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Contents

Federal Register

Vol. 84, No. 48

Tuesday, March 12, 2019

Agriculture Department

See Commodity Credit Corporation

See Food and Nutrition Service

See Foreign Agricultural Service

Centers for Disease Control and Prevention

NOTICES

Final National Occupational Research Agenda for Public Safety, 8870–8871

National Occupational Research Agenda for Healthy Work Design and Well-Being, 8871

Centers for Medicare & Medicaid Services

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 8871–8873

Civil Rights Commission

NOTICES

Meetings:

Mississippi Advisory Committee, 8842

Commerce Department

See National Oceanic and Atmospheric Administration

Commodity Credit Corporation

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 8841–8842

Community Development Financial Institutions Fund

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 8947–8949

Defense Department

See Navy Department

RULES

Program to Encourage Public and Community Service, 8809

Education Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Supporting Excellence in Adult Education, 8849–8850
Application Deadline for Fiscal Year 2019; Small, Rural School Achievement Program, 8846–8849

Energy Department

See Energy Information Administration

See Federal Energy Regulatory Commission

See Southwestern Power Administration

RULES

Strategic Petroleum Reserve Standard Sales Provisions, 8791–8795

NOTICES

Meetings:

International Energy Agency, 8850–8851

Energy Information Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 8851

Environmental Protection Agency

RULES

Air Quality State Implementation Plans; Approvals and Promulgations:

Arizona; Nonattainment Plan for the Miami SO₂

Nonattainment Area, 8813–8820

Michigan; Infrastructure SIP Requirements for the 2012 PM_{2.5} NAAQS; Multistate Transport, 8812–8813

Michigan; Revisions to Part 1 General Provisions Rules, 8809–8811

Pesticide Tolerances:

Methoxyfenozide, 8820–8825

NOTICES

Access by United States Environmental Protection Agency (EPA) Contractors to Information Claimed as Confidential Business Information (CBI) Submitted under Clean Air Act (CAA), Title I, Programs and Activities Air, and Title II Emission Standards for Moving Sources, and Act to Prevent Pollution from Ships (APPS), 8859–8860

Administrative Agreements

Administrative Settlement Agreement and Covenant Not to Sue by Bona Fide Prospective Purchaser, 8858–8859

Certain New Chemical Substances:

Receipt and Status Information for August 2018, 8860–8868

Federal Aviation Administration

RULES

Airworthiness Directives:

Airbus SAS Airplanes, 8795–8799, 8805–8807

Pratt and Whitney Turbofan Engines, 8802–8805

Rolls-Royce plc Turbofan Engines, 8799–8802

PROPOSED RULES

Airworthiness Directives:

Bombardier, Inc., Airplanes, 8832–8834

Proposed Amendment of Class E Airspace:

Manistique, MI, 8834–8835

Federal Election Commission

NOTICES

Filing Dates:

North Carolina Special Election in the 3rd Congressional District, 8868–8870

Federal Energy Regulatory Commission

NOTICES

Applications:

City of San Luis, Obispo, CA, 8851

Federal Railroad Administration

NOTICES

Application:

Approval of Discontinuance or Modification of a Railroad Signal System, 8942–8943

Petition for Special Approval of Alternative Compliance, 8942

Petition for Waiver of Compliance, 8943

Federal Reserve System**PROPOSED RULES**

Regulation D:

Reserve Requirements of Depository Institutions, 8829–8831

NOTICES

Change in Bank Control:

Acquisitions of Shares of a Bank or Bank Holding Company, 8870

Food and Drug Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Information to Accompany Humanitarian Device Exemption Applications and Annual Distribution Number Reporting Requirements, 8874–8875

Review Transparency and Communication in Reviews of 351(k) Biologics License Applications in Biosimilars User Fee Act, 8877–8879

Substances Generally Recognized as Safe: Notification Procedure, 8876–8877

Guidance:

Data Integrity and Compliance with Drug Current Good Manufacturing Process: Questions and Answers; Correction, 8875–8876

Food and Nutrition Service**NOTICES**

Meetings:

2020 Dietary Guidelines Advisory Committee, 8840–8841

Foreign Agricultural Service**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 8841–8842

Health and Human Services Department

See Centers for Disease Control and Prevention

See Centers for Medicare & Medicaid Services

See Food and Drug Administration

See Indian Health Service

See National Institutes of Health

Homeland Security Department

See U.S. Customs and Border Protection

Housing and Urban Development Department**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Application for FHA Insured Mortgages, 8886–8887

FHA Lender Approval, Annual Renewal, Periodic Updates and Required Reports by FHA-Approved Lenders, 8888–8889

Public/Private Partnerships for the Mixed-Finance Development of Public Housing Units, 8885–8886

Rural Capacity Building, 8887–8888

Indian Health Service**NOTICES**

Loan Repayment Program for Repayment of Health Professions Educational Loans, 8879–8881

Interior Department

See National Park Service

Internal Revenue Service**NOTICES**

Meetings:

Taxpayer Advocacy Panel Taxpayer Assistance Center Project Committee; Correction, 8950

Taxpayer Advocacy Panel Taxpayer Communications Project Committee; Correction, 8949–8950

Taxpayer Advocacy Panel's Notices and Correspondence Project Committee; Correction, 8951

Taxpayer Advocacy Panel's Special Projects Committee; Correction, 8949

Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee; Correction, 8950–8951

Taxpayer Advocacy Panel's Toll-Free Phone Line Project Committee; Correction, 8950

International Trade Commission**NOTICES**

Antidumping or Countervailing Duty Investigations, Orders, or Reviews:

Large Diameter Welded Pipe from Canada, Greece, Korea, and Turkey, 8892–8893

Wooden Cabinets and Vanities from China, 8890–8891

Complaint:

Certain Child Carriers and Components Thereof, 8893–8894

Investigations; Determinations, Modifications, and Rulings, etc.:

Certain Blood Separation and Cell Preparation Devices, 8891–8892

Certain Graphics Processors and Products Containing the Same, 8891

Justice Department**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Appeals of Background Checks, 8896–8897

Limited Permittee Transaction Report, 8894–8895

Transactions Among Licensees/Permittees, Limited, 8895–8896

Proposed Consent Decree:

Clean Air Act, 8895

Labor Department

See Mine Safety and Health Administration

See Occupational Safety and Health Administration

See Wage and Hour Division

See Workers Compensation Programs Office

Legal Services Corporation**NOTICES**

Request for Proposals:

Calendar Year 2020 Basic Field Grant Awards, 8904–8905

Mine Safety and Health Administration**NOTICES**

Affirmative Decisions on Petitions for Modification Granted in Whole or in Part, 8897–8898

Petitions for Modification:

Application of Existing Mandatory Safety Standard, 8898–8900

National Institutes of Health**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Generic Clearance for Conferences, Meetings, Workshops, Poster Sessions and Registration, 8882–8883

Hazardous Waste Worker Training Grantee Data Collection, 8883–8884
National Institute on Drug Abuse Summer Research Internship Program, 8881–8882

National Oceanic and Atmospheric Administration

RULES

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic:
Reef Fish Fishery of the Gulf of Mexico; 2019 Recreational Fishing Seasons for Red Snapper in the Gulf of Mexico, 8825–8826
Fisheries of the Exclusive Economic Zone Off Alaska:
Pollock in Statistical Area 630 in the Gulf of Alaska, 8828
Fisheries of the Northeastern United States:
Atlantic Bluefish Fishery; 2019 Bluefish Specifications, 8826–8828

PROPOSED RULES

Pacific Island Fisheries:
Annual Catch Limit and Accountability Measures; Main Hawaiian Islands Deep 7 Bottomfish, 8835–8839

NOTICES

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries:
Application for Exempted Fishing Permits, 8843–8844
Meetings:
Fisheries of the South Atlantic; Southeast Data, Assessment, and Review, 8842–8843
National Estuarine Research Reserve System, 8844

National Park Service

NOTICES

Meetings:
Wekiva River System Advisory Management Committee, 8889

National Science Foundation

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Generic Clearance of the National Center for Science and Engineering Statistics Improvement Projects, 8905–8906

Navy Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 8844–8846

Nuclear Regulatory Commission

NOTICES

Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations; Applications and Amendments:
Biweekly Notice, 8906–8916

Occupational Safety and Health Administration

NOTICES

Application for Expansion of Recognition and Proposed Modifications to Nationally Recognized Testing Laboratory Program's List of Appropriate Test Standards:
MET Laboratories, Inc., 8900–8902

Personnel Management Office

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Certification of Qualifying District of Columbia Service, 8918
Combined Federal Campaign Charity Applications, 8918–8919
Federal Employees Dental and Vision Insurance Program Enrollment System, 8916
Reemployment of Annuitants, 8916–8917
Rollover Election, Rollover Information, and Special Tax Notice Regarding Rollovers, 8917–8918

Pipeline and Hazardous Materials Safety Administration

NOTICES

Hazardous Materials:
Applications for Special Permits, 8943–8946

Securities and Exchange Commission

NOTICES

Meetings; Sunshine Act, 8937
Self-Regulatory Organizations; Proposed Rule Changes:
Cboe C2 Exchange, Inc., 8937–8938
Cboe EDGX Exchange, Inc., 8921–8931
Investors Exchange, LLC, 8935–8936
MIAX Emerald, LLC, 8931–8935
New York Stock Exchange, LLC, 8919–8920

Small Business Administration

NOTICES

Exemption under the Small Business Investment Act, Conflicts of Interest:
Seacoast Capital Partners IV, LP, 8938–8939

Southwestern Power Administration

NOTICES

Integrated System Power Rates, 8851–8858

State Department

NOTICES

Culturally Significant Objects Imported for Exhibition:
Auschwitz. Not Long Ago. Not Far Away, 8941
List of Entities and Subentities Associated with Cuba (Cuba Restricted List), 8939–8941

Transportation Department

See Federal Aviation Administration
See Federal Railroad Administration
See Pipeline and Hazardous Materials Safety Administration

NOTICES

Meetings:
National Advisory Committee on Travel and Tourism Infrastructure, 8946–8947

Treasury Department

See Community Development Financial Institutions Fund
See Internal Revenue Service
See United States Mint

RULES

Extension of Import Restrictions Imposed on Archaeological and Ecclesiastical Ethnological Material from Honduras, 8807–8809

NOTICES

Meetings:
Commission on Social Impact Partnerships, 8951–8952

U.S. Customs and Border Protection**RULES**

Extension of Import Restrictions Imposed on Archaeological and Ecclesiastical Ethnological Material from Honduras, 8807–8809

NOTICES

21st Century Customs Framework; Re-Opening of the Public Comment Period, 8884–8885

United States Mint**NOTICES**

2019 Pricing of Numismatic Gold, Commemorative Gold, Platinum, and Palladium Products Grid, 8952

Wage and Hour Division**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Employment Information Form, 8902–8903

Workers Compensation Programs Office**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 8903–8904

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

10 CFR

625.....8791

12 CFR**Proposed Rules:**

204.....8829

14 CFR

39 (4 documents) ...8795, 8799,
8802, 8805

Proposed Rules:

39.....8832

71.....8834

19 CFR

12.....8807

32 CFR

77.....8809

40 CFR

52 (3 documents) ...8809, 8812,
8813

180.....8820

50 CFR

622.....8825

648.....8826

679.....8828

Proposed Rules:

665.....8835

Rules and Regulations

Federal Register

Vol. 84, No. 48

Tuesday, March 12, 2019

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF ENERGY

10 CFR Part 625

RIN 1901-AB29

SPR Standard Sales Provisions

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE or Department) is amending its regulations to require publication of its Standard Sales Provisions for the price competitive sale of petroleum from the Strategic Petroleum Reserve (SPR) solely on the DOE SPR website. Any subsequent revisions to its Standard Sales Provisions will also be published solely on the DOE SPR website. DOE will publish notification in the **Federal Register** and send notification to registered users in the SPR sales system when DOE revises its Standard Sales Provisions on the DOE SPR website. Notices of Sale will reference the Standard Sales Provisions published on the DOE SPR website in specifying which contractual terms and conditions, as well as contractor financial and performance responsibility measures, are applicable to that particular sale. The final rule is intended to expedite the preparation of and simplify the content of Notices of Sale, which in turn will reduce the administrative burden placed on prospective bidders.

DATES: This final rule is effective April 11, 2019.

FOR FURTHER INFORMATION CONTACT:

Thomas McGarry, U.S. Department of Energy, Office of Petroleum Reserves, Office of Fossil Energy, Forrestal Building, Room 3G-024, 1000 Independence Avenue SW, Washington, DC 20585; (202) 586-8197, *email:* thomas.mcgarry@hq.doe.gov; or Bill Cody, U.S. Department of Energy (GC-76), Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, Room 6D-033, 1000 Independence Ave. SW,

Washington, DC 20585; (202) 586-6918, *email:* bill.cody@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Discussion of Final Rule and Response to Comments
 - A. Summary of the Final Rule
 - B. Response to Comments
- III. Regulatory Review
 - A. Executive Orders 12866 and 13563
 - B. Executive Orders 13771, 13777, and 13783
 - C. National Environmental Policy Act
 - D. Regulatory Flexibility Act
 - E. Paperwork Reduction Act
 - F. Unfunded Mandates Reform Act of 1995
 - G. Treasury and General Government Appropriations Act, 1999
 - H. Executive Order 13132
 - I. Executive Order 12988
 - J. Treasury and General Government Appropriations Act, 2001
 - K. Executive Order 13211
 - L. Congressional Notification
- IV. Approval of the Office of the Secretary

I. Background

The Strategic Petroleum Reserve (SPR) was established by the Energy Policy and Conservation Act (EPCA), Public Law 94-163, to store petroleum to diminish the impact of disruptions on petroleum supplies and to carry out the obligations of the United States under the International Energy Program. The principal method for distributing SPR petroleum is through price competitive sale, 42 U.S.C. 6241(e), and DOE utilizes certain contract terms and conditions—known as Standard Sales Provisions (SSPs)—that are expected to be contained in contracts for the sale of SPR petroleum.

Prior to this final rule, DOE's regulations called for the publication of the Standard Sales Provisions in the **Federal Register** and the Code of Federal Regulations (CFR) as an appendix to 10 CFR part 625, and provided for the periodic review and republication of the Standard Sales Provisions in the **Federal Register**, including any revisions to such provisions. However, these self-imposed regulatory requirements have inhibited DOE's ability to make timely updates to its Standard Sales Provisions; DOE was last able to update the Standard Sales Provisions in 2005.

As a result, the Standard Sales Provisions have become increasingly inconsistent with changes in crude oil markets, infrastructure, ownership, technology, financial processes,

business practices, subsequent legislation and regulations, and other factors and circumstances. In a price competitive sale conducted in 2017, 12 years after the Standard Sales Provisions were last updated, there were 11 pages of changes involving 24 sections of the Standard Sales Provisions in the Notice of Sale. As a result, the time and costs spent by industry associated with cross-referencing changes to the Standard Sales Provisions made applicable to a particular sale has increased, and will likely continue to increase due to the large number of required sales over the next decade.¹

In light of these circumstances, DOE has determined that publishing the Standard Sales Provisions solely on the DOE SPR website, and revising these Standard Sales Provisions as circumstances evolve, would increase the Department's ability to maintain up-to-date Standard Sales Provisions, which in turn will reduce the length and complexity of Notices of Sale published by DOE and reviewed by prospective offerors.

On July 26, 2018, DOE published the notice of proposed rulemaking (NPR or proposed rule) to amend its regulations to require publication of its Standard Sales Provisions solely on the DOE SPR website instead of in the **Federal Register** and CFR (83 FR 35438). Publication of the NPR began a 30-day public comment period that ended on August 27, 2018. DOE received one comment that was not related to the subject matter of the NPR. The NPR and comment received on the NPR can be accessed at: <https://www.regulations.gov/document?D=DOE-HQ-2018-0028-0001>.

For additional background information on this final rule, please see the proposed rule. In the proposed rule, DOE provides information on DOE's practice of conducting price competitive sales of petroleum from the SPR through Notices of Sale, DOE's prior practice with respect to its Standard Sales Provisions, and additional discussion in support of this rulemaking.

¹ Public Law 114-74, secs. 403, 404 (Nov. 2, 2015); Public Law 114-94, sec. 32204 (Dec. 4, 2015); Public Law 114-255, sec. 5010 (Dec. 13, 2016); Public Law 115-97, sec. 20003 (Jan. 6, 2017); Public Law 115-123, sec. 30204 (Feb. 9, 2018); Public Law 115-141, div. O, sec. 501 (March 23, 2018).

II. Discussion of Final Rule and Response to Comments

A. Summary of the Final Rule

The final rule revises 10 CFR 625.4 in several respects. First, the Standard Sales Provisions applicable to price competitive sales of petroleum² from the SPR will no longer be required to be published in the **Federal Register** and in the CFR as an Appendix to 10 CFR part 625. Instead, the Standard Sales Provisions applicable to price competitive sales of petroleum from the SPR will be published solely on the DOE SPR website, which is currently at <https://www.energy.gov/fe/downloads/price-competitive-sale-strategic-petroleum-reserve-petroleum>. Second, under the final rule, revisions to the Standard Sales Provisions will be published solely on the DOE SPR website, instead of in the **Federal Register**. Third, DOE will publish notification in the **Federal Register** and send notification to registered users in the SPR sales system each time DOE revises and republishes its Standard Sales Provisions on the DOE SPR website. Fourth, Notices of Sale will reference the continually updated Standard Sales Provisions published on the DOE SPR website, instead of the **Federal Register** and the CFR, in specifying which contractual terms and conditions, as well as contractor financial and performance responsibility measures, are applicable to a particular sale.

In addition to these revisions to 10 CFR 625.4, the final rule also removes the Standard Sales Provisions from the CFR by deleting Appendix A to 10 CFR part 625.

The Department notes that the web address provided for the DOE SPR website in the regulatory text is the current web address. If the web address for the DOE SPR website changes at some future date, DOE will publish notification of changes to the SPR web address in the **Federal Register** and update the CFR reference to the web address.

B. Response to Comments

The Department received one comment that was not related to the subject matter of the NOPR. Therefore, for the reasons discussed in the preamble and the proposed rule (83 FR

35438; July 26, 2018), the Department is publishing the rulemaking as proposed.

III. Regulatory Review

A. Executive Orders 12866 and 13563

This regulatory action has been determined to not be a “significant regulatory action” under Executive Order 12866, “Regulatory Planning and Review,” 58 FR 51735 (October 4, 1993). Accordingly, this action was not subject to review under that Executive Order by the Office of Information and Regulatory Affairs of the Office of Management and Budget.

DOE has also reviewed this regulation pursuant to Executive Order 13563, issued on January 18, 2011. (76 FR 3281, Jan. 21, 2011.) E.O. 13563 is supplemental to and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, agencies are required by Executive Order 13563 to: (1) Propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

DOE concludes that this final rule is consistent with these principles. Specifically, this final rule would reduce burdens on potential offerors by reducing the time and cost associated with reviewing changes to the Standard Sales Provisions applicable to a particular sale. The final rule is intended to expedite the preparation of and simplify the content of Notices of Sale, which in turn will reduce the administrative burden placed on prospective bidders.

