The Government also submitted a Certification of Registration History, which was sworn to on December 19, 2017. GX 1, at 3. In that Certification, the Associate Chief of the Registration and Program Support Section stated that DEA Registration No. BR7006085 ''expires on April 30, 2018.'' *Id.* at 1–2. The Associate Chief further stated that ''Gre[g] N. Rampey, M.D., has no other pending or valid DEA registration(s) in Oklahoma.'' *Id.* at 3. Pursuant to 5 U.S.C. 556(e), I take official notice of Registrant's registration record with the Agency. *See also* 21 CFR 1316.59(e).[1] According to that record, DEA Registration No. BR7006085 expired on April 30, 2018, and Registrant has not filed an application, whether timely or not, to renew his registration or for any other registration in the State of Oklahoma.[2]

DEA has long held that '' 'if a registrant has not submitted a timely renewal application prior to the expiration date, then the registration expires and there is nothing to revoke.' '' *Donald Brooks Reece II, M.D.,* 77 FR 35054, 35055 (2012) (quoting *Ronald J. Riegel,* 63 FR 67312, 67133 (1998)); *see also Thomas E. Mitchell,* 76 FR 20032, 20033 (2011). ''Moreover, in the absence of an application (whether timely filed or not), there is nothing to act upon.'' *Reece,* 77 FR at 35055. Accordingly, because Registrant has allowed his registration to expire and has not filed any application for registration in Oklahoma, this case is now moot and will be dismissed.

Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a), as well as 28 CFR 0.100(b), I order that the Order to Show Cause issued to Greg N. Rampey, D.O., be, and it hereby is, dismissed. This Order is effective immediately.

Dated: August 14, 2018.

Uttam Dhillon,

Acting Administrator.

[FR Doc. 2018–18267 Filed 8–22–18; 8:45 am]

BILLING CODE 4410–09–P

[1] Under the Administrative Procedure Act (APA), an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' U.S. Dept. of Justice, *Attorney General's Manual on the Administrative Procedure Act* 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). In accordance with the APA and DEA's regulations, Registrant is ''entitled on timely request to an opportunity to show to the contrary.'' 5 U.S.C. 556(e); *see also* 21 CFR 1316.59(e). To allow Registrant the opportunity to refute the facts of which I take official notice, Registrant may file a motion for reconsideration within 15 calendar days of service of this order which shall commence on the date this order is mailed.

[2] As already noted, my office received the Government's Second Request for Final Agency Action on March 29, 2018. This filing arrived in my office too late for me to issue a final decision and order before the registration would expire on April 30, 2018. DEA regulation 21 CFR 1316.67 requires that I issue a final order that takes effect not less than 30 days from the date of publication in the **Federal Register** unless the public interest necessitates an earlier effective date. The record before me fails to include facts supporting a finding that ''the public interest in the matter necessitates an earlier effective date.'' 21 CFR 1316.67. Thus, even if I had submitted a final order in this case to the **Federal Register** on the same day (March 29, 2018) that my office received the SRFAA to revoke Registrant's registration, I could not have issued an order that would have taken effect by April 30, 2018 because the **Federal Register** would not have been able to publish it 30 days before the registration's April 30, 2018 expiration—*i.e.,* by Saturday, March 31, 2018. And as the Agency has previously noted, there is no point in issuing a ruling on a Show Cause Order where, as here, that ruling would constitute an advisory opinion subject to vacation on judicial review. *See, e.g., Josip Pasic, M.D.,* 82 FR 24146, 24147 (2017) (''As the requested factual findings and legal conclusions would be subject to vacation on judicial review, there is no point in making them.'').

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed First Amendment of Consent Decree Under the Clean Air Act

On August 15, 2018, the Department of Justice lodged a proposed First Amendment of Consent Decree (''First Amendment'') with the United States District Court for the District of Nevada in the lawsuit entitled *United States* v. *Nevada Cement Company, Inc.,* Civil Action No. 3:17–cv–302.

This case involves claims for alleged violations of the Prevention of Significant Deterioration program of the Clean Air Act and related state law requirements against the Nevada Cement Company at its Fernley, Nevada, Portland cement facility. The original Consent Decree resolving the dispute included injunctive relief for installation of control technology to reduce emissions of nitrogen oxides (NO_X), civil penalties, and mitigation of past excess NO_X emissions. The proposed First Amendment, if approved by the Court, would change the requirements in the original Consent Decree from Selective Non-Catalytic Reduction control technology to Selective Catalytic Reduction control technology for NOx emissions, and would require greater reductions in NO_X, yielding a net NO_X emission reduction over the life of the Consent Decree as compared to the original Consent Decree.

