed a complaint pursuant to Section 113(b) of the Clean Air Act (CAA), 42 U.S.C. 7413, and relevant corollary and implementing state regulations and programs, seeking injunctive relief and civil penalties for alleged violations of these laws at Anchor Glass Container Corporations, Inc.'s glass manufacturing facilities. Anchor's facilities are located in Jacksonville, Florida; Warner Robins, Georgia; Elmira, New York; Lawrenceburg, Indiana; Shakopee, Minnesota; and Henryetta, Oklahoma.

The proposed settlement requires Anchor to implement pollution controls to reduce its nitrogen oxide (NO<sub>x</sub>) emissions at nine of its eleven furnaces (two furnaces already have pollution controls installed), and the company will meet more stringent NO<sub>x</sub> emissions limits at all of its furnaces. Anchor will also implement pollution controls and take other actions to reduce sulfur dioxide (SO<sub>2</sub>) and particulate matter (PM) emissions. The settlement also requires Anchor to install and operate continuous emissions monitors for NO<sub>x</sub> and SO<sub>2</sub> at all eleven of its glass furnaces and to install continuous opacity monitors required by the Clean Air Act. Additionally, Anchor will complete two mitigation projects, a woodburning appliance change-out project and a project to repower, retrofit, or replace vehicle diesel engines, further reducing NO<sub>x</sub>, SO<sub>2</sub>, and PM emissions. Also as part of the settlement, Anchor will pay a \$1.1 million civil penalty (\$550,000 to the United States and \$275,000 each to the States of Indiana and Oklahoma).

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division and should refer to *United States, State of Indiana, and the Oklahoma Department of Environmental Quality v. Anchor Glass Container Corporations, Inc.*, Civil Action No. 3:18-cv-943-J-39MCR, D.J. Ref. No. 90-5-2-1-10406. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$26.75 (25 cents per page

reproduction cost) payable to the United States Treasury.

**Henry Friedman,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2018-17023 Filed 8-8-18; 8:45 am]

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**NATIONAL CREDIT UNION ADMINISTRATION**

RIN 3133-AE85

**NCUA Suspension and Debarment Procedures**

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Final suspension and debarment procedures.

**SUMMARY:** On March 15, 2018, the NCUA Board (Board) proposed new suspension and debarment procedures to protect the Federal Government's interest in only doing business with presently responsible contractors. After consideration of public comments, this notice sets forth the NCUA's final procedures for suspension and debarment and establishes administrative processes for contractors subject to the procedures. The final procedures will appear on the NCUA's public website.

**DATES:** These final procedures are applicable September 10, 2018.

**FOR FURTHER INFORMATION CONTACT:** Kevin Tuininga, Associate General Counsel for Administrative Law, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428 or telephone: (703) 518-6543.

**SUPPLEMENTARY INFORMATION:**

- I. Background
- II. Comments Received
- III. The Final Procedures
- IV. Regulatory Procedures

**I. Background**

On March 15, 2018, the NCUA Board (Board) proposed new suspension and debarment procedures as part of its efforts to modernize its procurement processes. These proposed procedures were intended to implement best practices in spending funds available to the NCUA, including those in the agency's Operating Fund and the National Credit Union Share Insurance Fund. Although the NCUA is not required to follow government-wide acquisition laws and regulations, those laws and regulations have proven effective and include guidelines developed over years of seeking public

comment on expenditure processes. Suspension and debarment remedies are now an important component of government procurement programs. After considering comments received, the Board has decided to adopt the procedures as proposed.

**II. Comments Received**

The Board received three comments on the proposal. Commenters included two national credit union trade associations and one regional trade association. All three commenters supported the proposal. One commenter suggested that the agency "consult with the [Office of the Inspector General] regarding whether such procedures would be of benefit to the NCUA Office of General Counsel."

The Board values these comments and believes it should adopt the procedures as proposed. Implementing these procedures in the near term ensures prompt compliance with the NCUA Inspector General's recommendations. The Board is open to further recommendations of the Inspector General but, at this developing stage, declines to extend the final procedures to legal services agreements. Lawyers are subject to codes of professional responsibility related to their bar memberships, which already impose the highest standards of ethical conduct and include avenues for disciplinary action that can preclude further practice of law. This approach also aligns with the current practice of the Federal Deposit Insurance Corporation, which excludes law firms and lawyers from its contractor suspension and debarment procedures.<sup>1</sup>

**III. The Final Procedures**

As discussed above, the Board has chosen to adopt the procedures as proposed. For a complete discussion of all eight sections of the procedures, please see the preamble to the proposed procedures at 83 FR 12318 (Mar 21, 2018) or <https://www.gpo.gov/fdsys/pkg/FR-2018-03-21/pdf/2018-05626.pdf>. The Board will post the final procedures on the NCUA website.

**IV. Regulatory Procedures**

*A. Regulatory Flexibility Act*

For any final rule it adopts, the Regulatory Flexibility Act (RFA) requires the NCUA to prepare a final regulatory flexibility analysis that, among other things, describes the steps the agency has taken to minimize economic impact on small entities (currently defined by the NCUA as federally insured credit unions with

under \$100 million in assets), unless the NCUA certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

As discussed in the proposal, the NCUA does not expect the final Suspension and Debarment Procedures would ever apply to a federally insured credit union. In addition, the NCUA does not expect that the Procedures would have a significant economic impact on any other small businesses, as defined in the RFA and as further established by the Office of Advocacy of the Small Business Administration.

The final procedures closely follow the suspension and debarment procedures of the Federal Acquisition Regulation, which already applies to government contractors, without imposing any additional economic burden. To the extent of any variation from the Federal Acquisition Regulations, the final procedures contain no recordkeeping or substantive regulatory requirements, varying only in adjudication processes. The final procedures therefore will not have a significant economic impact on a substantial number of federally insured credit unions under \$100 million in assets or on other small entities as defined by the Small Business Administration. Accordingly, the NCUA has determined and certifies that the final procedures will not have a significant economic impact on a substantial number of small entities. No final regulatory flexibility analysis is required.

*B. Paperwork Reduction Act*

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency creates a new paperwork burden on regulated entities or modifies an existing burden.<sup>2</sup> For purposes of the PRA, a paperwork burden may take the form of either a reporting or a recordkeeping requirement, both referred to as information collections. The final procedures will not create any new paperwork burden that meets the definition of an information collection. Thus, the NCUA has determined that these final procedures do not increase the paperwork requirements under the PRA and regulations of the Office of Management and Budget.

*C. Executive Order 13132*

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. The NCUA, an independent regulatory agency as

<sup>1</sup> 12 CFR 367.1(c).

<sup>2</sup> 44 U.S.C. 3507(d).