B. Executive Orders 13771, 13777, and 13783

On January 30, 2017, the President issued Executive Order 13771, “Reducing Regulation and Controlling Regulatory Costs.” That Order stated the policy of the executive branch is to be prudent and financially responsible in the expenditure of funds, from both public and private sources. The Order stated it is essential to manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations.

Additionally, on February 24, 2017, the President issued Executive Order 13777, “Enforcing the Regulatory Reform Agenda.” The Order required the head of each agency designate an agency official as its Regulatory Reform Officer (RRO). Each RRO oversees the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. Further, Executive Order 13777 requires the establishment of a regulatory task force at each agency. The regulatory task force is required to make recommendations to the agency head regarding the repeal, replacement, or modification of existing regulations, consistent with applicable law. At a minimum, each regulatory reform task force must attempt to identify regulations that:

- (i) Eliminate jobs, or inhibit job creation;
- (ii) Are outdated, unnecessary, or ineffective;
- (iii) Impose costs that exceed benefits;
- (iv) Create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;
- (v) Are inconsistent with the requirements of Information Quality Act, or the guidance issued pursuant to that Act, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or
- (vi) Derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

Finally, on March 28, 2017, the President signed Executive Order 13783, entitled “Promoting Energy Independence and Economic Growth.” Among other things, Executive Order 13783 requires the heads of agencies to review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (collectively, agency actions) that

² As used in this rulemaking, “petroleum” includes “crude oil, residual fuel oil or any refined petroleum product (including any natural gas liquid and any natural gas liquid product) owned or contracted for by DOE and in storage in any permanent SPR facility, or temporarily stored in other storage facilities, or in transit to such facilities (including petroleum under contract but not yet delivered to a loading terminal).” 10 CFR 625.2.

potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources. Such review does not include agency actions that are mandated by law, necessary for the public interest, and consistent with the policy set forth elsewhere in that order.

Executive Order 13783 defined burden for purposes of the review of existing regulations to mean to unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, transmission, or delivery of energy resources.

DOE concludes that this final rule is consistent with the directives set forth in these executive orders. Specifically, this final rule provides that DOE would publish its Standard Sales Provisions solely on the DOE SPR website as opposed to in the **Federal Register** and in the CFR. This final rule also provides that DOE would provide notice to impacted parties of revisions to its Standard Sales Provisions. The final rule is intended to expedite the preparation of and simplify the content of Notices of Sale, which in turn will reduce the administrative burden placed on prospective bidders. DOE also anticipates that this final rule would encourage increased participation by the private sector in future sales of petroleum from the SPR, which in turn would benefit the private sector by allowing for greater diversity and competition in sales of petroleum from the SPR.

C. National Environmental Policy Act

Per 10 CFR 1021.410(a), DOE has determined that promulgation of these regulations fall into a class of actions that does not individually or cumulatively have a significant impact on the human environment as set forth under DOE's regulations implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Further, this rulemaking is covered under the Categorical Exclusion found in the DOE's National Environmental Policy Act regulations at paragraph A6 of appendix A to subpart D, 10 CFR part 1021, which applies to rulemakings that are strictly procedural. Accordingly, neither an EIS nor an EA is required.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of a regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic

impact on a substantial number of small entities. As required by Executive Order 13272, "Proper Consideration of Small Entities in Agency Rulemaking," 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process (68 FR 7990). DOE has made its procedures and policies available on the Office of General Counsel's website: <http://www.gc.doe.gov>.

DOE has reviewed this final rule under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. As discussed in the preamble, this final rule provides that DOE would publish its Standard Sales Provisions solely on the DOE SPR website, rather than in the **Federal Register** and in the CFR. This final rule also provides that DOE would provide notice to impacted parties of revisions to its Standard Sales Provisions. Because it would streamline the process for amending and modifying DOE's Standard Sales Provisions, which would in turn reduce the length and complexity of Notices of Sale published by DOE for sales of petroleum from the SPR, the final rule would not result in a significant economic impact on a substantial number of small entities. DOE anticipates that this final rule would encourage increased participation by the private sector in future sales of petroleum from the SPR, by reducing the opportunity cost to participate in such sales. This, in turn, would allow for greater diversity and competition in sales of SPR petroleum from the SPR, including increased participation by small entities.

Therefore, DOE certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities. Accordingly, DOE did not prepare a FRFA for this rulemaking. DOE's certification and supporting statement of factual basis will be provided to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

E. Paperwork Reduction Act

The final rule does not create or change any requirements subject to review and approval by OMB pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and the procedures implementing that Act, 5 CFR 1320.1 *et seq.* Accordingly, OMB clearance is not required under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

F. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) generally requires Federal agencies to examine closely the impacts of regulatory actions on tribal, state, and local governments. Subsection 101(5) of title I of that law defines a Federal intergovernmental mandate to include any regulation that would impose upon tribal, state, or local governments an enforceable duty, except a condition of Federal assistance or a duty arising from participating in a voluntary Federal program. Title II of that law requires each Federal agency to assess the effects of Federal regulatory actions on tribal, state, and local governments, in the aggregate, or to the private sector, other than to the extent such actions merely incorporate requirements specifically set forth in a statute. Section 202 of that title requires a Federal agency to perform a detailed assessment of the anticipated costs and benefits of any rule that includes a Federal mandate which may result in costs to tribal, state, or local governments, or to the private sector, of \$100 million or more in any one year (adjusted annually for inflation). *See* 2 U.S.C. 1532(a) and (b). Section 204 of that title requires each agency that proposes a rule containing a significant Federal intergovernmental mandate to develop an effective process for obtaining meaningful and timely input from elected officers of tribal, state, and local governments. *See* 2 U.S.C. 1534.

This final rule provides that DOE would publish its Standard Sales Provisions solely on the DOE SPR website, rather than in the **Federal Register** and in the CFR. DOE has determined that the final rule would not result in the expenditure by tribal, state, and local governments in the aggregate, or by the private sector, of \$100 million or more in any one year. Accordingly, no assessment or analysis is required under the Unfunded Mandates Reform Act of 1995.

G. Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any final

rule that may affect family well-being. The final rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

H. Executive Order 13132

Executive Order 13132, “Federalism,” 64 FR 43255 (August 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt state law or that have Federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the states and carefully assess the necessity for such actions. DOE has examined this final rule and has determined that it would not preempt state law and would 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. No further action is required by Executive Order 13132.

I. Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, “Civil Justice Reform,” 61 FR 4729 (February 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of

them. DOE has completed the required review and determined that, to the extent permitted by law, the final rule meets the relevant standards of Executive Order 12988.

J. Treasury and General Government Appropriations Act, 2001

The Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB.

OMB’s guidelines were published at 67 FR 8452 (February 22, 2002), and DOE’s guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed this final rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Executive Order 13211

Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,” 66 FR 28355 (May 22, 2001) requires Federal agencies to prepare and submit to the OMB, a Statement of Energy Effects for any proposed significant energy action. A “significant energy action” is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

DOE has determined that this regulatory action would not have a significant adverse effect on the supply, distribution, or use of energy, and therefore is not a significant energy action. The final rule would provide for the publication of DOE’s Standard Sales Provisions on the SPR website. DOE concluded, as discussed in the proposed rule, that this rulemaking would encourage increased participation by the private sector in future sales of petroleum from the SPR, by reducing the opportunity cost to participate in such sales. This increased participation would allow for greater diversity and

competition in sales of SPR petroleum from the SPR, including increased participation by small entities as well as larger industry participants. This increased participation, however, is not expected to have a significant adverse effect on the supply, distribution, or use of energy because increased participation in the bidding process does not change the quantity of SPR petroleum offered or delivered. Accordingly, DOE has not prepared a Statement of Energy Effects.

L. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this final rule prior to its effective date. The report will state that it has been determined that the final rule is not a “major rule” as defined by 5 U.S.C. 804(2).

IV. Approval of the Office of the Secretary

The Secretary of Energy has approved the publication of this final rule.

List of Subjects in 10 CFR Part 625

Government contracts, Oil and gas reserves, Strategic and critical materials.

Signed in Washington, DC, on March 4, 2019.

Steven E. Winberg,

Assistant Secretary, Office of Fossil Energy.

For the reasons stated in the preamble, DOE amends part 625, chapter II of title 10, Code of Federal Regulations as set forth below:

PART 625—PRICE COMPETITIVE SALE OF STRATEGIC PETROLEUM RESERVE PETROLEUM

■ 1. The authority citation for part 625 continues to read as follows:

Authority: 15 U.S.C. 761; 42 U.S.C. 7101; 42 U.S.C. 6241.

■ 2. Section 625.4 is revised to read as follows:

§ 625.4 Publication of the Standard Sales Provisions.

(a) *Publication.* The Standard Sales Provisions shall be published on the U.S. Department of Energy Strategic Petroleum Reserve website (<https://www.energy.gov/fe/services/petroleum-reserves/strategic-petroleum-reserve>).

(b) *Revisions of the Standard Sales Provisions.* The Standard Sales Provisions shall be reviewed on a continuous basis and republished on the Department of Energy Strategic Petroleum Reserve website. Notification of revisions of the Standard Sales Provisions shall be made in the **Federal Register** and sent to existing registered users in the SPR sales system.

(c) *Notification of applicable clauses.* The Notice of Sale will specify, by referencing the Department of Energy Strategic Petroleum Reserve website, which contractual terms and conditions and contractor financial and performance responsibility measures contained or described therein are applicable to that particular sale.

Appendix A to Part 625 [Removed]

■ 3. Appendix A to part 625 is removed.

[FR Doc. 2019-04463 Filed 3-11-19; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2018-0806; Product Identifier 2018-NM-056-AD; Amendment 39-19590; AD 2019-05-08]

RIN 2120-AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2015-12-08, which applied to all Airbus SAS Model A318 and A319 series airplanes and all Model A320-211, A320-212, A320-214, A320-231, A320-232, A320-233, A321-111, A321-112, A321-131, A321-211, A321-212, A321-213, A321-231, and A321-232 airplanes. AD 2015-12-08 required an inspection to determine the batch number or installation date of the oxygen pipe assembly that is installed at the end of the right-hand crew distribution line, and replacement of the pipe if necessary. This AD revises the applicability to include additional airplane models and additional pipes to be replaced if necessary. This AD was prompted by further investigation that determined that affected oxygen pipes may have been installed on more airplanes than initially identified. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 16, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 16, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in

this AD as of July 21, 2015 (80 FR 34262, June 16, 2015).

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No. 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email account.airworthiness@airbus.com; internet <http://www.airbus.com>. You may view this referenced 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-2018-0806.

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-2018-0806; 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: Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3223.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2015-12-08, Amendment 39-18182 (80 FR 34262, June 16, 2015) (“AD 2015-12-08”). AD 2015-12-08 applied to all Airbus SAS Model A318-111, A318-112, A318-121, A318-122, A319-111, A319-112, A319-113, A319-114, A319-115, A319-131, A319-132, A319-133, A320-211, A320-212, A320-214, A320-231, A320-232, A320-233, A321-111, A320-112, A320-131, A320-211, A320-212, A320-213, A320-231, and A320-232 airplanes. The NPRM published in the **Federal Register** on October 4, 2018 (83 FR 50047). The NPRM was prompted by further investigation that determined that affected oxygen pipes may have been installed on more airplanes than

initially identified. The NPRM proposed to revise the applicability to include additional airplane models and additional pipes to be replaced if necessary. We are issuing this AD to address corrosion of the oxygen pipe assemblies, which could lead to blocked or reduced oxygen supply to a flight crew member in case of decompression or smoke/fire in the flight deck. In addition, the presence of particles in oxygen lines, under certain conditions, increases the risk of fire in the flight deck.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018-0060R1, dated July 19, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for all Airbus SAS Model A318 and A319 series airplanes; all Model A320-211, A320-212, A320-214, A320-216, A320-231, A320-232, A320-233, A321-111, A321-112, A321-131, A321-211, A321-212, A321-213, A321-231, and A321-232 airplanes; and certain Model A320-251N, A320-271N, and A321-271N airplanes. The MCAI states:

Some oxygen pipe assemblies were found corroded during manufacturing at supplier level. The affected pipe assembly was installed at the end of the right hand (RH) crew distribution line, just upstream of the First Officer and RH Observer oxygen mask boxes.

The investigation showed that the affected pipes had been heat treated just 4 weeks before the summer factory closure and were only cleaned after re-opening of the factory. During this interruption, corrosion developed in these pipes.

This condition, if not detected and corrected, could lead to blocked or reduced oxygen supply to a flight crew member in case of decompression or smoke/fire in the cockpit. In addition, the presence of particles in oxygen lines, under certain conditions, increases the risk of fire in the cockpit.

The parts manufacturer identified the batch numbers of the potentially affected pipes that were manufactured in a specific period in 2011. Based on that information, Airbus identified the aeroplanes on which those pipes were installed on the production line and issued [service bulletin] SB A320-35-1069, containing instructions to remove the affected pipes from service.

Consequently, EASA issued AD 2013-0278 [which corresponds to FAA AD 2015-12-08] to require the identification and replacement of the affected oxygen pipes. That [EASA] AD also prohibited installation of any affected pipe on other aeroplanes.

After EASA AD 2013-0278 was issued, further investigation determined that affected oxygen pipes may have been installed on more aeroplanes than initially identified. Consequently, Airbus revised SB A320-35-1069 and EASA issued AD 2017-0150,

retaining the requirements of EASA AD 2013–0278, which was superseded, and requiring the same actions on these additional aeroplanes.

After EASA AD 2017–0150 was issued, it was determined that five A320 and A321 NEO aeroplanes had been delivered with a configuration which potentially allows the installation of an affected oxygen pipe.

Consequently, EASA issued AD 2018–0060, retaining the requirements of EASA AD 2017–0150, which was superseded, expanding the Applicability to include the five A320 and A321 NEO aeroplanes, and correcting the Table in Appendix 1 by removing MSN [manufacturer serial number] 5091 which belongs to Group 2.

Since that AD was issued, several operator requests were received to clarify the required actions for Group 3 and Group 4 aeroplanes. It was determined that, as per Airbus configuration control, the EASA AD No.: 2018–0060R1 affected parts have been identified as being potentially installed in production only on Group 1 and Group 2 aeroplanes. However, it is possible that those parts migrated to other aeroplanes during maintenance; for that reason, Group 3 and 4 aeroplanes need to be considered. This [EASA] AD is revised accordingly.

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–2018–0806.

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.

Support for the NPRM

Air Line Pilots Association, International (ALPA) stated its support for the NPRM.

Request To Add Airplanes to Paragraph (j) of the Proposed AD

American Airlines requested that additional airplanes be added to paragraph (j) of the proposed AD. American Airlines asserted that Airbus has identified additional airplanes, which are included in Revision 02, dated October 26, 2016; and Revision 03, dated December 8, 2017; of Airbus Service Bulletin A320–35–1069.

We disagree with the request to add airplanes to paragraph (j) of this AD, which contains a new action for those airplanes not affected by AD 2015–12–18. The airplanes identified by the commenter are already included in paragraph (h) of this AD, which contains a retained action from AD 2015–12–18. Adding those airplanes to paragraph (j) of this AD would result in redundant requirements for those airplanes. We have not changed this AD in this regard.

Request To Specify No Reporting

American Airlines requested that we do not require the reporting specified in Airbus Service Bulletin A320–35–1069, Revision 03, dated December 8, 2017. American Airlines stated that this action is not related to the unsafe condition.

We agree with the request. We have added paragraph (l) to this AD to specify no reporting is required. We have redesignated subsequent paragraphs of this AD accordingly.

Request To Remove Location for Accomplishing a Certain Action

American Airlines requested that we remove the location from the requirement to flush certain removed parts. American Airlines stated that Airbus Service Bulletin A320–35–1069, Revision 03, dated December 8, 2017, specifies doing that action in the shop. American Airlines stated that the location of performing that maintenance action is not relevant to correcting the unsafe condition.

We agree with the request for the reason provided by the commenter. We have added paragraph (m)(1) to this AD to specify that the location to flush certain parts is not required by this AD.

Request for Alternative Part Numbers

American Airlines requested that we include alternative parts for washer part number (P/N) AN960C816. American Airlines stated that Airbus Service Bulletin A320–35–1069, Revision 03, dated December 8, 2017, specifies to install the new crew oxygen pipe with P/N AN960C816, but that part number is obsolete. American Airlines stated that that part number can be replaced with alternate P/N NAS1149C0863R, as specified in Illustrated Parts Catalog (IPC) 35–12–01–03, Item 110. American Airlines requested that we allow the installation of alternate parts as specified in the IPC.

We partially agree with the commenter. We disagree to allow installation of any alternative part specified in the IPC because the IPC is not FAA-approved data. However, we agree to allow the use of alternate P/N NAS1149C0863R. We have added paragraph (m)(2) to this AD to allow the use of that alternate part number.

Clarification of Requirements for Model A320–216 Airplanes

We stated the following in the NPRM: The Airbus SAS Model A320–216 was type certificated on December 19, 2016. Before that date, any EASA AD that affected Model A320–216 airplanes was included on the Required Airworthiness Action List (RAAL). Model A320–216 airplanes have subsequently been

placed on the U.S. Register, and will now be included in FAA AD actions. For Airbus SAS Model A320–216 airplanes, the requirements that correspond to AD 2015–12–08 were mandated by the MCAI via the RAAL. Although that RAAL requirement is still in effect, for continuity and clarity we have identified Airbus SAS Model A320–216 airplanes in paragraph (c) of this AD; the restated requirements of paragraphs (g), (h), and (i) of this AD would therefore apply to those airplanes.

However, in paragraph (i) of the NPRM, we excluded Airbus SAS Model A320–216 airplanes. We also included those airplanes in the new requirements in paragraphs (j) and (k) of the NPRM.

We should not have excluded Airbus SAS Model A320–216 airplanes in paragraph (i) of the NPRM since the restated requirements of that paragraph still apply to those airplanes via the RAAL. Likewise, those airplanes should not have been included in the new requirements of paragraphs (j) and (k) of the NPRM because the requirements were already addressed by the restated requirements of paragraphs (g), (h), and (i) of the NPRM (which correspond to the actions required by the MCAI, EASA AD 2013–0278, via the RAAL). Therefore, we have removed references to Airbus SAS Model A320–216 airplanes from paragraphs (j) and (k) of this AD, and removed the text excluding Airbus SAS Model A320–216 from paragraph (i) of this AD.

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

Airbus has issued Service Bulletin A320–35–1069, Revision 03, dated December 8, 2017. The service information describes an inspection to determine the batch number or installation date of the oxygen pipe assembly that is installed at the end of

the right-hand crew distribution line, and replacement of the pipe.

This AD also requires Airbus Service Bulletin A320–35–1069, dated April 26, 2013, which the Director of the Federal Register approved for incorporation by

reference as of July 21, 2015 (80 FR 34262, June 16, 2015).

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 50 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
2 work-hours × \$85 per hour = \$170	\$0	\$170	\$8,500

We estimate the following costs to do any necessary replacements that would

be required based on the results of the required inspection. We have no way of

determining the number of aircraft that might need these replacements:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
5 work-hours × \$85 per hour = \$425	\$0	\$425

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all known costs in our cost estimate.