The publication of this notice opens a period for public comment on the First Amendment. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Nevada Cement, Inc.,* D.J. Ref. No. 90–5–2–1–10458. 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	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General U.S. DOJ—ENRD P.O. Box 7611 Washington, DC 20044–7611.

During the public comment period, the First Amendment 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 First Amendment 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 $3.25 (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. 2018–18172 Filed 8–22–18; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Submission for OMB Review; Comment Request: H–2A Recordkeeping Requirement

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL or Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly

understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration (ETA) is soliciting comments concerning its proposal to extend the approval of this information collection. Current expiration of the information collection is November 30, 2018.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before October 22, 2018.

ADDRESSES: A copy of this information collection request (ICR), with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge by contacting William W. Thompson, II, Administrator, Office of Foreign Labor Certification, telephone number: 202–513–7350 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD). Requests may also be made by fax at 202–513–7395 or by email at *ETA.OFLC.Forms@dol.gov* subject line: H–2A Recordkeeping Requirement.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Foreign Labor Certification, Room 12–200, 200 Constitution Avenue NW, Washington, DC 20210; by email: *ETA.OFLC.Forms@dol.gov* subject line: H–2A Recordkeeping Requirement; or by fax: 202–513–7395.

SUPPLEMENTARY INFORMATION:

I. Background

Under the foreign labor certification programs administered by ETA, the H–2A temporary labor certification program enables employers to bring nonimmigrant foreign workers to the U.S. to perform agricultural work of a temporary or seasonal nature as defined in 8 U.S.C. 1101(a)(15)(H)(ii)(a). The H–2A program also permits employers to employ foreign sheepherders and goatherders and those working in open-range production of livestock.

In order to meet its statutory responsibilities under the Immigration and Nationality Act, the Department must request information from employers seeking to hire and import foreign labor. The Department uses the information collected to determine whether employers engaging in sheep herding, goat herding, and open-range production of livestock have met their obligations under Federal law. This ICR pertains to program obligations for employers seeking to hire foreign temporary agricultural workers for job opportunities in herding or production of livestock on the open range. Among the issues addressed through this ICR are timekeeping requirements of employers. In order to determine eligibility for the program based on the amount of work performed on the range, this ICR requires employers to note whether employees spend days on the ranch or on the range. This ICR also requires employers to record the reason for the worker's absence where the employer chooses to prorate the required wage.

II. Review Focus

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; 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.

III. This ICR May Be Summarized as Follows

Agency: DOL–ETA.
Action: Extension.
Title of Collection: H–2A Recordkeeping Requirement.
OMB Control Number: 1205–0519.
Affected Public: Private Sector—Farms.
Form(s): None.
Total Estimated Number of Annual Respondents: 654.
Frequency: Weekly (50 weeks).
Total Estimated Annual Responses: 32,070.
Average Time per Response: 6 minutes.
Total Estimated Annual Time Burden: 3,270.
Total Estimated Annual Other Costs Burden: $0.

Comments submitted in response to this comment request will be summarized and/or included in the request for OMB approval of the ICR; they will also become a matter of public record. Commenters are encouraged not to submit sensitive information (*e.g.,* confidential business information or personally identifiable information such as a social security number).

Authority: 44 U.S.C. 3507(a)(1)(D).

Rosemary Lahasky,

Deputy Assistant Secretary for Employment and Training Administration.

[FR Doc. 2018–18211 Filed 8–22–18; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Trade Adjustment Assistance

In accordance with the Section 223 (19 U.S.C. 2273) of the Trade Act of 1974 (19 U.S.C. 2271, *et seq.*) (''Ac92862t''), as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act (''TAA'') for workers by (TA–W) number issued during the period of *May 16, 2018 through July 13, 2018.* (This Notice primarily follows the language of the Trade Act. In some places however, changes such as the inclusion of subheadings, a reorganization of language, or ''and,'' ''or,'' or other words are added for clarification.)

Section 222(a)—Workers of a Primary Firm

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements under Section 222(a) of the Act (19 U.S.C. 2272(a)) must be met, as follows:

(1) The first criterion (set forth in Section 222(a)(1) of the Act, 19 U.S.C. 2272(a)(1)) is that a significant number or proportion of the workers in such workers' firm (or ''such firm'') have become totally or partially separated, or are threatened to become totally or partially separated;

AND (2(A) or 2(B) below)

(2) The second criterion (set forth in Section 222(a)(2) of the Act, 19 U.S.C. 2272(a)(2)) may be satisfied by either (A) the Increased Imports Path, or (B) the Shift in Production or Services to a