

analysis respecting the effect of these proposed rules on ECPs.

Accordingly, this proposed rule will not have a significant economic effect of any small entity. Therefore, the Chairman, on behalf of the Commission, hereby certifies pursuant to 5 U.S.C. 605(b) that the proposed regulations will not have a significant economic impact on a substantial number of small entities.

#### B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA)<sup>89</sup> imposes certain requirements on Federal agencies, including the Commission, in connection with their conducting or sponsoring any collection of information, as defined by the PRA. This proposed rulemaking would not result in a new collection of information from these entities within the meaning of the PRA.<sup>90</sup>

#### List of Subjects in 17 CFR Part 50

Business and industry; Swaps.

For the reasons set for in the preamble, the Commodity Futures Trading Commission proposes to amend part 50 of title 17 of the Code of Federal Regulations as follows:

#### PART 50—CLEARING REQUIREMENT AND RELATED RULES

- 1. The authority citation for part 50 is revised to read as follows:

**Authority:** 7 U.S.C. 2(h), 6(c), and 7a–1 as amended by Pub. L. 111–203, 124 Stat. 1376.

- 2. In § 50.5,  
 ■ a. Redesignate paragraphs (a) and (b) as paragraphs (b) and (c);  
 ■ b. Add new paragraph (a);  
 ■ c. Add and reserve paragraph (d); and  
 ■ d. Add paragraphs (e) and (f).

The additions read as follows:

#### § 50.5 Swaps exempt from a clearing requirement.

(a) *Definitions.* For the purposes of § 50.5:

*Bank holding company* means an entity that is organized as a bank holding company, as defined in section 2 of the Bank Holding Company Act of 1956;

*Community development financial institution* means a community development financial institution, as defined in section 103(5) of the Community Development Banking and Financial Institutions Act of 1994, and

is certified by the U.S. Department of the Treasury's Community Development Financial Institution Fund as meeting the requirements set forth in 12 CFR 1805.201(b);

*Savings and loan holding company* means an entity that is organized as a savings and loan holding company, as defined in section 10 of the Home Owners' Loan Act of 1933.

\* \* \* \* \*

(d) [Reserved]

(e) Swaps entered into by a bank holding company or savings and loan holding company shall be exempt from the clearing requirement under § 50.2, provided that:

(1) The bank holding company or savings and loan holding company has aggregated assets, including the assets of all its subsidiaries, that do not exceed \$10,000,000,000 according to the value of assets of each subsidiary on the last day of each subsidiary's most recent fiscal year;

(2) The bank holding company or savings and loan holding company reports the swap to a swap data repository pursuant to §§ 45.3 and 45.4 of this chapter, and reports all information described under § 50.50(b) to a swap data repository; and

(3) The swap is used to hedge or mitigate commercial risk, as defined under § 50.50(c).

(f) Swaps entered into by a community development financial institution shall be exempt from the clearing requirement under § 50.2 provided, that:

(1) The community development financial institution reports the swap to a swap data repository pursuant to §§ 45.3 and 45.4 of this chapter, and reports all information described under § 50.50(b) to a swap data repository; and

(2) The swap is a U.S. dollar denominated interest rate swap in the fixed-to-floating class or the forward rate agreement class of swaps that would otherwise be subject to the clearing requirement under § 50.2;

(3) The total aggregate notional value of the interest rate swaps and forward rate agreements entered into during the twelve-month calendar year is less than or equal to \$200,000,000;

(4) The swap is one of ten or fewer swap transactions that the community development financial institution enters into within a twelve-month calendar year; and

(5) The swap is used to hedge or mitigate commercial risk, as defined under § 50.50(c).

Issued in Washington, DC, on August 23, 2018, by the Commission.

**Christopher Kirkpatrick,**  
*Secretary of the Commission.*

**Note:** The following appendices will not appear in the Code of Federal Regulations.

#### Appendices to Amendments to Clearing Exemption for Swaps Entered Into by Certain Bank Holding Companies, Savings and Loan Holding Companies, and Community Development Financial Institutions

##### Appendix 1—Commission Voting Summary

On this matter, Chairman Giancarlo and Commissioners Quintenz and Behnam voted in the affirmative. No commissioner voted in the negative.