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

We determined that 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 removing Airworthiness Directive (AD) 2015–12–08, Amendment 39–18182 (80 FR 34262, June 16, 2015), and adding the following new AD:

2019–05–08 Airbus SAS: Amendment 39–19590; Docket No. FAA–2018–0806; Product Identifier 2018–NM–056–AD.

(a) Effective Date

This AD is effective April 16, 2019.

(b) Affected ADs

This AD replaces AD 2015–12–08, Amendment 39–18182 (80 FR 34262, June 16, 2015) ("AD 2015–12–08").

(c) Applicability

This AD applies to the Airbus SAS airplanes identified in paragraphs (c)(1) through (c)(5) of this AD, certificated in any category.

(1) Model A318–111, –112, –121, and –122 airplanes, all manufacturer serial numbers.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes, all manufacturer serial numbers.

(3) Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes, all manufacturer serial numbers.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes, all manufacturer serial numbers.

(5) Model A320–251N, A320–271N, and A321–271N airplanes, manufacturer serial numbers 6101, 6286, 6419, 6642, and 6673.

(d) Subject

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

(e) Reason

This AD was prompted by a report of corrosion found during the manufacturing process for some oxygen pipe assemblies that are used to supply oxygen to the flight crew. This AD was also prompted by further investigation that determined affected oxygen pipes may have been installed on more airplanes than initially identified. We are issuing this AD to address corrosion of the oxygen pipe assemblies, which could lead to blocked or reduced oxygen supply to a flight crew member in case of decompression or smoke/fire in the flight deck. In addition, the presence of particles in oxygen lines, under certain conditions, increases the risk of fire in the flight deck.

(f) Compliance

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

(g) Retained Inspection for Batch Numbers and Replacement, With New Service Information

This paragraph restates the requirements of paragraph (g) of AD 2015–12–08, with new service information. For airplanes identified in paragraph 1.A. of Airbus Service Bulletin A320–35–1069, dated April 26, 2013: Within 7,500 flight hours or 26 months, whichever occurs first after July 21, 2015 (the effective date of AD 2015–12–08), inspect the crew oxygen pipe, having part number (P/N) D3511032000640, to determine the batch number of that pipe, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–35–1069, dated April 26, 2013; or Airbus Service Bulletin A320–35–1069, Revision 03, dated December 8, 2017. A review of airplane maintenance records is acceptable in lieu of this inspection if the batch number of the pipe can be conclusively determined from that review. If the batch number of the oxygen pipe is 19356252, 40008586, 40076689, 40187414, 40292749, 40405164, 40649383, 40724994, 40820410, or 40911832: Within 7,500 flight hours or 26 months, whichever occurs first after July 21, 2015, replace the oxygen pipe with a serviceable part, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–35–1069, dated April 26, 2013; or Airbus Service Bulletin A320–35–1069, Revision 03, dated December 8, 2017. After the effective date of this AD, only Airbus Service Bulletin A320–35–1069, Revision 03, dated December 8, 2017, may be used to do the actions required by this paragraph.

(h) Retained Inspection for Part Number and Installation Date of Crew Oxygen Pipe, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2015–12–08, with no changes. For airplanes identified in paragraphs (c)(1) through (c)(4) of this AD that are not identified in paragraph 1.A. of Airbus Service Bulletin A320–35–1069, dated April 26, 2013: Within 7,500 flight

hours or 26 months, whichever occurs first after July 21, 2015 (the effective date of AD 2015–12–08), inspect the crew oxygen pipe to determine whether P/N D3511032000640 was installed after June 2011. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number and installation date of the pipe can be conclusively determined from that review. If the pipe was installed after June 2011, or the date cannot be conclusively determined, before further flight, do the actions required in paragraph (g) of this AD.

(i) Retained Parts Installation Prohibition, With No Changes

This paragraph restates the prohibition specified in paragraph (i) of AD 2015–12–08, with no changes. For airplanes identified in paragraphs (c)(1) through (c)(4) of this AD: As of July 21, 2015 (the effective date of AD 2015–12–08), do not install, on any airplane, a crew oxygen pipe P/N D3511032000640, that is identified as belonging to batch number 19356252, 40008586, 40076689, 40187414, 40292749, 40405164, 40649383, 40724994, 40820410, or 40911832.

(j) New Requirement of This AD: Inspection for Batch Numbers and Replacement for Certain Airplanes

For airplanes identified in paragraph (c)(5) of this AD: Within 7,500 flight hours or 26 months, whichever occurs first after the effective date of this AD, inspect the crew oxygen pipe, having P/N D3511032000640, to determine the batch number of that pipe, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–35–1069, Revision 03, dated December 8, 2017. A review of airplane maintenance records is acceptable in lieu of this inspection if the batch number of the pipe can be conclusively determined from that review. If the batch number of the oxygen pipe is 19356252, 40008586, 40076689, 40187414, 40292749, 40405164, 40649383, 40724994, 40820410, or 40911832: Within 7,500 flight hours or 26 months, whichever occurs first after the effective date of this AD, replace the oxygen pipe with a serviceable part, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–35–1069, Revision 03, dated December 8, 2017.

(k) New Parts Installation Prohibition for Certain Airplanes

For airplanes identified in paragraph (c)(5) of this AD: As of the effective date of this AD, do not install, on any airplane, a crew oxygen pipe P/N D3511032000640, that is identified as belonging to batch number 19356252, 40008586, 40076689, 40187414, 40292749, 40405164, 40649383, 40724994, 40820410, or 40911832.

(l) New No Reporting Requirement

Although Airbus Service Bulletin A320–35–1069, Revision 03, dated December 8, 2017, specifies to submit certain information to the manufacturer, and specifies that action as Required for Compliance (RC), this AD does not include that requirement.

(m) Service Information Exceptions

(1) Where Airbus Service Bulletin A320–35–1069, Revision 03, dated December 8, 2017, specifies the location to flush certain parts with nitrogen as “in the shop,” and specifies that location as RC, this AD does not require that location to be used when flushing the parts.

(2) Where Airbus Service Bulletin A320–35–1069, Revision 03, dated December 8, 2017, specifies to use part number (P/N) AN960C816, and specifies that part number as RC, this AD allows the use of P/N NAS1149C0863R in lieu of P/N AN960C816.

(n) Credit for Previous Actions

(1) For the airplanes identified in paragraph (g) of this AD: This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before July 21, 2015 (the effective date of AD 2015–12–08) using a service bulletin identified in paragraph (n)(1)(i) or (n)(1)(ii) of this AD. This service information is not incorporated by reference in this AD.

(i) Airbus Service Bulletin A320–35–1069, Revision 01, dated March 24, 2014.

(ii) Airbus Service Bulletin A320–35–1069, Revision 02, dated October 26, 2016.

(2) For airplanes identified in paragraph (j) of this AD: This paragraph provides credit for actions required by paragraph (j) of this AD, if those actions were performed before the effective date of this AD using a service bulletin identified in paragraph (n)(2)(i), (n)(2)(ii), or (n)(2)(iii) of this AD.

(i) Airbus Service Bulletin A320–35–1069, dated April 26, 2013. This service information was incorporated by reference in AD 2015–12–08 and continues to be incorporated by reference in this AD.

(ii) Airbus Service Bulletin A320–35–1069, Revision 01, dated March 24, 2014. This service information is not incorporated by reference in this AD.

(iii) Airbus Service Bulletin A320–35–1069, Revision 02, dated October 26, 2016. This service information is not incorporated by reference in this AD.

(o) Other FAA AD Provisions

(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 (p)(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*: As of the effective date of this AD, 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.

(3) *Required for Compliance (RC)*: Except as specified by paragraphs (l) and (m) of this AD: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified 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 procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(p) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018-0060R1, dated July 19, 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-2018-0806.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3223.

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (q)(5) and (q)(6) of this AD.

(q) 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.

(3) The following service information was approved for IBR on April 16, 2019.

(i) Airbus Service Bulletin A320-35-1069, Revision 03, dated December 8, 2017.

(ii) [Reserved]

(4) The following service information was approved for IBR on July 21, 2015 (80 FR 34262, June 16, 2015).

(i) Airbus Service Bulletin A320-35-1069, dated April 26, 2013.

(ii) [Reserved]

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

(6) 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.

(7) 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 March 5, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019-04479 Filed 3-11-19; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2019-0056; Product Identifier 2017-NE-29-AD; Amendment 39-19584; AD 2019-05-02]

RIN 2120-AA64

Airworthiness Directives; Rolls-Royce plc Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are superseding airworthiness directive (AD) 2017-22-13 for certain Rolls-Royce plc (RR) RB211-Trent 900 turbofan engine models. AD 2017-22-13 required an inspection of the drains mast and the replacement or repair of the drains mast if a crack is found. This AD retains this requirement, but adds repetitive inspections and expands the population of affected RR RB211-Trent 900 turbofan engine models. This AD was prompted by RR in-service findings that indicated a need to include part number (P/N) FW29847 drains mast and additional RR RB211-Trent 900 turbofan engines to the affected population. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 27, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 27, 2019.

We must receive any comments on this AD by April 26, 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 Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, DE24 8BJ, United Kingdom; phone: +44 (0)1332 242424; fax: 011-44-1332-249936; email: http://www.rolls-royce.com/contact/civil_team.jsp; internet: <https://customers.rolls-royce.com/public/rollsroycecare>. 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-2019-0056.

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-2019-0056; 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 AD, 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: Besian Luga, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7750; fax: 781-238-7199; email: besian.luga@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

We issued AD 2017-22-13, Amendment 39-19093 (82 FR 51550, November 7, 2017), ("AD 2017-22-13"), for certain RR RB211-Trent 970-84 and RB211-Trent 972-84 turbofan engines. AD 2017-22-13 required an inspection of the drains mast and the replacement or repair of the drains mast if a crack is found. AD 2017-22-13 resulted from cracks found in the transition duct area

of the drains mast. We issued AD 2017–22–13 to visually inspect the external areas of the transition duct area of the drains mast for a crack, and if a crack is found, to replace the drains mast or seal the crack.

Actions Since AD 2017–22–13 Was Issued

Since we issued AD 2017–22–13, RR in-service investigations found cracks in the transition duct area of the drains mast. The RR investigation originally highlighted that engines that have installed the sub-idle ejector system introduced in RR Service Bulletin (SB) RB.211–80–H632, Revision 2, dated August 11, 2015, were most at risk of cracking. As a result, RR published Rolls-Royce Alert Non-Modification Service Bulletin (NMSB) No. RB.211–71–AJ576, Revision 1, dated July 11, 2018, to add engines with a drains mast, P/N KH31996, installed that have installed the sub-idle ejector system introduced in RR SB RB.211–80–H632, Revision 2, dated August 11, 2015, and engines with a drains mast, P/N FW29847, installed or have a drains mast, P/N KH31996, that have not installed the sub-idle ejector system introduced in RR SB RB.211–80–H632, Revision 2, dated August 11, 2015. Also since we issued AD 2017–22–13, the European Union Aviation Safety Agency (EASA) has issued EASA AD 2018–0185, dated August 29, 2018, which retains the requirements of EASA AD 2017–0075R1, dated May 5, 2017, but adds repetitive inspections and expands the population of affected RR RB211-Trent 900 turbofan engine models. We are issuing this AD to address the unsafe condition on these products.

Related Service Information Under 1 CFR Part 51

We reviewed Rolls-Royce Alert NMSB No. RB.211–71–AJ576, Revision 1, dated July 11, 2018. The Alert NMSB describes procedures for inspection, repair, and replacement of the drains mast. 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.

Other Related Service Information

We reviewed Rolls-Royce SB RB.211–80–H632, Revision 2, dated August 11, 2015. The SB describes procedures for installing a new sub-idle ejector system on the low-pressure compressor case.

FAA’s Determination

This product has been approved by 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 visual inspections of the external areas of the transition duct area of the drains mast for a crack. This AD also requires, if a crack is found, replacement of the drains mast with a part eligible for installation or sealing of the crack.

FAA’s Justification and Determination of the Effective Date

No domestic operators use this product. 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–2019–0056 and product identifier 2017–NE–29–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 zero engines installed on 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
Inspect the drains mast	2 work-hours × \$85 per hour = \$170	\$0	\$170	\$0

We estimate the following costs to do any necessary replacements that would

be required based on the results of the proposed inspection.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace the drains mast	1 work-hour × \$85 per hour = \$85	\$72,000	\$72,085
Seal the drains mast	1 work-hour × \$85 per hour = \$85	0	85

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) 2017–22–13, Amendment 39–19093 (82 FR 51550, November 7, 2017), and adding the following new AD:

2019–05–02 Rolls-Royce plc: Amendment 39–19584; Docket No. FAA–2019–0056; Product Identifier 2017–NE–29–AD.

(a) Effective Date

This AD is effective March 27, 2019.

(b) Affected ADs

This AD replaces AD 2017–22–13, Amendment 39–19093 (82 FR 51550, November 7, 2017).

(c) Applicability

This AD applies to all Rolls-Royce plc (RR) RB211-Trent 970–84 and RB211-Trent 972–84 turbofan engines with a drains mast, part number (P/N) KH31996 or FW29847, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7170, Powerplant/Engine Drains.

(e) Unsafe Condition

This AD was prompted by RR in-service findings that indicated a need to include part number (P/N) FW29847 drains mast and additional RR RB211-Trent 900 turbofan engines to the affected population. We are issuing this AD to prevent failure of the drains mast. The unsafe condition, if not addressed, could result in engine fire and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) For Group 1 engines, within 24 months after November 22, 2017 (the effective date of AD 2017–22–13), or within 24 months time since new, whichever occurs later, and thereafter, at intervals not to exceed 24 months since previous inspection, visually inspect the external areas of the transition duct area of the drains mast for a crack using Accomplishment Instructions, paragraph 3.A.(1), of RR Alert Non-Modification Service Bulletin (NMSB) RB.211–71–AJ576, Revision 1, dated July 11, 2018.

If a crack is found, do one of the following before further flight:

- (i) Remove and replace the drains mast with a part eligible for installation, or
- (ii) Seal the crack using the Accomplishment Instructions, paragraph 3.A.(1).(c).(ii).(2), of RR Alert NMSB RB.211–71–AJ576, Revision 1, dated July 11, 2018, and within 100 flight cycles after sealing the

crack, remove and replace the drains mast with a part eligible for installation.

(2) For Group 2 engines, within 24 months after the effective date of this AD, and thereafter, at intervals not to exceed 24 months since previous inspection, visually inspect the external areas of the transition duct area of the drains mast for a crack using Accomplishment Instructions, paragraph 3.A.(1), of RR Alert NMSB RB.211–71–AJ576, Revision 1, dated July 11, 2018.

If a crack is found, do one of the following before further flight:

- (i) Remove and replace the drains mast with a part eligible for installation, or
- (ii) Seal the crack using the Accomplishment Instructions, paragraph 3.A.(1).(c).(ii).(2), of RR Alert NMSB RB.211–71–AJ576, Revision 1, dated July 11, 2018, and within 100 flight cycles after sealing the crack, remove and replace the drains mast with a part eligible for installation.

(h) Definition

(1) For the purposes of this AD, “Group 1” engines are those with a drains mast, P/N KH31996, installed that have installed the sub-idle ejector system introduced in RR SB RB.211–80–H632, Revision 2, dated August 11, 2015. “Group 2” engines are those engines with a drains mast, P/N FW29847, installed or have a drains mast, P/N KH31996, that have not installed the sub-idle ejector system introduced in RR SB RB.211–80–H632, Revision 2, dated August 11, 2015.

(2) For the purposes of this AD, a part eligible for installation is a drains mast with a part number not listed in this AD or a part that has passed the inspection required by this AD.

(3) For the purposes of this AD, a flight cycle is a take-off and landing.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, ECO 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. You may email your request to: ANE-AD-AMOC@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.

(j) Related Information

(1) For more information about this AD, contact Besian Luga, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7750; fax: 781–238–7199; email: besian.luga@faa.gov.

(2) Refer to MCAI European Union Aviation Safety Agency (EASA) AD 2018–0185, dated August 29, 2018, for more information. You may examine the MCAI in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating it in Docket No. FAA–2019–0056.

(k) 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) Rolls-Royce Alert Non-Modification Service Bulletin No. RB.211-71-AJ576, Revision 1, dated July 11, 2018.

(ii) [Reserved]

(3) For Rolls-Royce plc service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, DE24 8BJ, United Kingdom; phone: +44 (0)1332 242424; fax: 011-44-1332-249936; email: http://www.rolls-royce.com/contact/civil_team.jsp; internet: <https://customers.rolls-royce.com/public/rollsroycecare>.

(4) You may view this service information at 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.

(5) You may view this service information 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 Burlington, Massachusetts, on March 6, 2019.

Karen M. Grant,

Acting Manager, Engine & Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2019-04394 Filed 3-11-19; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2018-0624; Product Identifier 2013-NE-24-AD; Amendment 39-19583; AD 2019-05-01]

RIN 2120-AA64

Airworthiness Directives; Pratt & Whitney Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2017-11-06, for all Pratt & Whitney (PW) PW2037, PW2037D, PW2037M, PW2040, PW2040D, PW2043, PW2143, PW2643, and F117-PW-100 turbofan engine models. AD 2017-11-06 required initial and repetitive on-wing eddy current inspections (ECIs) of affected engines with certain diffuser

and high-pressure turbine (HPT) cases installed. AD 2017-11-06 also required a fluorescent-penetrant inspection (FPI) of the diffuser case rear flange and the HPT case front flange. This AD requires an on-wing ECI of all diffuser case M-flange replacement repairs. This AD was prompted by a rupture of the diffuser-to-HPT case flange. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 16, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 16, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of July 18, 2017 (82 FR 26979, June 13, 2017).

ADDRESSES: For service information identified in this final rule, contact Pratt & Whitney, 400 Main St., East Hartford, CT 06118; phone: 860-565-0140; fax: 860-565-5442; email: help24@pw.utc.com; internet: <http://fleetcare.pw.utc.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-2018-0624.

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-2018-0624; 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 Document Operations, 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:

Kevin M. Clark, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7088; fax: 781-238-7199; email: kevin.m.clark@faa.gov.

SUPPLEMENTARY INFORMATION:**Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR

part 39 to supersede AD 2017-11-06, Amendment 39-18905 (82 FR 26979, June 13, 2017), ("AD 2017-11-06"). AD 2017-11-06 applied to all Pratt & Whitney (PW) PW2037, PW2037D, PW2037M, PW2040, PW2040D, PW2043, PW2143, PW2643, and F117-PW-100 turbofan engine models. The NPRM published in the **Federal Register** on October 10, 2018 (83 FR 50860). The NPRM was prompted by a rupture of the diffuser-to-HPT case flange. The NPRM proposed to require an on-wing ECI of all diffuser case M-flange replacement repairs. We are issuing this AD to address the unsafe condition on these products.

Comments

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

Request To Allow FPI for Small Crack Indications

United Airlines requested that we allow FPI for small indication conditions as shown in Table 3 of Pratt & Whitney Alert Service Bulletin (ASB) No. PW2000 A72-765, Revision No. 4, dated January 25, 2018.

We partially agree. While we agree that FPI may be an acceptable method to detect these smaller indication cracks, we disagree with requiring FPI because we have not reviewed the desired FPI method or were not informed how well FPI indicates these small cracks versus ECI. We will consider requests for Alternative Methods of Compliance (AMOCs) for FPI. We did not change this AD.

Request To Focus on Wrought Diffuser Case M-Flanges

Delta Air Lines (Delta) requested that we update the Summary and the Required Actions paragraphs of this AD to include "that result in a wrought diffuser case M-flange" language to focus on repairs that resulted in a wrought material.

We disagree. We disagree with focusing only on wrought repairs because all known diffuser case M-flange replacement repairs use wrought material. We will consider further rulemaking action if future diffuser case M-flange replacement repairs use another material. We did not change this AD.

Request To Specify Wrought M-Flange Repairs Do Not Change Part Number

Delta requested that we update the Discussion paragraph to include "by part number" in the statement:

“repaired wrought flanges cannot be distinguished from other wrought flanges or from non-repaired flanges on diffuser cases installed on the affected engines.” While the M-flange replacement repair displays a weld line around the circumference of the diffuser case, Delta reasoned that wrought M-flange repairs introduced by the diffuser case M-flange replacement repair do not change the part number (P/N) and, therefore, pose challenges for tracking the repaired diffuser cases.

We partially agree. We agree that the lack of a P/N for the wrought M-flange repair poses challenges for tracking the engines with an M-flange replacement repair. We disagree with modifying the Discussion paragraph because this discussion is not included in this final rule.

Request To Update the Service Information Description

Delta requested that we update the service information description in the Related Service Information Under 1 CFR part 51 paragraph to “The [Pratt & Whitney] ASB describes procedures for repetitive ECIs of the diffuser case M-flange.” Delta reasoned that the ASB also provides procedures for off-wing ECIs and that the inspection is for the diffuser case M-flange, and not the diffuser case assembly.

We agree. We updated the service information description in the Related Service Information under 1 CFR part 51 paragraph in this AD.

Request To Revise Previous Credit Paragraph

Delta requested that we update the service information in the Credit for Previous Actions paragraph of this AD to include “Pratt & Whitney Service Bulletin (SB) No. PW2000 72–763, Revision No. 1, dated August 30, 2013, or an earlier version.” and “Pratt & Whitney ASB No. PW2000 A72–765, Revision No. 4, dated January 25, 2018, or an earlier version.” Delta reasoned that the language of the NPRM would void inspections completed using the most recent service information.

We disagree. Inspections already completed using the version of the service information specified in this AD are considered “already done” per paragraph (f) of this AD. We did not change this AD.

Support for the AD

The Air Line Pilots Association International and FedEx Express expressed support for the NPRM as written. The Boeing Company reviewed the NPRM and had no comments.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD 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 AD.

Related Service Information Under 1 CFR Part 51

We reviewed Pratt & Whitney SB No. PW2000 72–763, Revision No. 1, dated August 30, 2013. The SB describes procedures for a one-time ECI inspection of the engine diffuser case. We also reviewed Pratt & Whitney ASB No. PW2000 A72–765, Revision No. 4, dated January 25, 2018. The ASB describes procedures for repetitive ECIs of the diffuser case M-flange. 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 910 engines installed on airplanes of U.S. registry. Based on the diffuser case identified in paragraph (g)(1) of this AD, we estimate that 339 engines will be required to perform the on-wing ECI inspection. We estimate that all 910 engines will be required to perform the FPI inspection.

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
On-wing/module ECI Inspection.	8 work-hours × \$85 per hour = \$680.	\$0	\$680	\$230,520 per inspection cycle.
FPI Inspection	3 work-hours × \$85 per hour = \$255.	20	275 per inspection cycle	250,250 per inspection cycle.

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

We have determined that 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 removing Airworthiness Directive (AD) 2017–11–06, Amendment 39–18905 (82 FR 26979, June 13, 2017), and adding the following new AD:

2019–05–01 Pratt & Whitney Division:
Amendment 39–19583; Docket No. FAA–2018–0624; Product Identifier 2013–NE–24–AD.

(a) Effective Date

This AD is effective April 16, 2019.

(b) Affected ADs

This AD replaces AD 2017–11–06, Amendment 39–18905 (82 FR 26979, June 13, 2017).

(c) Applicability

This AD applies to all Pratt & Whitney (PW) PW2037, PW2037D, PW2037M, PW2040, PW2040D, PW2043, PW2143, PW2643, and F117–PW–100 turbofan engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7200, Turbine/Turboprop Engine.

(e) Unsafe Condition

This AD was prompted by a rupture of the diffuser-to-high-pressure turbine (HPT) case flange. We are issuing this AD to prevent failure of the diffuser-to-HPT case flange. The unsafe condition, if not addressed, could result in uncontained diffuser-to-HPT case flange release, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) For diffuser case, part number (P/N) 1B7461, serial numbers (S/Ns) DGGUAK1306 and DGGUAK1308, and HPT case, P/N 1B2440, S/N DKLBCS1032:

(i) Within 100 flight cycles after the effective date of this AD, perform an eddy current inspection (ECI) of the diffuser case and the HPT case M-flange in accordance with PW Service Bulletin (SB) No. PW2000 72–763, Revision No. 1, dated August 30, 2013.

(ii) [Reserved]

(2) For all diffuser and HPT cases, at the next piece-part opportunity after the effective date of this AD and every piece-part opportunity thereafter, perform a high sensitivity fluorescent-penetrant inspection (FPI) of the entire diffuser case rear flange (M-flange) and bolt holes, and the entire HPT case forward flange (M-flange) and bolt holes.

(3) For all diffuser cases installed on any affected engine model except for F117–PW–100 turbofan engines, that have not incorporated PW SB PW2000–72–364, have incorporated PW SB PW2000–72–700, or have had an M-flange replacement, perform initial and repetitive ECIs of the diffuser case M-flange as follows:

(i) Perform an initial ECI in accordance with the “Last Shop Visit Activity” column and before exceeding the maximum cycles since the last shop visit activity in the “Initial Inspection” column of Table 1 of PW Alert Service Bulletin (ASB) No. PW2000 A72–765, Revision No. 4, dated January 25, 2018, or within 1,000 cycles from the effective date of this AD, whichever occurs later.

(ii) Evaluate the inspection results and perform re-inspections as necessary in accordance with Accomplishment Instructions, “For Engines Installed on the Aircraft,” paragraph 5, or the Accomplishment Instructions, “For Engines Removed from the Aircraft,” paragraph 4, of PW ASB No. PW2000 A72–765, Revision No. 4, dated January 25, 2018, as applicable. If given a cycle range, perform the subsequent inspections before exceeding the maximum number of cycles.

(iii) Inspect the diffuser case M-flange using, as applicable, either the Accomplishment Instructions, “For Engines Installed on the Aircraft,” paragraphs 3.I. through 3.J., or the Accomplishment Instructions, “For Engines Removed from the Aircraft,” paragraphs 3.D. through 3.E., of PW ASB No. PW2000 A72–765, Revision No. 4, dated January 25, 2018.

(h) Definition

For the purpose of this AD, a “piece-part opportunity” is defined as when the part is completely disassembled.

(i) Credit for Previous Actions

(1) You may take credit for the diffuser case and HPT case inspections required by paragraphs (g)(1) and (3) of this AD if you performed:

(i) An ECI of the diffuser case and the HPT case M-flange using the Accomplishment Instructions of PW SB No. PW2000 72–763, Original Issue, dated March 22, 2013, or

(ii) a high sensitivity FPI of the diffuser case and the HPT case at a piece-part opportunity after January 1, 2010.

(2) You may take credit for only the diffuser case inspections required by paragraphs (g)(1) and (3) of this AD if you performed an ECI of the diffuser case M-flange using the Accomplishment Instructions of PW ASB No. PW2000 A72–765, Revision No. 3, dated December 19, 2017, or an earlier version.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, ECO 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) of this AD. You may email your request to: ANE-AD-AMOC@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) AMOCs approved for AD 2017–11–06 (82 FR 26979, June 13, 2017) are approved as AMOCs for the corresponding provisions of this AD.

(k) Related Information

For more information about this AD, contact Kevin M. Clark, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7088; fax: 781–238–7199; email: kevin.m.clark@faa.gov.

(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.

(3) The following service information was approved for IBR on April 16, 2019.

(i) Pratt & Whitney (PW) Alert Service Bulletin No. PW2000 A72–765, Revision No. 4, dated January 25, 2018.

(ii) [Reserved]

(4) The following service information was approved for IBR on July 18, 2017.

(i) PW Service Bulletin No. PW2000 72–763, Revision No. 1, dated August 30, 2013.

(ii) [Reserved]

(5) For PW service information identified in this AD, contact Pratt & Whitney, 400 Main St., East Hartford, CT 06118; phone: 860–565–0140; fax: 860–565–5442; email: help24@pw.utc.com; internet: <http://fleetcare.pw.utc.com>.

(6) You may view this service information at FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington,

MA 01803. For information on the availability of this material at the FAA, call 781-238-7759.

(7) 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 Burlington, Massachusetts, on March 6, 2019.

Karen M. Grant,

Acting Manager, Engine and Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2019-04388 Filed 3-11-19; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2018-1007; Product Identifier 2018-NM-141-AD; Amendment 39-19577; AD 2019-03-25]

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 A318 and A319 series airplanes, Model A320-211, -212, -214, -216, -231, -232, and -233 airplanes, and Model A321-111, -112, -131, -211, -212, -213, -231, and -232 airplanes. This AD was prompted by a report that taperlocks used in a certain wing-to-fuselage junction were found to be non-compliant with the applicable specification, resulting in a loss of pre-tension in the fasteners. This AD requires repetitive special detailed inspections of the center and outer wing box lower stiffeners and panels at a certain junction on the left- and right-hand sides for any cracking, and repair if necessary, as specified in an European Aviation Safety Agency (EASA) AD, which is incorporated by reference. This AD also provides an optional modification, which would terminate the repetitive inspections. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 16, 2019.

The Director of the Federal Register approved the incorporation by reference

of a certain publication listed in this AD as of April 16, 2019.

ADDRESSES: For the incorporation by reference (IBR) material described in the “Related IBR Material Under 1 CFR part 51” section in **SUPPLEMENTARY INFORMATION** identified in this final rule, contact European Aviation Safety Agency (EASA), Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this IBR material on the EASA website at <https://ad.easa.europa.eu>. You may view this IBR material 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-2018-1007.

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-2018-1007; 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: Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3223.

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 A318 and A319 series airplanes, Model A320-211, -212, -214, -216, -231, -232, and -233 airplanes, and Model A321-111, -112, -131, -211, -212, -213, -231, and -232 airplanes. The NPRM published in the **Federal Register** on December 11, 2018 (83 FR 63598). The NPRM was prompted by a report that taperlocks used in a certain wing-to-fuselage junction were found to be non-compliant with the applicable specification, resulting in a loss of pre-tension in the fasteners. The NPRM

proposed to require repetitive special detailed inspections of the center and outer wing box lower stiffeners and panels at a certain junction on the left- and right-hand sides for any cracking, and repair if necessary, as specified in, and in compliance with, EASA AD 2018-0218, dated October 11, 2018; corrected October 26, 2018 (“EASA AD 2018-0218”). The NPRM also proposed, as specified in EASA AD 2018-0218, an optional modification, which would terminate the repetitive inspections.

We are issuing this AD to address the loss of pre-tension in the fasteners, which could affect the structural integrity of the airplane.

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018-0218 (also referred to as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for certain Airbus SAS Model A318 and A319 series airplanes, Model A320-211, -212, -214, -216, -231, -232, and -233 airplanes, and Model A321-111, -112, -131, -211, -212, -213, -231, and -232 airplanes. The MCAI states:

Taperlocks used in the wing-to-fuselage junction at Rib 1 were found to be non-compliant with the applicable specification, resulting in a loss of pre-tension in the fasteners.

This condition, if not detected and corrected, could affect the structural integrity of the aeroplane. To address this potential unsafe condition, Airbus issued SB A320-57-1129 and SB A320-57-1130, later revised twice, providing instructions for repetitive internal inspections of the lower stiffeners and for repetitive external inspections of the lower panels of the center and outer wing box at the level of Rib 1 junction. Consequently, EASA issued AD 2007-0067, later revised [which corresponds to FAA AD 2008-02-15, Amendment 39-15345 (73 FR 4063, January 24, 2008) (“AD 2008-02-15”)], to require accomplishment of these inspections.

Since EASA AD 2007-0067R1 was issued, new events and the results of studies identified an aging effect on these parts. Prompted by these findings, Airbus revised SB A320-57-1129 (now at Revision 05) and A320-57-1130 (now at Revision 04), expanding the applicability, modifying the area to be inspected and updating the inspection intervals.

For the reasons stated above, this [EASA] AD retains the requirements of EASA AD 2007-0067R1, which is superseded, expands the Applicability, modifies the areas to be inspected and revises the inspection thresholds and intervals.

This [EASA] AD is republished to correct typographical errors in paragraph (2) and in Tables 1 and 3.

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–2018–1007.

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 IBR Material Under 1 CFR Part 51

EASA AD 2018–0218 describes procedures for repetitive special detailed inspections of the center and outer wing box lower stiffeners and panels at the level of rib 1 junction on the left- and right-hand sides for any cracking, and repair if necessary. EASA

AD 2018–0218 also provides procedures for an optional modification, which would terminate the repetitive inspections. This material 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 and it is publicly available through the EASA website.

Costs of Compliance

We estimate that this AD affects 516 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
51 work-hours × \$85 per hour = \$4,335	\$0	\$4,335	\$2,236,860

We have received no definitive data that would enable us to provide cost

estimates for the on-condition actions specified in this AD.

ESTIMATED COSTS FOR OPTIONAL ACTIONS

Labor cost	Parts cost	Cost per product
244 work-hours × \$85 per hour = \$20,740	\$5,120	\$25,860

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):

2019–03–25 Airbus SAS: Amendment 39–19577; Docket No. FAA–2018–1007; Product Identifier 2018–NM–141–AD.

(a) Effective Date

This AD is effective April 16, 2019.

(b) Affected ADs

This AD affects AD 2008–02–15, Amendment 39–15345 (73 FR 4063, January 24, 2008) ("AD 2008–02–15").

(c) Applicability

This AD applies to Airbus SAS Model A318–111, –112, –121, and –122 airplanes, Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes, Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes, and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes, certificated in any category, as identified in the European Aviation Safety Agency (EASA) AD 2018–0218, dated October 11, 2018; corrected October 26, 2018 (“EASA AD 2018–0218”).

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by a report that taperlocks used in the wing-to-fuselage junction at rib 1 were found to be non-compliant with the applicable specification, resulting in a loss of pre-tension in the fasteners. We are issuing this AD to address the loss of pre-tension in the fasteners, which could affect the structural integrity of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2018–0218.

(h) Exceptions to EASA AD 2018–0218

(1) For purposes of determining compliance with the requirements of this AD: Where EASA AD 2018–0218 refers to its effective date, this AD requires using the effective date of this AD.

(2) The “Remarks” section of EASA AD 2018–0218 does not apply.

(3) Where EASA AD 2018–0218 refers to instructions provided by Airbus, for this AD, the instructions must be approved using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(i) Terminating Action for AD 2008–02–15

Accomplishing the actions required by this AD terminates all requirements of AD 2008–02–15.

(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) 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 instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS’s EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC)*: For any service information referenced in EASA AD 2018–0218 that contains RC procedures and tests: Except as required by paragraph (j)(2) of this AD: RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified 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 procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(k) Related Information

For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223.

(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) European Aviation Safety Agency (EASA) AD 2018–0218, dated October 11, 2018; corrected October 26, 2018.

(ii) [Reserved]

(3) For EASA AD 2018–0218, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email ADS@easa.europa.eu; Internet www.easa.europa.eu. You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>.

(4) You may view this EASA AD 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. EASA AD 2018–0218 may be found in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2018–1007.

(5) You may view this material 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 February 21, 2019.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–03405 Filed 3–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Part 12

[CBP Dec. 19–03]

RIN 1515–AE45

Extension of Import Restrictions Imposed on Archaeological and Ecclesiastical Ethnological Material From Honduras

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.
ACTION: Final rule.

SUMMARY: This document amends the U.S. Customs and Border Protection (CBP) regulations to reflect an extension of import restrictions on certain archaeological and ecclesiastical ethnological material from Honduras. The restrictions, which were originally imposed by CBP Dec. 04–08 and last extended by CBP Dec. 14–03, are due to expire March 12, 2019. The Assistant Secretary for Educational and Cultural Affairs, United States Department of State, has made the requisite determination for extending the import restrictions that previously existed and entering into a new Memorandum of Understanding (MOU) with Honduras to reflect the extension of these import restrictions. The new MOU supersedes the existing agreement that became effective on March 12, 2014. Accordingly, these import restrictions will remain in effect for an additional five years, and the CBP regulations are being amended to reflect this further extension through March 12, 2024. CBP Dec. 14–03 contains the amended Designated List of archaeological and ecclesiastical ethnological material from Honduras to which the restrictions apply.

DATES: *Effective Date:* March 12, 2019.

FOR FURTHER INFORMATION CONTACT: For legal aspects, Lisa L. Burley, Branch

Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of Trade, (202) 325-0215, ot-otrrculturalproperty@cbp.dhs.gov. For operational aspects, Christopher N. Robertson, Branch Chief, Commercial Targeting and Analysis Center, Trade Policy and Programs, Office of Trade, (202) 325-6586, CTAC@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to the Convention on Cultural Property Implementation Act, Public Law 97-446, 19 U.S.C. 2601 *et seq.*, which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)), the United States entered into a bilateral agreement with the Republic of Honduras (Honduras) on March 12, 2004, concerning the imposition of import restrictions on certain archaeological material representing the Pre-Columbian cultures of Honduras and ranging in date from approximately 1200 B.C. to 1500 A.D. On March 16, 2004, U.S. Customs and Border Protection published CBP Dec. 04-08 in the **Federal Register** (69 FR 12267), which amended 19 CFR 12.104g(a) to reflect the imposition of these restrictions and included a list designating the types of archaeological material covered by the restrictions.

Import restrictions listed at 19 CFR 12.104g(a) are effective for no more than five years beginning on the date on which the agreement enters into force with respect to the United States. This period may be extended for additional periods of not more than five years if it is determined that the factors which justified the initial agreement still pertain and no cause for suspension of the agreement exists.

On March 11, 2009, CBP published a final rule (CBP Dec. 09-05) in the **Federal Register** (74 FR 10482), which amended § 12.104g(a) to reflect the extension of these import restrictions for an additional five years, to March 12, 2014.

On September 24, 2013, the United States Department of State proposed in the **Federal Register** (78 FR 58596) to extend the agreement through a bilateral agreement between the United States and Honduras concerning the imposition of import restrictions on archaeological material from the pre-Columbian cultures of Honduras. On February 11, 2014, the Assistant Secretary for Educational and Cultural

Affairs, United States Department of State, made the necessary determinations to extend the import restrictions for an additional five years. Additionally, pursuant to his statutory and decision-making authority, the Assistant Secretary for Educational and Cultural Affairs, United States Department of State, included the coverage of certain ecclesiastical ethnological material to the Designated List. On March 12, 2014, CBP published a final rule (CBP Dec. 14-03) in the **Federal Register** (79 FR 13873). This final rule amended § 12.104g(a) to reflect the extension of these import restrictions for an additional five years and added restrictions on ecclesiastical ethnological material dating to the Colonial Period of Honduras, c. A.D. 1502 to 1821. The amended Designated List of archaeological and ecclesiastical ethnological material is set forth in CBP Dec. 14-03. These import restrictions are due to expire on March 12, 2019.