##### Appendix 2—Statement of Chairman J. Christopher Giancarlo

Consistent with the overall goals of Project KISS, this proposal would codify Commission policy laid out in the preamble to the 2012 End-User Exception final rule and several staff no-action letters. It will also provide clarity and reduce unnecessary burdens on bank holding companies and savings and loan holding companies with consolidated assets of \$10 billion or less, and certain community development financial institutions.

I want to thank Commission staff for their intelligent work on this proposal. I am grateful to Commissioners Quintenz and Behnam and for their thoughtful input and unanimous support.

[FR Doc. 2018–18618 Filed 8–28–18; 8:45 am]

**BILLING CODE 6351–01–P**

#### DEPARTMENT OF THE INTERIOR

##### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 943

[SATS No. TX–068–FOR; Docket ID: OSM–2018–0002; S1D1S SS08011000 SX064A000 189S180110; S2D2S SS08011000 SX064A000 18XS501520]

#### Texas Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing receipt of a proposed amendment to the Texas regulatory program (Texas program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Texas proposes revisions to its regulations regarding annual permit fees

<sup>89</sup> 44 U.S.C. 3507(d).

<sup>90</sup> The applicable collections of information are “Regulations 45.2, 45.3, and 45.4—Swap Data Recordkeeping and Reporting Requirement,” OMB control number 3038–0086; “Rule 50.50 End-User Notification of Non-Cleared Swaps,” OMB control number 3038–0085.

for calendar years 2017 and 2018. Texas also proposes to remove a restriction in its rules that conflicts with the United States Bankruptcy Code.

This document gives the times and locations where the Texas program documents and this proposed amendment to that program are available for your inspection, establishes the comment period during which you may submit written comments on the amendment, and describes the procedures that we will follow for the public hearing, if one is requested.

**DATES:** We will accept written comments on this amendment until 4:00 p.m., CST, September 28, 2018. If requested, we will hold a public hearing on the amendment on September 24, 2018. We will accept requests to speak at a hearing until 4:00 p.m., CST on September 13, 2018.

**ADDRESSES:** You may submit comments, identified by SATS No. TX-068-FOR, by any of the following methods:

- *Mail/Hand Delivery:* William Joseph, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 1645 South 101st East Avenue, Suite 145, Tulsa, Oklahoma 74128-4629.

- *Fax:* (918) 581-6419.

- *Federal eRulemaking Portal:* The amendment has been assigned Docket ID OSM-2018-0002. If you would like to submit comments go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Instructions:* All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Comment Procedures" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* For access to the docket to review copies of the Texas program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSMRE's Tulsa Field Office, or the full text of the program amendment is available for you to review at [www.regulations.gov](http://www.regulations.gov).

William Joseph, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 1645 South 101st East Avenue, Suite 145, Tulsa, Oklahoma 74128-4629,

Telephone: (918) 581-6430, Email: [bjoseph@osmre.gov](mailto:bjoseph@osmre.gov)

In addition, you may review a copy of the amendment during regular business hours at the following location:

Surface Mining and Reclamation Division, Railroad Commission of Texas, 1701 North Congress Avenue, P.O. Box 12967, Austin, Texas 78711-2967, Telephone: (512) 463-6900

**FOR FURTHER INFORMATION CONTACT:** William Joseph, Director, Tulsa Field Office. Telephone: (918) 581-6430, email: [bjoseph@osmre.gov](mailto:bjoseph@osmre.gov).

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Texas Program
- II. Description of the Proposed Amendment
- III. Public Comment Procedures
- IV. Procedural Determinations

**I. Background on the Texas Program**

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Texas program effective February 16, 1980. You can find background information on the Texas program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Texas program in the February 27, 1980, **Federal Register** (45 FR 12998). You can also find later actions concerning the Texas program and program amendments at 30 CFR 943.10, 943.15, and 943.16.

**II. Description of the Proposed Amendment**

By letter dated February 7, 2018 (Administrative Record No. TX-706), Texas sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*) at its own initiative. Below is a summary of the changes proposed by Texas. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES**.