On December 14, 2018, the Assistant Secretary for Educational and Cultural Affairs, United States Department of State, after consultation with and recommendations by the Cultural Property Advisory Committee, determined that the cultural heritage of Honduras continues to be in jeopardy from pillage of certain archaeological and ecclesiastical ethnological material and that the import restrictions should be extended for an additional five years. Subsequently, a new MOU was concluded between the United States and Honduras. The new MOU supersedes and replaces the prior MOU and extends the import restrictions that went into effect under the prior MOU for an additional five years. This MOU is titled: "Memorandum of Understanding between the Government of the United States of America and the Government of Republic of Honduras Concerning the Imposition of Import Restrictions on Archaeological Material from the Pre-Columbian Cultures of Honduras and Ecclesiastical Ethnological Materials from the Colonial Period of Honduras." Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect the extension of the import restrictions.

The restrictions on the importation of archaeological and ecclesiastical ethnological material are to continue in effect through March 12, 2024. Importation of such material from Honduras continues to be restricted through that date unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met.

The Designated List and additional information may also be found at the following website address: <https://eca.state.gov/cultural-heritage-center/>

cultural-property-advisory-committee/current-import-restrictions by selecting the material for "Honduras."

Inapplicability of Notice and Delayed Effective Date

This amendment involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure under 5 U.S.C. 553(a)(1). For the same reason, a delayed effective date is not required under 5 U.S.C. 553(d)(3).

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Executive Orders 12866 and 13771

CBP has determined that this document is not a regulation or rule subject to the provisions of Executive Order 12866 or Executive Order 13771 because it pertains to a foreign affairs function of the United States, as described above, and therefore is specifically exempted by section 3(d)(2) of Executive Order 12866 and section 4(a) of Executive Order 13771.

Signing Authority

This regulation is being issued in accordance with 19 CFR 0.1(a)(1), pertaining to the Secretary of the Treasury's authority (or that of his/her delegate) to approve regulations related to customs revenue functions.

List of Subjects in 19 CFR Part 12

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise.

Amendment to CBP Regulations

For the reasons set forth above, part 12 of title 19 of the Code of Federal Regulations (19 CFR part 12) is amended as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12 and the specific authority citation for § 12.104g continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

* * * * *

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

* * * * *

■ 2. In § 12.104g, the table in paragraph (a) is amended by removing the words "CBP Dec. 04-08 extended by CBP Dec.

14–03” and adding in their place the words “CBP Dec. 14–03 extended by CBP Dec. 19–03”.

Kevin K. McAleenan,
Commissioner, U.S. Customs and Border Protection.

Approved: March 7, 2019.

Timothy E. Skud,
Deputy Assistant Secretary, Department of the Treasury.

[FR Doc. 2019–04428 Filed 3–11–19; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 77

[Docket ID: DOD–2019–OS–0024]

RIN 0790–AK44

Program To Encourage Public and Community Service (PACS)

AGENCY: Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Final rule.

SUMMARY: This final rule removes the Department of Defense (DoD) regulation concerning a program to encourage public and community service by separating/retiring Service members, and DoD civilian personnel leaving the Government, and encourages spouses to enter public and community service employment. The authorizing legislation for this program has been repealed. Therefore, this part is outdated and unnecessary and should be removed.

DATES: This rule is effective on March 12, 2019.

FOR FURTHER INFORMATION CONTACT: Ronald H. Horne, (703) 614–8631.

SUPPLEMENTARY INFORMATION: It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing obsolete information.

This part was originally published October 23, 1992, under 10 U.S.C. 1143a, and established a program to identify and encourage public and community service to separating DoD service members and civilians within the Office of the Secretary of Defense. The rule authorized DoD to counsel and create personnel registries for them to learn about community and public service employment prior to separation and retirement. It required public and community service organizations

employers to register in an organizational registry to validate their eligibility. The Fiscal Year 2019 National Defense Authorization Act (Pub. L. 115–232), section 553 repealed this part’s authorizing legislation.

This rule is not significant under Executive Order (E.O.) 12866, “Regulatory Planning and Review”; therefore, the requirements of E.O. 13771, “Reducing Regulation and Controlling Regulatory Costs” do not apply.

List of Subjects in 32 CFR Part 77

Employment, Government employees.

PART 77—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 77, is removed.

Dated: March 7, 2019.

Aaron T. Siegel,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–04501 Filed 3–11–19; 8:45 am]

BILLING CODE 5001–06–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2017–0741; FRL–9990–42–Region 5]

Air Plan Approval; Michigan; Revisions to Part 1 General Provisions Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a request submitted by the Michigan Department of Environmental Quality (MDEQ) on December 12, 2017, and supplemented on August 9, 2018, as a revision to Michigan’s state implementation plan (SIP). The SIP submission incorporates several revisions to Michigan’s Air Pollution Control Rules entitled “Part 1—General Provisions.” The revisions include administrative changes to the existing rule.

DATES: This final rule is effective on April 11, 2019.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2017–0741. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure 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 either through www.regulations.gov or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Charles Hatten, Environmental Engineer, at (312) 886–6031 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT:

Charles Hatten, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6031, hatten.charles@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What are the State rule revisions?
- II. Public Comment
- III. What action is EPA taking?
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

I. What are the State rule revisions?

On December 12, 2017 and August 9, 2018, MDEQ submitted a request to EPA to incorporate revisions to Michigan’s Air Pollution Control Rules entitled Part 1—General Provisions (Part 1). Part 1 is a compilation of the definitions used in Michigan’s rules. The submission revises the following Michigan’s Air Pollution Control rules: R 336.1101 to 1103, R 336.1106 to 1109, R 336.1112 to 1116, and R 336.1118 to 1123. The revisions are primarily administrative changes. The revisions to Part 1 include a range of administrative changes, from grammatical corrections to language updates.

In the August 9, 2018, submission, MDEQ rescinded its request to modify Part 1 for the following definitions: R336.1101(a) “Act,” R336.1101(h) “Air pollution,” R336.1101(q) “Aqueous based parts washer,” and R336.1103(aa) “Cold cleaner.”

II. Public Comment

On December 13, 2018 (83 FR 64056), EPA published a notice of proposed rulemaking proposing approval of Michigan’s Part 1 rule. The comment period closed on January 14, 2019. We received an anonymous comment that address subjects outside the scope of

our proposed action, does not explain (or provide a legal basis for) how the proposed action should differ in any way, and makes no specific mention of the substantive aspects of the proposed action. Consequently, this comment is not germane to this rulemaking and therefore, need not be addressed.

III. What action is EPA taking?

EPA is approving the revisions to Michigan's Part 1, as a revision to the Michigan SIP, specifically for the following rules: R 336.1101 Definitions: A (except for (a) Act, (h) Air pollution, and (q) Aqueous based parts washer), R 336.1102 Definitions: B, R 336.1103 Definitions: C (except for (aa) Cold cleaner), R 336.1106 Definitions: F, R 336.1107 Definitions: G, R 336.1108 Definitions: H, R 336.1109 Definitions: I, R 336.1112 Definitions: L, R 336.1113 Definitions: M, R 336.1114 Definitions: N, R 336.1115 Definitions: O (except for (d) "'Oral reference dose' or 'RfD'"), R 336.1116 Definitions: P, R 336.1118 Definitions: R, R 336.1119 Definitions: S (except for (c) Secondary risk screening level, and (q) State-only enforceable, and (x) Sufficient evidence), R 336.1120 Definitions: T (except for (f) "'Toxic air contaminant' or 'TAC'"), R 336.1121 Definitions: U, R 336.1122 Definitions: V, R 336.1123 Definitions: W (except for (c) Weight of evidence). We are also approving a revision removing the following definitions from Part 1: "Allowed emissions," "Federal land manager," "Linearized multistage computer model," "Offset ratio," and "Very large precipitator."

EPA is not taking any action on R 336.1103(pp) "Creditable," R 336.1115(d) "'Oral reference dose' or 'RfD'," R 336.1119(c) "Secondary risk screening level," R 336.1119(q) "State-only enforceable," R 336.1119(x) "Sufficient evidence," R 336.1120(f) "'Toxic air contaminant' or 'TAC'," and R 336.1123(c) "Weight of evidence."

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Michigan Regulations described in the amendments to 40 CFR part 52 below. EPA has made, and will continue to make, these documents generally available through www.regulations.gov and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the

SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the Clean Air Act (CAA) as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.¹

V. 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, 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 (Pub. L. 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 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).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where 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 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. 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 May 13, 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).)

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.

Dated: February 25, 2019.

Cheryl L. Newton,

Acting Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

¹ 62 FR 27968 (May 22, 1997).

**PART 52—APPROVAL AND
PROMULGATION OF
IMPLEMENTATION PLANS**Authority: 42 U.S.C. 7401 *et seq.***§ 52.1170 Identification of plan.**

■ 1. The authority citation for part 52 continues to read as follows:

■ 2. In § 52.1170, the table in paragraph (c) is amended by revising the entries under the heading “Part 1. General Provisions” to read as follows:

* * * * *

(c) * * *

EPA-APPROVED MICHIGAN REGULATIONS

Michigan citation	Title	State effective date	EPA approval date	Comments
* * * * *				
Part 1. General Provisions				
R 336.1101	Definitions; A	12/20/2016	3/12/2019, [Insert Federal Register citation].	All except for (a) Act, (h) Air pollution, and (q) Aqueous based parts washer.
R 336.1102	Definitions; B	12/20/2016	3/12/2019, [Insert Federal Register citation].	
R 336.1103	Definitions; C	12/20/2016	3/12/2019, [Insert Federal Register citation].	All except for (aa) Cold cleaner.
R 336.1104	Definitions; D	3/28/2008	12/16/2013, 78 FR 76064	R 336.1104.
R 336.1105	Definitions; E	3/28/2008	12/16/2013, 78 FR 76064	R 336.1105.
R 336.1106	Definitions; F	12/20/2016	3/12/2019, [Insert Federal Register citation].	
R 336.1107	Definitions; G	12/20/2016	3/12/2019, [Insert Federal Register citation].	
R 336.1108	Definitions; H	12/20/2016	3/12/2019, [Insert Federal Register citation].	
R 336.1109	Definitions; I	12/20/2016	3/12/2019, [Insert Federal Register citation].	
R 336.1112	Definitions; L	12/20/2016	3/12/2019, [Insert Federal Register citation].	
R 336.1113	Definitions; M	12/20/2016	3/12/2019, [Insert Federal Register citation].	
R 336.1114	Definitions; N	12/20/2016	3/12/2019, [Insert Federal Register citation].	
R 336.1115	Definitions; O	12/20/2016	3/12/2019, [Insert Federal Register citation].	All except for (d) “‘Oral reference dose’ or RfD’”.
R 336.1116	Definitions; P	12/20/2016	3/12/2019, [Insert Federal Register citation].	
R 336.1118	Definitions; R	12/20/2016	3/12/2019, [Insert Federal Register citation].	
R 336.1119	Definitions; S	12/20/2016	3/12/2019, [Insert Federal Register citation].	All except for (c) Secondary risk screening level, (q) State-only enforceable, and (x) Sufficient evidence.
R 336.1120	Definitions; T	12/20/2016	3/12/2019, [Insert Federal Register citation].	All except for (f) “‘Toxic air contaminant’ or ‘TAC’”.
R 336.1121	Definitions; U	12/20/2016	3/12/2019, [Insert Federal Register citation].	
R 336.1122	Definitions; V	12/20/2016	3/12/2019, [Insert Federal Register citation].	
R 336.1123	Definitions; W	12/20/2016	3/12/2019, [Insert Federal Register citation].	All except for (c) Weight of evidence.
R 336.1127	Terms defined in the act	1/19/1980	5/6/1980, 45 FR 29790	
* * * * *				

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[FR Doc. 2019-04387 Filed 3-11-19; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R05-OAR-2017-0191; FRL-9990-41-Region 5]

Air Plan Approval; Michigan; Infrastructure SIP Requirements for the 2012 PM_{2.5} NAAQS; Multistate Transport

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving elements of the State Implementation Plan (SIP) submission from Michigan regarding the infrastructure requirements of section 110 of the Clean Air Act (CAA) for the 2012 annual fine particulate matter (PM_{2.5}) National Ambient Air Quality Standard (NAAQS or standard). The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. This action pertains specifically to infrastructure requirements concerning interstate transport provisions.

DATES: This final rule is effective on April 11, 2019.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-R05-OAR-2017-0191. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure 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 either through www.regulations.gov or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Anthony Maietta, Environmental Protection Specialist, at (312) 353-8777 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Anthony Maietta, Environmental Protection Specialist, Control Strategies Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard,

Chicago, Illinois 60604, (312) 353-8777, maietta.anthony@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What is being addressed by this document?
- II. What comments did we receive on the proposed action?
- III. What action is EPA taking?
- IV. Statutory and Executive Order Reviews

I. What is being addressed by this document?

On March 23, 2017, the Michigan Department of Environmental Quality (MDEQ) submitted a request for EPA to approve its infrastructure SIP for the 2012 annual PM_{2.5} NAAQS. On November 14, 2018 (83 FR 56777), EPA proposed to approve the portion of the submission dealing with requirements one and two (otherwise known as “prongs” one and two) of the provision for interstate pollution transport under CAA section 110(a)(2)(D)(i), also known as the “good neighbor” provision¹.

The March 23, 2017 MDEQ submittal included a demonstration that Michigan's SIP contains sufficient major programs related to the interstate transport of pollution. Michigan's submittal also included a technical analysis of its interstate transport of pollution relative to the 2012 PM_{2.5} NAAQS that demonstrates that current controls are adequate for Michigan to show that it meets prongs one and two of the “good neighbor” provision. After review, EPA proposed to approve Michigan's request relating to prongs one and two of the “good neighbor” provision.

II. What comments did we receive on the proposed action?

Our November 14, 2018 proposed rule provided a 30-day review and comment period. The comment period closed on December 14, 2018. EPA received two supportive comments.

III. What action is EPA taking?

In this action, EPA is approving the portion of Michigan's March 23, 2017 submission certifying that the current

¹ There are four prongs to the section 110(a)(2)(D)(i) “good neighbor” provision, which are: Prohibit any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another state (prong one); prohibit any source or other type of emissions activity in one state from interfering with maintenance of the NAAQS in another state (prong two); prohibit any source or other type of emissions activity in one state from interfering with measures required to prevent significant deterioration (PSD) of air quality in another state (prong three); and protect visibility in another state (prong four).

Michigan SIP is sufficient to meet the required infrastructure requirements under CAA section 110(a)(2)(D)(i)(I), specifically prongs one and two, as set forth above.

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, 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 (Pub. L. 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 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).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where 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 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. 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 May 13, 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).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by

reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: February 21, 2019.

Cheryl L. Newton,

Acting Regional Administrator, Region 5.

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.*

■ 2. In § 52.1170, the table in paragraph (e) under the heading “Infrastructure” is amended by revising the entry for “Section 110(a)(2) Infrastructure Requirements for the 2012 particulate matter (PM_{2.5}) NAAQS” to read as follows:

§ 52.1170 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED MICHIGAN NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
*	*	*	*	*
Infrastructure				
Section 110(a)(2) Infrastructure Requirements for the 2012 particulate matter (PM _{2.5}) NAAQS.	Statewide	7/10/2014 and 3/23/2017.	3/12/2019, [Insert Federal Register citation].	Fully approved for all CAA elements except the visibility protection requirements of (D)(i)(II).
*	*	*	*	*

[FR Doc. 2019-04386 Filed 3-11-19; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2017-0621; FRL-9990-40-Region 9]

Approval and Promulgation of Air Quality Implementation Plans; Arizona; Nonattainment Plan for the Miami SO₂ Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving an Arizona state implementation plan (SIP) revision for attaining the 2010 1-hour sulfur dioxide (SO₂) primary national ambient air quality standard (NAAQS or “standard”) for the Miami, Arizona SO₂ nonattainment area (NAA). This SIP revision (hereinafter called the “Miami SO₂ Plan” or “Plan”) includes Arizona’s attainment demonstration and other elements required under the Clean Air Act (CAA or “Act”). In addition to an attainment demonstration, the Plan addresses the requirements for meeting reasonable further progress toward attainment of the NAAQS, reasonably available control measures and reasonably available control technology, base-year and projected emission

inventories, enforceable emissions limitations and control measures, and contingency measures. The EPA concludes that the Plan provides for attainment of the 2010 1-hour primary SO₂ NAAQS in the Miami SO₂ NAA by the attainment date of October 4, 2018, and meets the other applicable requirements under the CAA.

DATES: This final rule is effective on April 11, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R09-OAR-2017-0621. 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 (CBI) or other information

whose disclosure 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 through <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Krishna Viswanathan, EPA, Region IX, Air Division, Air Planning Office, (520) 999-7880 or viswanathan.krishna@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever, “we,” “us,” or “our” is used, we mean the EPA.

Table of Contents

- I. Background
- II. Public Comments and Response to Comments
- III. The EPA’s Final Action
- IV. Statutory and Executive Order Reviews

I. Background

On June 22, 2010, the EPA promulgated a new 1-hour primary SO₂ NAAQS of 75 parts per billion (ppb) (hereinafter called “the 2010 SO₂ NAAQS” or “the SO₂ NAAQS”). This standard is met at an ambient air quality monitoring site when the 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations does not exceed 75 ppb, as determined in accordance with appendix T of 40 CFR part 50.¹ On August 5, 2013, the EPA designated 29 areas of the country as nonattainment for the 2010 SO₂ NAAQS, including the Miami SO₂ NAA within Arizona.² These area designations became effective on October 4, 2013. Section 191 of the CAA directs states to submit SIP revisions for areas designated as nonattainment for the SO₂ NAAQS to the EPA within 18 months of the effective date of the designation, *i.e.*, in this case by no later than April 4, 2015. Under CAA section 192, these SIP submissions are required to include measures that will bring the nonattainment area into attainment of the NAAQS as expeditiously as practicable, but no later than five years from the effective date of designation. The attainment date for the Miami SO₂ NAA was October 4, 2018.

Nonattainment plans for SO₂ must meet sections 110, 172, 191 and 192 of the CAA. The EPA’s regulations governing nonattainment SIP submissions are set forth at 40 CFR part 51, with specific procedural requirements and control strategy

requirements residing at subparts F and G, respectively. Soon after Congress enacted the 1990 Amendments to the CAA, the EPA issued comprehensive guidance on SIP revisions in the “General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990” (“General Preamble”).³ Among other things, the General Preamble addressed SO₂ SIP submissions and fundamental principles for SIP control strategies.⁴ On April 23, 2014, the EPA issued guidance for meeting the statutory requirements in SO₂ SIP submissions in a document entitled, “Guidance for 1-Hour SO₂ Nonattainment Area SIP Submissions” (“2014 SO₂ Guidance”).⁵ In the 2014 SO₂ Guidance, the EPA described the statutory requirements for a complete nonattainment plan, which include: An accurate emissions inventory of current emissions for all sources of SO₂ within the NAA; an attainment demonstration; demonstration of reasonable further progress (RFP); implementation of reasonably available control measures (RACM) (including reasonably available control technology (RACT)); new source review; enforceable emissions limitations and control measures; conformity; and adequate contingency measures for the affected area.

For the EPA to fully approve a SIP revision as meeting the requirements of CAA sections 110, 172, and 191–192 and the EPA’s regulations at 40 CFR part 51, the plan for the affected area needs to demonstrate that each of the aforementioned requirements has been met. Under CAA section 110(l), the EPA may not approve a plan that would interfere with any applicable requirement concerning NAAQS attainment and RFP, or any other applicable requirement. Under CAA section 193, no requirement in effect (or required to be adopted by an order, settlement, agreement, or plan in effect before November 15, 1990) in any area that is a NAA for any air pollutant may be modified in any manner unless it ensures equivalent or greater emission reductions of such air pollutant.

The EPA published a notice on March 18, 2016, finding that Arizona and other states had failed to submit the required SO₂ nonattainment plans for the Miami SO₂ NAA and several other areas by the submittal deadline.⁶ This finding, which became effective on April 18, 2016, initiated a deadline under CAA section 179(a) for the potential

imposition of new source review offset and highway funding sanctions. Additionally, under CAA section 110(c), the finding triggered a requirement that the EPA promulgate a federal implementation plan (FIP) within two years of the effective date of the finding unless the State has submitted, and the EPA has approved, the nonattainment plan as meeting applicable requirements.

In response to the EPA’s finding, the Arizona Department of Environmental Quality (ADEQ) submitted the Miami SO₂ Plan on March 9, 2017, and submitted associated final rules on April 6, 2017.⁷ The EPA issued letters dated July 17, 2017, and September 26, 2017, finding the submittals complete and halting the sanctions clock under CAA section 179(a).⁸ Today’s final SIP approval terminates the EPA’s duty to promulgate a FIP for the area.

II. Public Comments and Response to Comments

The EPA proposed to approve the Miami SO₂ Plan on June 15, 2018.⁹ As part of this action, we also proposed to approve the use of AERMOD v14134 and BLP (“BLP/AERMOD Hybrid Approach”) as an alternative model to represent emissions from the roofline of the Miami Smelter (“smelter”).¹⁰ The EPA’s proposed action provided a 30-day public comment period. During this period, we received eight comment letters. Six of these comment letters raised issues that are outside of the scope of this rulemaking, including air quality in China, India, and other areas of the United States, wind power, and relations between the United States and Russia. We are not required to respond to these comments and are not doing so here. Two comment letters, one from the Arizona Mining Association (AMA) and one from the National Parks Conservation Association (NPCA), the Sierra Club (SC), and Arizona Mining Reform Coalition (AMRC) (collectively, “the Non-Governmental Organizations” or “NGOs”) raised issues germane to this action.¹¹ ¹² The EPA’s summary of

⁷ Letters dated March 8, 2017, and April 6, 2017, from Tim Franquist, Director, Air Quality Division, ADEQ, to Alexis Strauss, Acting Regional Administrator, EPA Region IX. Although the cover letter for the Miami SO₂ Plan was dated March 8, 2017, the Plan was transmitted to the EPA on March 9, 2017.

⁸ Letters dated July 17, 2017, and September 26, 2017, from Elizabeth Adams, Acting Air Division Director, EPA Region IX, to Tim Franquist, Director, Air Quality Division, ADEQ.

⁹ 83 FR 27938, June 15, 2018.

¹⁰ *Id.* at 27942.

¹¹ Letter dated July 16, 2018, from Steve Trussell, Executive Director, Arizona Mining Association, to Michael Stoker, Regional Administrator, EPA Region IX.

¹ 75 FR 35520, codified at 40 CFR 50.17(a)–(b).

² 78 FR 47191, codified at 40 CFR part 81, subpart C.

³ 57 FR 13498 (April 16, 1992).

⁴ *Id.* at 13545–49, 13567–68.

⁵ Guidance for 1-Hour SO₂ Nonattainment Area SIP Submissions, April 23, 2014.

⁶ 81 FR 14736.

germane comments and responses are provided below. All comments received on the proposal are included in the docket for this action.

A. Comments From the AMA

Comment: The AMA expressed support for our proposed approval of the Miami SO₂ SIP. In addition, the commenter specifically requested clarification of the following statement from our proposal:

The EPA also acknowledges the concern that longer-term emission limits can allow short periods with emissions above the critical emissions value, which, if coincident with meteorological conditions conducive to high SO₂ concentrations, could in turn create the possibility of a NAAQS exceedance occurring on a day when an exceedance would not have occurred if emissions were continuously controlled at the level corresponding to the critical emission value.

The AMA requested that the EPA “revise this discussion to make it clear that the evaluation of the longer-term limit is looking at whether additional hourly exceedances of the numeric portion of the NAAQS will occur rather than NAAQS exceedances.”

Response: We note AMA’s support for our proposed approval. With respect to the commenter’s request for clarification, the commenter appears to be confusing the term “NAAQS exceedance” with “NAAQS violation.” The hourly exceedance of the level of a NAAQS is the same as a NAAQS exceedance as used in our proposal but is different from a NAAQS violation. As explained in our proposal:

As specified in 40 CFR 50.17(b), the 1-hour primary SO₂ NAAQS is met at an ambient air quality monitoring site when the 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations is less than or equal to 75 ppb. In a year with 365 days of valid monitoring data, the 99th percentile would be the fourth highest daily maximum 1-hour value. . . . *Because the standard has this form, a single hourly exceedance does not create a violation of the standard.*¹³

To restate, when we use the term “NAAQS exceedance” (both in our proposal and in this document), we refer to an hourly exceedance of the 75 ppb level, rather than to a NAAQS violation, which would occur only when the 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations is greater than 75 ppb.

¹² Letter dated July 16, 2018, from Kevin Dahl, NPCA, Sandy Bahr, SC, and Roger Featherstone, AMRC, to Krishna Viswanathan, Air Division, EPA Region IX.

¹³ 83 FR 27940, June 15, 2018 (emphasis added).

B. Comments From the NGOs

Comment: The NGOs noted that Arizona was subject to a March 18, 2016 “Finding of Failure to Submit,” and the EPA was therefore obligated to approve the SIP or promulgate a FIP if the SIP was not approved by April 18, 2018. They asserted that the SIP was not approved nor was a FIP in place by the deadline.

Response: We acknowledge that the EPA did not approve a SIP revision or promulgate a FIP for the Miami SO₂ NAA by April 18, 2018, as required under CAA 110(c)(1)(A). However, with this final action to approve the Miami SO₂ Plan, we are discharging our statutory obligation under CAA section 110(k)(2) to act on the SIP, and such approval terminates our FIP obligation under section 110(c)(1)(A) for the Miami SO₂ NAA.

Comment: The NGOs stated that the Miami, Arizona area had a design value of 105 ppb when designated nonattainment; whereas the 2014–2016 design value was 200 ppb, and the 2015–2017 preliminary design value was 221 ppb. The commenters asserted that, because attainment is determined by averaging over three years, the area will remain in nonattainment on the October 4, 2018 attainment deadline even if readings were 0.0 ppb from this point forward. On this basis they concluded that, even though the control measures may be operational by October 4, 2018, the State has already failed to demonstrate attainment by the statutory deadline.

Response: We disagree with this comment. We note that, contrary to the commenters’ suggestion, the CAA does not require states with SO₂ nonattainment areas to factually “demonstrate attainment by the statutory deadline” in the SIPs they submit containing the control measures that will achieve attainment. Rather, sections 172 and 192 of the CAA require states to submit SIP revisions that “provide for attainment” of the SO₂ NAAQS by the attainment date. In our proposal, we described our interpretation of “provide for attainment” and the rationale for finding that the Miami SO₂ plan submitted by the State of Arizona does provide for attainment.¹⁴ In particular, Arizona’s submittal provides modeling-based evidence that establishes that the control measures required on the single source of emissions in the area are sufficient to yield air quality that attains the NAAQS by the attainment deadline.

¹⁴ 83 FR 27947, June 15, 2018.

The available monitoring data should not be interpreted as indicating that Arizona’s SIP has failed to provide for timely attainment. The monitoring data cited by the commenter were collected before the full implementation of the measures in the Miami SO₂ plan, which occurred in 2018.¹⁵ Therefore, these data are indicative of whether air quality met the standard prior to full implementation of the measures reflected in the modeling demonstration, but these data are not a reliable indicator of whether air quality, after implementation of all modeled relevant control measures, would be expected to meet the standard at the attainment deadline. In other words, these data are not indicative of the adequacy of the plan and its modeling demonstration to provide for NAAQS attainment. Instead, as the EPA explained in our 2014 SO₂ Guidance and in numerous proposed and final SIP notices implementing the SO₂ NAAQS, a key element of an approvable SIP is the required modeling demonstration showing that the remedial control measures and strategy are adequate to bring a previously or currently violating area into attainment. Given the form of the 2010 NAAQS as the 3-year average of the 99th percentile of the yearly distribution of 1-hour daily maximum SO₂ concentrations, it is often possible that the three-year period of monitored data will not reflect the actual air quality levels resulting from implementation of the newer remedial control measures implemented within that period. In such cases, as it is here, the more complete and representative analysis for informing action on a submitted SIP should focus on the results of newly implemented control measures required under the plan, rather than historical concentrations that do not reflect the results of the plan’s required control measures. The former analysis explicitly addresses whether air quality will be attaining (as required) under the state’s submitted plan, whereas the latter analysis may have little to no bearing on what will happen as a result of the plan. Therefore, in the context of reviewing the adequacy of those newer control measures to provide for newly attaining air quality under sections 172 and 192, we conclude that it is reasonable to focus on the modeling results that specifically account for those control measures and the resulting reductions

¹⁵ On December 19, 2017, FMMI notified the EPA and ADEQ that it had completed construction of the SO₂ capture and control system upgrades and had initiated associated commissioning activities. Letter from Byron Belew, FMMI, to Alexis Strauss, EPA, and Timothy Franquist, ADEQ (December 19, 2017).

in SO₂ emissions, rather than on monitored data that, in this case, do not represent air quality levels resulting from full implementation of the control measures in the Plan. In the Miami SO₂ Plan, Arizona's modeling shows that implementation of the measures included in the Plan result in air quality that attains the NAAQS.

Under the CAA, a determination of whether an area has failed to attain is a separate action from the review of an attainment demonstration SIP. The EPA's SIP review occurs under CAA sections 110(k), 172(c) and 192(a), while a determination of whether an SO₂ NAA has failed to attain is governed by CAA section 179(c)(1). Under section 110(k)(3), the EPA is required to approve a SIP submission that meets all applicable requirements of the CAA. For the reasons described in our proposal and elsewhere in this notice, we have concluded that the Miami SO₂ Plan meets all such requirements, including the requirement in 172(c) and 192(a) to provide for attainment by the attainment date. This is the determination that is

the subject of today's final SIP approval action.

Separately, in a different action under section 179(c)(1) that is beyond the scope of today's final SIP approval action, the EPA must determine within six months of the attainment date whether an area has attained the NAAQS based on the area's air quality as of the attainment date. Accordingly, the EPA will in a separate action, analyze the pertinent information and determine whether the Miami SO₂ NAA attained the NAAQS by the attainment date in accordance with section 179(c)(1).

In response to the part of the comment related to change in ambient values, we note that the 2009–2011 design value used to designate the NAA was based on SO₂ data from the Miami Ridgeline monitor, which was the only SO₂ monitor in the NAA at that time. The 2015–2017 design value cited by the commenter was based on data from the Miami Jones Ranch Monitor, which was installed in 2013. Because of safety and infrastructure concerns, the

Ridgeline monitor ceased operation on September 26, 2017, following EPA approval of the site's closure.¹⁶ As shown in Table 1, during the years that both the Ridgeline and Jones Ranch monitors had valid design values (2015 and 2016), the design values for the Jones Ranch monitor were more than 50 ppb higher than the design values for the Miami Ridgeline monitor. The change in design value noted by the commenters reflects the more recent design value information provided by the Miami Jones Ranch monitor and appears to be more the result of monitoring at a different location rather than a significant worsening of air quality as implied by the commenter. Again, however, the EPA is not taking any final action today under CAA section 179(c) to determine whether the Miami area factually attained the NAAQS by the attainment date, and our discussion of the monitoring data from the Ridgeline and the Jones Ranch monitors presented here is for informational purposes only.

TABLE 1—2010 1-HR SO₂ NAAQS DESIGN VALUES FOR MONITORS IN THE MIAMI SO₂ NAA (PPB)

Site name	AQS ID	2011	2012	2013	2014	2015	2016	2017
Ridgeline ¹	04–007–0009	111	107	105	122	145	146	N/A
Jones Ranch ²	04–007–0011	N/A	N/A	N/A	N/A	199	200	221
Townsite ³	04–007–0012	N/A	N/A	N/A	N/A	196	194	159

N/A = not available.

¹ The Ridgeline monitor ceased operation on September 26, 2017, due to safety and infrastructure concerns.

² The Jones Ranch monitor became operational on February 1, 2013.

³ The Townsite monitor site became operational on February 1, 2013.

Comment: The commenters noted that the EPA stated that it agreed with the State's placement of modeling receptors, which relied on an ambient air boundary consisting of the facility's physical fence line as well as several boundary segments with no fence that the State inspected and concluded steep topography precludes public access. However, the commenters asserted that "there is no EPA regulation or written policy stating that steep topography is not ambient air. Impacts in these areas should not be ignored in the modeling simulations, and thus, the State has not demonstrated that the proposed emission limit of 142.45 lb/hr provides for attainment of the SO₂ NAAQS."

Response: Ambient air is defined as "that portion of the atmosphere, external to buildings, to which the

general public has access."¹⁷ The 2014 SO₂ Guidance, Appendix A, Section 5.2 states "[t]he model receptor grid is unique to the particular situation and depends on the size of the modeling domain, the number of modeled sources, and complexity of the terrain. Receptors should be placed in areas that are considered ambient air (*i.e.*, where the public generally has access) relative to a particular facility. . . ." The EPA policy on excluding areas from ambient air has been stated in a series of letters and memoranda. In a 1980 letter from Administrator Douglas Costle to Senator Jennings Randolph,¹⁸ the EPA stated its policy that the exclusion from ambient air is available only for the atmosphere over land owned or controlled by the source and to which public access is precluded by a fence or other physical

barriers, based on a case-by-case review of individual situations to ensure that the public is adequately protected. This represents the EPA's current policy with regard to ambient air. As part of a demonstration that an exclusion is appropriate, a source should take steps to preclude the general public from accessing the property by relying on some type of physical barrier, such as a fence, wall, or a natural obstruction.¹⁹ As a result, we disagree with the commenter's assertion that the EPA lacks a written policy that allows for steep topography to preclude public access to facility property. As described above, a natural obstruction, such as steep topography, may be considered to be part of an ambient air boundary, consistent with the regulatory definition of ambient air, if it is effective in

¹⁶ Letter dated September 19, 2017, from Elizabeth Adams, Acting Director, Air Division EPA Region IX, to Timothy Franquist, Director, Air Quality, ADEQ.

¹⁷ 40 CFR 50.1(e).

¹⁸ Letter dated December 19, 1980, from Douglas M. Costle, Administrator, EPA to Senator Jennings

Randolph, Chairman, Environment and Public Works Committee.

¹⁹ Memorandum dated June 22, 2007, from Stephen D. Page, Director, Office of Air Quality Planning & Standards, EPA to Regional Air Division Directors, "Interpretation of 'Ambient Air' In Situations Involving Leased Land Under the

Regulations for Prevention of Significant Deterioration." As indicated in the attachment to this EPA memo at footnote 1, "preclude" does not necessarily imply that public access is absolutely impossible, but rather that the likelihood of such access is small.

precluding the general public from accessing the property and can be a basis for excluding such area for receptor placement in the modeling.

We note that the EPA is currently evaluating this ambient air policy to consider whether access to property by the general public may be effectively precluded or deterred, consistent with the existing regulatory definition of ambient air, by means other than a fence or other physical barriers.²⁰ Such a revision to our policy would not alter our finding that Arizona properly excluded receptors in areas owned or controlled by the source where steep topography precludes public access.

Comment: The NGOs commented that according to the spreadsheet from the docket ²¹ Freeport-McMoran Miami Incorporated's (FMMI's) existing permit requires individual limits, on a pound per hour (lb/hr) basis, on the various SO₂ emitting processes. They asserted that our proposed action does not include a discussion as to why it is appropriate to now switch to a single facility-wide limit with a longer term (*i.e.*, 30-day averaging basis).

Response: First, we disagree with the commenter's characterization of "switching" from individual limits to a facility-wide limit, as it implies that these existing limits will either be replaced or cease to be applicable following the approval of the Miami SO₂ Plan. The permit limits listed in the spreadsheet cited by the commenter are found in Attachment C of FMMI's title V permit.²² The limits are 820.00 lb/hr for the Acid Plant Tail Gas Stack, 312.00 lb/hr for the Vent Fume Stack, and 1288 lb/hr for all fugitives.²³ These existing limits were established under separate legal authority to meet separate regulatory requirements and will not be altered by the addition of the 142.45 lb/hr limit (30-day rolling average) that applies to the entire facility under Arizona Administrative Code, Title 18, Chapter 2, Article 13, Section R18-2-C1302 ("Rule C1302").²⁴

²⁰ EPA Draft Guidance dated November 2018, "Revised Policy on Exclusions from 'Ambient Air.'" <https://www.epa.gov/nsr/forms/draft-guidance-revised-policy-exclusions-ambient-air>.

²¹ See C.4 2015-07-13 FMMI Emissions Inventory—2015-07-13—Past Actuals Using Sulfur Balance.

²² The spreadsheet cited by the commenter (*i.e.*, "C.4 2015-07-13 FMMI—Emissions Inventory—2015-07-13—Past Actuals Using Sulfur Balance") refers to Title V Permit 53592, which was issued on November 26, 2012, and expired on November 25, 2017. FMMI's current Title V Permit 66039, which was issued on December 20, 2019, includes the same emissions limits in Attachment C as Title V Permit 53592.

²³ Title Permit 66039, Attachment C.

²⁴ The EPA approved Rule C1302 into the Arizona SIP at 83 FR 56736 (November 14, 2018).

Second, we note that these existing individual limits were not in the SIP and were not intended to provide for attainment of the NAAQS. The appropriateness of the facility-wide, 30-day rolling emission limit for attainment of the NAAQS must be evaluated based upon the legal requirements and guidance associated with implementation of the 1-hr SO₂ NAAQS. Contrary to the commenter's assertion, our proposal did explain why it is appropriate to use both a facility-wide limit and a longer-term limit in this case.²⁵ As explained in the proposal, the State provided an analysis to show that due to the batch nature of the smelting process at the Miami Smelter, the emissions from the various units ("sources") at the facility are independent of one another and therefore do not peak at the same time. The collection of future maximum potential SO₂ emission rates for each source represents a conservative estimate of the worst-case emission distribution at the smelter. Additionally, ADEQ submitted an analysis that demonstrates that variations in the location of peak emissions among sources will not affect attainment, and a facility-wide emissions limit is sufficiently protective.