**§ 12.108. Permit Fees.**

Texas proposes to revise its regulation at 16 Texas Administrative Code (TAC) section 12.108(b) regarding annual permit fees by:

- (1) Amending the calendar years specified in paragraph (b) to calendar year 2017 and 2018;

- (2) Decreasing the amount of the fee, from \$13.05 to \$12.85, for each acre of land within a permit area covered by a reclamation bond on December 31st of the year; and

- (3) Decreasing the amount of the fee, from \$6,600 to \$6,170, for each permit in effect on December 31st of the year.

Texas fully funds its share of costs to regulate the coal mining industry with fees paid by the coal industry. To meet these costs, Texas charges a permit application fee and two annual fees, as mentioned above. The proposed fee revisions are intended to provide adequate funding to pay the State's cost of operating its regulatory program, and provide incentives for industry to accomplish reclamation and achieve bond release as quickly as possible.

**§ 12.309. Terms and Conditions of the Bond.**

Texas proposes to revise its regulation at 16 Texas Administrative Code (TAC) section 12.309(j)(2)(B) by:

- (1) Removing the condition that self-bond applicants not have been subject to bankruptcy proceedings during the 5-year period immediately preceding the date of application.

Texas proposes this revision to conform with the United States Bankruptcy Code at 11 U.S.C. 525(a) and 30 CFR 800.23(b)(2).

**III. Public Comment Procedures**

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

*Electronic or Written Comments*

If you submit written comments, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final program will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

### Public Availability of Comments

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.

### Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., CST on September 13, 2018. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

### Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

## IV. Procedural Determinations

### Executive Order 12866—Regulatory Planning and Review

Pursuant to Office of Management and Budget (OMB) Guidance and dated October 12, 1993, the approval of state program amendments is exempted from

OMB review under Executive Order 12866.

### Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSMRE for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

### List of Subjects in 30 CFR Part 943

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 14, 2018.

**Alfred L. Clayborne**,  
Regional Director, Mid-Continent Region.  
[FR Doc. 2018-18705 Filed 8-28-18; 8:45 am]  
**BILLING CODE 4310-05-P**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Parts 212, 219, and 252

[Docket DARS-2018-0035]

RIN 0750-AJ21

### Defense Federal Acquisition Regulation Supplement: Inapplicability of Certain Laws and Regulations to Commercial Items (DFARS Case 2017-D010); Reopening of Comment Period

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement sections of the National Defense Authorization Act for Fiscal Year 2017 that addresses the inapplicability of certain laws and regulations to the acquisition of commercial items, including commercially available off-the-shelf items. The comment period on the proposed rule is reopened for 60 days.

**DATES:** For the proposed rule published on June 29, 2018 (83 FR 30646), submit comments by October 28, 2018.

**ADDRESSES:** Submit comments identified by DFARS Case 2017-D010, using any of the following methods:

○ *Federal eRulemaking Portal:* <http://www.regulations.gov>. Search for “DFARS Case 2017-D010.” Select “Comment Now” and follow the instructions provided to submit a comment. Please include “DFARS Case 2017-D010” on any attached documents.

○ *Email:* [osd.dfars@mail.mil](mailto:osd.dfars@mail.mil). Include DFARS Case 2017-D010 in the subject line of the message.

○ *Fax:* 571-372-6094.

○ *Mail:* Defense Acquisition Regulations System, Attn: Ms. Barbara J. Trujillo, OUSD(D&S)DPC/DARS, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301-3060.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](http://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:** Ms. Barbara J. Trujillo, telephone 571-372-6102.

### SUPPLEMENTARY INFORMATION:

#### I. Background

On June 29, 2018, DoD published a proposed rule in the **Federal Register** at 83 FR 30646 to implement the requirement of section 874 of the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114-328). Section 874 requires DoD to address the inapplicability of certain laws and regulations to the acquisition of commercial items, including commercially available off-the-shelf items.

The comment period for the proposed rule is reopened 60 days, from August 28, 2018, to October 28, 2018, to provide additional time for interested parties to comment on the proposed DFARS changes.

#### 48 CFR Parts 212, 219, and 252

Government procurement.

**Jennifer Lee Hawes**,  
Regulatory Control Officer, Defense Acquisition Regulations System.

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