Comment: The commenters asserted that the adjustment factor used to develop the emission limit for the Miami Smelter (0.37) indicates that its operation is much more variable than are emissions at electric generating units (EGUs) and that the EPA's 2014 SO₂ Guidance was developed based on empirical evidence to assess the variability of the operation of EGUs, not sulfuric acid plants. They argued that this greater variability means that there is much higher probability that any given hour is above the critical emission value (CEV) for this sulfuric acid plant relative to the EGUs cited in the 2014 SO₂ Guidance. They asserted that there was no discussion of the estimated percentage of time that the hourly emissions are expected to be above the CEV and that the EPA or the State, at a minimum, should provide some discussion on expected emissions and assess the variability in terms of sulfuric acid plants rather than EGUs.

Response: We agree that emissions at the Miami Smelter are more variable than for EGUs. The adjustment factor for the Miami Smelter was 0.37 compared to the national average adjustment factors (*i.e.*, 0.63–0.79) estimated for EGUs and listed in Table 1 of Appendix D of the 2014 SO₂ Guidance. The approach outlined in the 2014 SO₂

Guidance accounts for whatever degree of variability a source has, because the adjustment factor is designed to reflect the source's own emission distribution and variability. The higher degree of adjustment for the Miami Smelter compared to the EGUs means that the longer-term emission limit for the smelter is lowered further to ensure that hourly emissions exceeding the CEV are a rare occurrence. Indeed, the protocol given in the 2014 SO₂ Guidance is designed to provide for long-term average emission levels above the long-term average limit to be as rare as 1-hour emission levels above the CEV, which for the Miami Smelter necessitates more adjustment than is necessary for most EGUs. Therefore, we disagree with the commenters that this increased variability means there is a higher probability that any given hour is above the CEV compared to the sources envisioned by the 2014 SO₂ Guidance. As described in our proposal, the State used hourly SO₂ data collected using continuous emission monitors from May 2013 to October 2014, adjusted to account for Miami Smelter's upgrades and increased production capacity, as a representative emission distribution for the smelter's future configuration.²⁶ Appendix C to the Miami SO₂ Plan, "Modeling Technical Support Document for the Miami Sulfur Dioxide (SO₂) Nonattainment Area" ("Modeling TSD"), Table 8–7 specifies this representative emission distribution includes 60 hours above the CEV, which amounts to 0.5 percent of operating hours. The EPA's 2014 SO₂ Guidance states that "if above the critical emission value are a rare occurrence at a source, these periods would be unlikely to have a significant impact on air quality, insofar as they would be very unlikely to occur repeatedly at the times when the meteorology is conducive for high ambient concentrations of SO₂."²⁷ We conclude that the limit for the Miami Smelter, which we expect to result in no more than 0.5 percent of hours exceeding the CEV, qualifies as assuring that such occasions of elevated emissions will be sufficiently rare to provide for attainment, consistent with EPA guidance.

Comment: The NGOs argued that there should be a clear indication of whether or not there were hours of non-operation (*i.e.*, zero emissions) for each of the emission units factored into the adjustment factor calculation and whether non-operation will be counted towards compliance. They noted that the 2014 SO₂ Guidance calls for the

²⁶ 83 FR 27944, June 15, 2018.

²⁷ 2014 SO₂ Guidance, 24.

²⁵ 83 FR 27938, June 15, 2018.

calculations to be made only during hours of operation and asserted that it was not clear how the State determined the 0.37 adjustment factor and how compliance will be ensured with respect to non-operation.

Response: We agree with the commenter that it should be clear how hours of non-operation were accounted for in developing the adjustment factor and how they will be used in determining compliance. Regarding the development of the adjustment factor, we have included information in the docket that displays the facility emission data used by the State in determining the 0.37 adjustment factor.²⁸ This adjustment factor represents a ratio of the 99th percentile of 30-day average emissions relative to the 99th percentile of 1-hour average emissions. To determine the 99th percentile of the 1-hour average emissions, the State only considered hours corresponding to periods of operation. To determine the 99th percentile of the 30-day average emission values the State used a running hourly mean of the most recent 720 hours that corresponded to periods of operation. As seen in this spreadsheet, periods of zero emissions that correspond to nonoperation were removed from consideration in developing the adjustment factor.

We note that there was a period during June 16–17, 2015, in which 39 hours of zero emissions were included in the set of emission data used in developing the adjustment factor. Additional correspondence between the EPA, ADEQ and FMMI provided further details indicating that while no emissions occurred, this period of time corresponds to a period of operation as defined in Rule C1302 subsection (B)(6).²⁹ Specifically, FMMI indicated the electric furnace was receiving power during this period, and that electric furnace temperature was steadily increasing. In addition, the vent fume stack fan was also operating and ventilating during this period. FMMI asserts that during this 39-hour period, the electric furnace was operating and smelting, but that crust formation prevented SO₂ emissions from the electric furnace until temperature was sufficient to melt the crust. Operating records provided by FMMI support these details and indicate that this 39-

hour period represents initial startup after a period of nonoperation.³⁰ Based on this information, we consider the inclusion of this 39-hour period appropriate because conditions at the facility were consistent with periods of operation that generated no emissions.

With respect to the compliance determination, we note that Rule C1302 subsection (F)(1) requires a compliance demonstration for each “operating day.” Subsection (B)(6) of Rule C1302 defines “operating day” as any calendar day in which any of the following occurs:

- a. Concentrate is smelted in the Electric furnace or IsaSmelt furnace;
- b. Copper or sulfur bearing materials are processed in the converters;
- c. Blister or scrap copper is processed in the anode furnaces or mold vessel;
- d. Molten metal, including slag, matte or blister copper, is transferred between vessels;
- e. Molten metal is cast into molds, anodes, or other intermediate or final products;
- f. Power is provided to the electric furnace to make or maintain a molten bath; or
- g. The anode furnace is heated to make or maintain a molten bath.

In this rule, compliance with the rolling 30-day emission limit is calculated by identifying the days during which one or more of the relevant units was actually operating, and at the end of each operating day computing average emissions over the most recent 30 operating days. The emissions from those 30 days are totaled and then divided by 720 (30 days × 24 hours). The approach of determining compliance on the basis of emissions only during operating days and defining “operating day” as a day with any operation is consistent with the recommendation in the 2014 SO₂ Guidance.³¹ On the other hand, the determination of compliance on a 720-hour basis, inherently averaging in the zero emission values of non-operating hours during an operating day, is not consistent with the recommendation in the 2014 SO₂ Guidance that hours without operation be excluded from the compliance determination.³²

The EPA has evaluated the significance of using this compliance determination approach for this facility as compared to a method that excludes

all non-operating hours.³³ In the case of the Miami Smelter, the use of data only from operating days, as opposed to using data from all calendar days, substantially limits the inclusion of non-operating hours. The nature of the process at the Miami Smelter involves relatively continuous operation, so that the number of non-operating hours within operating days is minimal. For example, the emission data used to derive the adjustment factor, representing 12,264 hours, include only 224 non-operating hours, less than 2 percent of the hours. The inclusion of these non-operating hours has a negligible impact on the rolling average, especially at peak values for this facility. For example, the highest 30-operating day average calculated from the dataset is 105.9 lb/hr when non-operating hours are excluded compared to 105.2 lb/hr when non-operating hours are included. Both are well below the facility-wide 30-day emission limit of 142.45 lb/hr. Also, among the days represented in the top 10 percent of 30-day averages, only 0.5 percent of the hours are non-operating hours. As the compliance methodology for the Miami Smelter is based on an operating day, consistent with the 2014 SO₂ Guidance, and the smelter operates continuously year-round, these non-operating hours remain inconsequential in determining compliance with the 30-day limit. Therefore, we conclude that this deviation from guidance will have minimal impact and does not prevent this Miami SO₂ Plan from providing for attainment.

The 2014 SO₂ Guidance also recommends that the approach used to calculate the adjustment factor should be consistent with the approach used to determine compliance with the longer-term limit.³⁴ As described above, ADEQ computed the 99th percentile of the 30-day average emission values used in the development of the longer-term limit as a 720-rolling hourly average, whereas compliance is determined using a 30-operating day average. We recalculated the adjustment factor and resulting emission limit using the compliance methodology outlined in Rule C1302 and found the difference was small: The adjustment factor and 30-day limit are 0.368 and 141.80 lb/hr when calculated using a 30-operating day average compared to 0.370 and 142.45 lb/hr when calculated as a 720-hour running mean, a 0.4 percent difference. We

²⁸ Spreadsheet “FMMI_EMISSION_LIMIT_TSD_20151223.xls” and Memorandum dated February 6, 2019, from Rynda Kay, EPA Region IX, Air Quality Analysis Office, to Rulemaking Docket EPA–R09–OAR–2017–0621.

²⁹ Email dated September 19, 2018, from Farah Mohammadesmaeili (ADEQ) to Rynda Kay (EPA), Subject: “FW: SO₂ SIP Data Inquiry.”

³⁰ Spreadsheet “2013 shutdown data 20181017.xlsx.”

³¹ 2014 SO₂ Guidance, 32.

³² Id. (“The MATS procedure also effectively provides that hours with no operation have no effect on the calculated average emission rate, which is a desirable feature in order to focus on how well controls are operating during operating hours.”)

³³ See “Evaluation-FMMIComplianceMethodology.xls” for the EPA’s evaluation of the Miami Smelter’s compliance methodology.

³⁴ 2014 SO₂ Guidance, Appendix C, C–3.

believe this difference is negligible and the conservatism built into the State's modeling adequately demonstrates that the longer-term emission limit in Rule C1302 provides for attainment. The State's modeling predicts a design value of 194.1 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), whereas the standard is 196.4 $\mu\text{g}/\text{m}^3$ (75 ppb), providing room for this slightly higher limit in Rule C1302.

Comment: The NGOs requested that the EPA take a fresh look at this rulemaking and issue a revised proposal for public notice and comment.

Response: We have reexamined our proposed rulemaking and have concluded that no revised notice of proposed rulemaking is warranted. For the reasons described in our proposal and in the preceding responses to comments, we find that the Miami SO₂ Plan meets all applicable requirements under the CAA and the EPA's implementing regulations. Accordingly, we are finalizing our approval of the Miami SO₂ Plan.

III. The EPA's Final Action

The EPA is approving the Miami SO₂ Plan, which includes Arizona's attainment demonstration for the Miami SO₂ NAA and addresses requirements for RFP, RACT/RACM, base-year and projected emission inventories, new source review, enforceable emissions limits and control measures, and contingency measures. For the reasons described in our proposal and the related concurrence documents,³⁵ the EPA is also approving the BLP/AERMOD Hybrid Approach as an alternative model to represent emissions from Miami Smelter roofline in the Miami SO₂ Plan under 40 CFR 51.112(a)(2). The EPA determines that the Miami SO₂ Plan meets applicable requirements of sections 110, 172, 191 and 192 of the CAA for the 2010 SO₂ NAAQS.

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 Act 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 proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 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 (Pub. L. 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).

In addition, 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 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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 13, 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)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by Reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: February 21, 2019.

Deborah Jordan,

Acting Regional Administrator, EPA Region IX.

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 D—Arizona

- 2. In § 52.120, table 1 in paragraph (e) is amended by adding the entry "Arizona State Implementation Plan Revision: Miami Sulfur Dioxide Nonattainment Area for the 2010 SO₂ NAAQS, excluding Appendix D" after the entry "SIP Revision: Hayden Lead Nonattainment Area, excluding Appendix C" to read as follows:

§ 52.120 Identification of plan.

* * * * *

(e) * * *

³⁵ "Concurrence Request for Approval of Alternative Model: BLP/AERMOD Hybrid Approach for Modeling Buoyant Roofline Sources at the FMMI Copper Smelter in Miami, AZ" (March 12, 2018) and "Model Clearinghouse Review of a BLP/AERMOD Hybrid Alternative Model Approach for Modeling Buoyant Roofline Sources at the FMMI Copper Smelter in Miami, AZ" (March 26, 2018).

TABLE 1—EPA-APPROVED NON-REGULATORY AND QUASI-REGULATORY MEASURES

[Excluding certain resolutions and statutes, which are listed in tables 2 and 3, respectively]¹

Name of SIP provision	Applicable geographic or nonattainment area or title/subject	State submittal date	EPA approval date	Explanation
*	*	*	*	*
Part D Elements and Plans (Other Than for the Metropolitan Phoenix or Tucson Areas)				
Arizona State Implementation Plan Revision: Miami Sulfur Dioxide Nonattainment Area for the 2010 SO ₂ NAAQS, excluding Appendix D.	Miami, AZ Sulfur Dioxide Nonattainment Area.	March 9, 2017	[insert Federal Register citation], March 12, 2019.	Adopted by the Arizona Department of Environmental Quality on March 8, 2017.
*	*	*	*	*

¹ Table 1 is divided into three parts: Clean Air Act Section 110(a)(2) State Implementation Plan Elements (excluding Part D Elements and Plans), Part D Elements and Plans (other than for the Metropolitan Phoenix or Tucson Areas), and Part D Elements and Plans for the Metropolitan Phoenix and Tucson Areas.

* * * * *

[FR Doc. 2019-04389 Filed 3-11-19; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2017-0494; FRL-9985-06]

Methoxyfenozide; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of methoxyfenozide in or on imported tea. Dow Agrosciences, LLC requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective March 12, 2019. Objections and requests for hearings must be received on or before May 13, 2019, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2017-0494, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the

Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

Michael Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; main telephone number: (703) 305-7090; email address: RDfRNotices@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at [http://www.ecfr.gov/cgi-bin/text-](http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl)

[idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl).

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2017-0494 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before May 13, 2019. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA-HQ-OPP-2017-0494, by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

- *Mail*: OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave., NW, Washington, DC 20460–0001.

- *Hand Delivery*: To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of November 27, 2017 (82 FR 56017) (FRL–9968–55), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 7E8601) by Dow Agrosciences, LLC, 9330 Zionsville Road, Indianapolis, IN 46268. The petition requested that 40 CFR 180.544 be amended by establishing tolerances for residues of the insecticide methoxyfenozide, in or on tea, dried at 20 parts per million (ppm) and tea, instant at 20 ppm. That document referenced a summary of the petition prepared by Dow Agrosciences, LLC, the registrant, which is available in the docket, <http://www.regulations.gov>. Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is “safe.” Section 408(b)(2)(A)(ii) of FFDCA defines “safe” to mean that “there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.” This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to “ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .”

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has

reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for methoxyfenozide including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with methoxyfenozide follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Many of the available short-term or subchronic toxicity studies on methoxyfenozide showed little or no toxicity. The main target organs identified from the toxicity studies in the rat and dog were the liver, thyroid, and red blood cells (RBCs). The most consistent findings across species and studies were transiently decreased RBC parameters and increased liver, thyroid, adrenal, and spleen weights. Increases in thyroid and adrenal weights were observed in the rat chronic oral study. Thyroid weights were also increased in the dog following chronic exposure. However, no accompanying histopathology was observed.

Acute and subchronic oral neurotoxicity studies in the rat did not show evidence of potential neurotoxicity. In the acute study, decreased hindlimb grip strength on Day 0 was reported in males. This finding was only observed at the limit dose in males and was not observed in the subchronic neurotoxicity study and was therefore not considered evidence of neurotoxicity. No clinical signs of neurotoxicity or neurohistopathology were observed in other guideline studies.

No maternal or developmental effects were observed in either the rat or rabbit oral developmental toxicity studies. In the rat 2-generation reproductive toxicity study, parental effects were limited to increased liver weight and microscopic periportal hypertrophy. No offspring or reproductive toxicity was observed. In a 28-day dietary immunotoxicity study in the rat, no immunotoxicity was observed, and the only observed effect was increased liver weight.

There was no evidence of carcinogenicity in the rat dietary 24-

month chronic toxicity/carcinogenicity study or the mouse dietary 18-month carcinogenicity study. No mutagenic or clastogenic potential was observed in the battery of genotoxicity studies on methoxyfenozide. Based on these findings, methoxyfenozide is classified as “not likely to be carcinogenic to humans.”

Specific information on the studies received and the nature of the adverse effects caused by methoxyfenozide as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at <http://www.regulations.gov> in document, “Methoxyfenozide. Human Health Draft Risk Assessment for Registration Review and New Use Risk Assessment to Support the Registration of Proposed Use on Chives, and Crop Group Expansions for Stone Fruit and Tree Nuts” at pp. 42–47 in docket ID number EPA–HQ–OPP–2014–0591.

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see <http://www.epa.gov/pesticides/factsheets/riskassess.htm>.

A summary of the toxicological endpoints for methoxyfenozide used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR METHOXYFENOZIDE FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (All populations including infants and children and females 13–49 years of age).	No hazard was identified for a single oral exposure.		
Chronic dietary (All populations)	NOAEL = 10.2 mg/kg/day. UF _A = 10x UF _H = 10x FQPA SF = 1x	Chronic RfD = 0.10 mg/kg/day. cPAD = 0.10 mg/kg/day	Co-critical studies: Combined oral chronic toxicity/carcinogenicity-rat LOAEL = 411/491 mg/kg/day [M/F], based on hematological changes (decreased RBC parameters), periportal liver hypertrophy, thyroid hypertrophy and altered colloid; possibly increased adrenal weight. Chronic oral toxicity-dog NOAEL = 9.8/12.6 mg/kg/day [M/F] LOAEL = 106.1/110.6 mg/kg/day, based on hematological changes (decreased RBC parameters, slight methemoglobinemia) and increased serum bilirubin.
Incidental oral short-term (1 to 30 days).	NOAEL = 16.8 mg/kg/day. UF _A = 10x UF _H = 10x FQPA SF = 1x	Residential LOC for MOE ≤100.	Two-week oral range-finding study-dog LOAEL = 90.8 mg/kg/day based on hematological changes (decreased RBC parameters, increased Heinz body count, reticulocyte counts, erythrocyte morphology and methemoglobinemia) and increased spleen weights.
Dermal short-term (1 to 30 days) or Intermediate-term (1 to 6 months).	No toxicity, i.e., no hazard, was identified for dermal exposure.		
Inhalation short-term (1 to 30 days) and Intermediate-term (1 to 6 months).	NOAEL = 16.8 mg/kg/day (Inhalation toxicity considered equivalent to oral toxicity.). UF _A = 10x UF _H = 10x FQPA SF = 1x	Residential LOC for MOE ≤100.	Two-week oral range-finding study-dog LOAEL = 90.8 mg/kg/day based on hematological changes (decreased RBC parameters, increased Heinz body count, reticulocyte counts, erythrocyte morphology and methemoglobinemia) and increased spleen weights.
Cancer (Oral, dermal, inhalation).	Not likely to be carcinogenic to humans.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to methoxyfenozide, EPA considered exposure under the petitioned-for tolerances as well as all existing methoxyfenozide tolerances in 40 CFR 180.544. EPA assessed dietary exposures from methoxyfenozide in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. No such effects were identified in the toxicological studies for methoxyfenozide; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the United States Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, EPA used tolerance-level residues, 100 percent crop treated (100%CT), and default processing factors for most processed commodities that do not have individual tolerances; the only exception being a processing factor for orange juice based on a processing study.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that methoxyfenozide does not pose a cancer risk to humans. Therefore, a dietary exposure

assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for methoxyfenozide. Tolerance level residues and/or 100% CT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for methoxyfenozide in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of methoxyfenozide. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at <http://www2.epa.gov/pesticide-science-and-assessing->

pesticide-risks/about-water-exposure-models-used-pesticide.

Based on the FQPA Index Reservoir Screening Tool (FIRST) for surface water, along with the Screening Concentration In GROUND Water (SCI-GROW) model and Pesticide Root Zone Model Ground Water (PRZM GW) models for groundwater, the estimated drinking water concentrations (EDWCs) of methoxyfenozide for chronic exposures for non-cancer assessments are estimated to be 7.57 ppb for surface water and 214 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For chronic dietary risk assessment, the water concentration of value 214 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term “residential exposure” is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Methoxyfenozide is currently registered for use on ornamentals in and around home gardens, which could result in residential exposures. EPA assessed residential exposure using the following assumptions: Residential handlers were assessed for potential short-term inhalation exposures from mixing, loading, and applying methoxyfenozide. A quantitative dermal assessment for residential handlers was not conducted since there is no systemic toxicity associated with dermal exposures to methoxyfenozide. Adult post-application exposures were not quantitatively assessed since no dermal hazard was identified for methoxyfenozide and inhalation exposures are typically negligible in outdoor settings. Furthermore, the inhalation exposure assessment performed for residential handlers is representative of worse case inhalation exposures and is considered protective for post-application inhalation exposure scenarios.

Post-application oral exposure to children is not expected since the extent to which young children engage in activities associated with areas where treated ornamentals are grown (or utilize these areas for prolonged periods of play) is low. Therefore, an incidental oral post-application exposure assessment was not conducted. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at <https://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/>

framework-assessing-non-occupational-non-dietary.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider “available information” concerning the cumulative effects of a particular pesticide’s residues and “other substances that have a common mechanism of toxicity.”

EPA has not found methoxyfenozide to share a common mechanism of toxicity with any other substances, and methoxyfenozide does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that methoxyfenozide does not have a common mechanism of toxicity with other substances. For information regarding EPA’s efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA’s website at <http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides>.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There is no evidence of qualitative or quantitative susceptibility of the developing fetus or offspring, based on the developmental and reproductive toxicity study results for methoxyfenozide. No developmental toxicity was observed in either the rat or rabbit developmental toxicity studies, and there was no evidence of offspring or reproductive toxicity in the rat 2-generation reproductive toxicity study.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF

were reduced to 1X. That decision is based on the following findings:

- i. The toxicity database for methoxyfenozide is complete.
- ii. There is no indication that methoxyfenozide is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.
- iii. There is no evidence that methoxyfenozide results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.
- iv. There are no residual uncertainties identified in the exposure databases. The chronic dietary food exposure assessment was performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to methoxyfenozide in drinking water. Based on the discussion in Unit III.C.3, regarding residential use patterns, EPA does not expect residential uses of methoxyfenozide to result in post-application exposure of children or incidental oral exposures of toddlers. These assessments will not underestimate the exposure and risks posed by methoxyfenozide.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, methoxyfenozide is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to methoxyfenozide from food and water will utilize 84% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. Based on the explanation in Unit

III.C.3., regarding residential use patterns, chronic residential exposure to residues of methoxyfenozide result in risk estimates (MOEs > 100) which are not of concern.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Methoxyfenozide is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to methoxyfenozide.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in an aggregate MOE of 530. Because EPA's level of concern for methoxyfenozide is a MOE of 100 or below, this MOE is not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). An intermediate-term adverse effect was identified; however, methoxyfenozide is not registered for any use patterns that would result in intermediate-term residential exposure. Intermediate-term risk is assessed based on intermediate-term residential exposure plus chronic dietary exposure. Because there is no intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess intermediate-term risk), no further assessment of intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating intermediate-term risk for methoxyfenozide.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, methoxyfenozide is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to methoxyfenozide residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodologies, using high performance liquid chromatography (HPLC), with either tandem mass spectrometric detection (LC-MS/MS), or ultraviolet detection (HPLC-UV) or the multiresidue QuEChERS method, combined with an HPLC-MS/MS, are available to enforce the tolerance expression.

The methods may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755-5350; telephone number: (410) 305-2905; email address: residuemethods@epa.gov.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for methoxyfenozide in or on tea.

C. Response to Comments

EPA received three comments, only one of which was specific to the petition for methoxyfenozide tolerances. The specific comment opposed "allowing such high residues" but did not provide any information relevant to the safety of the pesticide. The Agency recognizes that some individuals believe that pesticides should be banned on agricultural crops; however, the existing legal framework provided by section 408 of the FFDCA states that tolerances may be set when persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety standard imposed by that statute. The comment appears to be directed at the underlying statute and not EPA's implementation of it; the citizen has made no contention that

EPA has acted in violation of the statutory framework.

V. Conclusion

Therefore, tolerances are established for residues of methoxyfenozide, in or on imported tea, dried at 20 ppm and tea, instant at 20 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled "Regulatory Planning and Review" (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001); Executive Order 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997); or Executive Order 13771, entitled "Reducing Regulations and Controlling Regulatory Costs" (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between

the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule 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**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 4, 2019.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

- 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

- 2. In § 180.544, add alphabetically the commodities “Tea, dried” and “Tea, instant” to the table in paragraph (a) to read as follows:

§ 180.544 Methoxyfenozide; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Tea, dried ¹	20
Tea, instant ¹	20

Commodity	Parts per million
* * * * *	
¹ There are no U.S. registrations as of March 12, 2019 for use on tea.	
* * * * *	
[FR Doc. 2019-04458 Filed 3-11-19; 8:45 am]	
BILLING CODE 6560-50-P	

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 140818679–5356–02]

RIN 0648–XG837

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; 2019 Recreational Fishing Seasons for Red Snapper in the Gulf of Mexico

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces the 2019 recreational fishing seasons for the private angling and Federal charter vessel/headboat (for-hire) components for red snapper in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) through this temporary rule. The season for the recreational sector for red snapper in the Gulf EEZ opens on June 1, each year. For recreational harvest by the private angling component, the season closes at 12:01 a.m., local time, June 1, 2019. NMFS has issued exempted fishing permits (EFPs) that allow each Gulf state (Texas, Louisiana, Mississippi, Alabama, and Florida) to set the private recreational season for red snapper that are landed from state and Federal waters in that state during 2018 and 2019. For recreational harvest by the Federal for-hire component, the season closes at 12:01 a.m., local time, on August 2, 2019. These closures are necessary to prevent the private angling and Federal for-hire components from exceeding their respective quotas, equivalent to annual catch limits (ACLs), for the 2019 fishing year and to prevent overfishing of the Gulf red snapper resource.

DATES: The closure is effective at 12:01 a.m., local time, June 1, 2019, until 12:01 a.m., local time, January 1, 2020, for the private angling component. The closure is effective at 12:01 a.m., local

time, August 2, 2019, until 12:01 a.m., local time, January 1, 2020, for the Federal for-hire component.

FOR FURTHER INFORMATION CONTACT:

Peter Hood, NMFS Southeast Regional Office, telephone: 727–824–5305, email: peter.hood@noaa.gov.

SUPPLEMENTARY INFORMATION: The Gulf reef fish fishery, which includes red snapper, is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The final rule implementing Amendment 40 to the FMP established two components within the recreational sector fishing for Gulf red snapper: The private angling component, and the Federal for-hire component (80 FR 22422; April 22, 2015). Amendment 40 also allocated the red snapper recreational ACL (recreational quota) between the components and established separate seasonal closures for the two components. The recreational seasonal closures are projected from the component annual catch targets (ACTs). Using ACTs to project the recreational season closures reduces the likelihood of the harvest exceeding the component quotas and the total recreational ACL. The current private angling and for-hire component ACTs are 20 percent below the component quotas.

On March 5, 2019, NMFS published a final rule implementing two framework actions that modify the red snapper ACLs (quotas) and ACTs (84 FR 2828). This rule, which will be effective on April 4, 2019, increased the red snapper quotas and decreased the Federal for-hire component's red snapper ACT for 2019 to 9 percent below the for-hire component quota.

Therefore, the applicable regulations will be updated and the 2019 total recreational quota for red snapper in the Gulf EEZ will be 7.399 million lb (3.356 million kg) (50 CFR 622.39(2)(i)). This quota is allocated 57.7 percent to the private angling component and 42.3 percent to the Federal for-hire component. For the private angling component, the 2019 quota will be 4.269 million lb (1.936 million kg), and the 2019 ACT will be 3.415 million lb (1.549 million kg) (50 CFR 622.41(q)(2)(iii)(C)). For the Federal for-hire component, the 2019 quota will be 3.130 million lb (1.420 million kg), and the 2019 ACT will be 2.848 million lb

(1.292 million kg) (50 CFR 622.41(q)(2)(iii)(B)). All weights given are in round weight.

Private Angling Component

For the private angling component, NMFS has issued EFPs that allow each Gulf state (Texas, Louisiana, Mississippi, Alabama, and Florida) to set the season for red snapper that are landed from state and Federal waters in that state during 2018 and 2019. The EFPs allocate a portion of the private angling quota to each state, and each state is required under the terms and conditions of the EFPs to constrain landings to its allocation. The combined allocations equal the private angling component quota.

To accommodate the EFPs, the private angling season in federal waters will be closed all year, but private anglers with the appropriate state licenses are exempt from regulations at 50 CFR 622.34(b) (recreational season closure for red snapper) and 50 CFR 622.41(q)(2)(i) (private angler component in-season closure) if these anglers hold the appropriate state fishing permits and are landing red snapper in a participating state during the state's open season. Therefore, there will be no Federal season for the private angling component in 2019, and this closure notification will take effect at 12:01 a.m., local time, June 1, 2019.

The Gulf states will establish seasons during which red snapper caught in state and Federal waters can be landed. States will monitor red snapper landings and close their respective fishing seasons if the state's assigned quota is reached or projected to be reached. Private anglers should consult the regulations for the Gulf state where they wish to land red snapper to determine state season dates and landing requirements.

Federal For-Hire Component

The 2019 red snapper Federal for-hire fishing season has been determined to be 62 days based on NMFS' projection of the date landings are expected to reach the component ACT. For details about the calculation of the projection for 2019, see <https://www.fisheries.noaa.gov/southeast/recreational-fishing/gulf-mexico-recreational-red-snapper-management>. Therefore, the 2019 Federal recreational season for the Federal for-hire component will begin at 12:01 a.m., local time, June 1, 2019, and close at 12:01 a.m., local time, August 2, 2019.

On and after the effective date of the Federal for-hire component closure, the bag and possession limits for red snapper for Federal for-hire vessels are

zero. When either the Federal for-hire component or entire recreational sector is closed, these bag and possession limits apply in the Gulf onboard a vessel for which a valid Federal for-hire permit for Gulf reef fish has been issued, without regard to where such species were harvested, *i.e.*, in state or Federal waters.

Classification

The Regional Administrator for the NMFS Southeast Region has determined this temporary rule is necessary for the conservation and management of Gulf red snapper and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.41(q)(2)(i) and (ii) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action is based on the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA), finds that the need to immediately implement this action to close the private angling and Federal for-hire components for the red snapper recreational sector constitute good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary rule pursuant to the authority set forth in 5 U.S.C. 553(b)(B), because such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing the recreational red snapper ACLs and ACTs, and the rule implementing the requirement to close the recreational components when the ACTs are projected to be reached have already been subject to notice and comment, and all that remains is to notify the public of the closures.

Providing prior notice and opportunity for public comment are contrary to the public interest because it would require time and many for-hire operations book trips for clients in advance and need as much advance notice as NMFS is able to provide to adjust their business plans to account for the fishing season.

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

Dated: March 7, 2019.

Karen H. Abrams,

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

[FR Doc. 2019-04430 Filed 3-7-19; 4:15 pm]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 181010932-9124-02]

RIN 0648-XG562

Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; 2019 Bluefish Specifications

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

ACTION: Final rule.

SUMMARY: NMFS issues final specifications for the 2019 Atlantic bluefish fishery. This action establishes allowable harvest levels for the bluefish stock, to prevent overfishing while allowing optimum yield, consistent with the Magnuson-Stevens Fishery Conservation and Management Act and the Atlantic Bluefish Fishery Management Plan. This rule is also intended to inform the public of these specifications for the 2019 fishing year.

DATES: Effective March 12, 2019, through December 31, 2019.

ADDRESSES: Copies of these specifications, including the Supplemental Information Report, and other supporting documents for the action, are available upon request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 N State Street, Dover, DE 19901. These documents are also accessible via the internet at <http://www.mafmc.org>.

FOR FURTHER INFORMATION CONTACT: Cynthia Ferrio, Fishery Management Specialist, (978) 281-9180.

SUPPLEMENTARY INFORMATION:

Background

The bluefish fishery is jointly managed by the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission under the Atlantic Bluefish Fishery Management Plan (FMP). The FMP requires the specification of the acceptable biological catch (ABC), annual catch limit (ACL), annual catch targets (ACT), commercial quotas, recreational harvest limit, and other management measures, for up to three years at a time. This action implements final 2019 specifications for the bluefish fishery, which are very similar to 2018. The bluefish stock will undergo an operational assessment in mid-2019 that is designed to incorporate updated

Marine Recreational Information Program information. It is expected that the 2020 specifications will be developed using this assessment.

The proposed rule for this action published in the **Federal Register** on December 26, 2018 (83 FR 66234), and public comments were accepted through January 10, 2019. Additional background information regarding the development of these specifications was

provided in the proposed rule and is not repeated here.

Final Specifications

This action implements the 2019 Atlantic bluefish specifications (Table 1), as outlined in the proposed rule. Because the most recent data update indicated that the bluefish stock is not overfished and overfishing is not occurring, the 2019 specifications are very similar to 2018, with only minor

adjustments to the final commercial quota and recreational harvest limit to account for the most recent full year of recreational catch data (2017), and an adjusted sector transfer. All other management measures, including the recreational possession limit of 15 fish per person, remain unchanged. For more information on the Council's recommendations and decisionmaking process, please see the proposed rule (83 FR 66234).

TABLE 1—SUMMARY OF FINAL 2019 BLUEFISH SPECIFICATIONS

	Final 2019 specifications	
	pounds	metric tons
Overfishing Limit	27,972,252	12,688
ABC = ACL	21,814,741	9,895
Commercial ACT	3,708,175	1,682
Recreational ACT	18,106,565	8,213
Commercial TAL	3,708,175	1,682
Recreational TAL	15,615,342	7,083
Sector Transfer	3,999,185	1,814
Commercial Quota	7,709,565	3,497
Recreational Harvest Limit	11,620,566	5,271

Table 2 provides the commercial fishery state allocations for 2019 based on the final 2019 coast-wide commercial

quota and the allocated percentages defined in the FMP. No states exceeded their state allocated quota in 2018;

therefore, no accountability measures need to be implemented for the 2019 fishing year.

TABLE 2—2019 BLUEFISH STATE COMMERCIAL QUOTA ALLOCATIONS

State	Percent share	Quota allocation (lb)	Quota allocation (mt)
Maine	0.67	51,538	23.38
New Hampshire	0.41	31,956	14.49
Massachusetts	6.72	517,828	234.88
Rhode Island	6.81	524,874	238.08
Connecticut	1.27	97,626	44.28
New York	10.39	800,645	363.17
New Jersey	14.82	1,142,264	518.12
Delaware	1.88	144,801	65.68
Maryland	3.00	231,426	104.97
Virginia	11.88	915,857	415.43
North Carolina	32.06	2,471,746	1121.17
South Carolina	0.04	2,714	1.23
Georgia	0.01	732	0.33
Florida	10.06	775,558	351.79
Total	100.00	7,709,565	3,497.00

Comments

The public comment period for the proposed rule ended on January 10, 2019. One comment received from the public claimed rampant overfishing in the bluefish fishery is occurring due to widespread corruption and commercial profiteering. However, this commenter presented no rationale or evidence supporting these claims, and the most recent assessment updates indicate that the bluefish stock is not overfished and overfishing is not occurring. No changes

to the proposed specifications were made as a result of this comment.

Changes From the Proposed Rule

There are no changes from the proposed rule.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the Bluefish FMP, other provisions of the

Magnuson-Stevens Act, and other applicable law.

This final rule is exempt from review under Executive Order 12866 because this action contains no implementing regulations.

This final rule does not duplicate, conflict, or overlap with any existing Federal rules.

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification, and the initial certification remains unchanged. As a result, a final regulatory flexibility analysis is not required and none has been prepared.

The Assistant Administrator for Fisheries, NOAA, finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay of effectiveness period for this rule, to ensure that the final specifications are in place as close as practicable to the start of the 2019 Atlantic bluefish fishing year, which began on January 1, 2019. This action establishes the final specifications (*i.e.*, annual catch limits) for the bluefish fishery for the 2019 fishing year. A delay in effectiveness well beyond the start of the 2019 fishing year would be contrary to the public interest, as it could create confusion in the commercial bluefish industry.

This rule is being issued at the earliest possible date. The proposed rule was prepared and published in December 2018, and the public comment period ended on January 10, 2019. The partial Federal government shutdown prevented any work on this action from December 22, 2018, through January 25, 2019. We had expected to prepare and publish this final rule in January but were unable to do so because of the shutdown. A 30-day delay in effectiveness would only prolong the amount of time the bluefish fishery is forced to function in the 2019 fishing year without established specifications, which is contrary to the public interest.

Furthermore, regulated parties do not require any additional time to come into compliance with this rule, and thus, a 30-day delay does not provide any benefit. Unlike actions that require an adjustment period to comply with new rules, bluefish fishery participants will not have to purchase new equipment or otherwise expend time or money to comply with these status quo management measures. Rather, complying with this final rule simply means adhering to the catch limits and management measures set for bluefish fishing year 2019. Therefore, there would be no benefit to delaying the implementation of these specifications.

For these reasons, a 30-day delay in effectiveness would be contrary to the

public interest, and is therefore waived. As a result, there is good cause to implement these specifications on March 12, 2019.

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

Dated: March 7, 2019.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2019-04506 Filed 3-11-19; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 170816769-8162-02]

RIN 0648-XG884

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 630 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the B season allowance of the 2019 total allowable catch of pollock for Statistical Area 630 in the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 11, 2019, through 1200 hrs, A.l.t., May 31, 2019.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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 A season allowance of the 2019 total allowable catch (TAC) of pollock in Statistical Area 630 of the GOA is 3,522 metric tons (mt) as established by the final 2018 and 2019 harvest specifications for groundfish in the GOA (83 FR 8768, March 1, 2018) and inseason adjustment (84 FR 33, January 4, 2019).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the A season allowance of the 2019 TAC of pollock in Statistical Area 630 of the GOA is necessary to account for the incidental catch in other anticipated fisheries. Therefore, the Regional Administrator is establishing a directed fishing allowance of 3,000 mt and is setting aside the remaining 522 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the GOA.

While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

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 closure of directed fishing for pollock in Statistical Area 630 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 6, 2019.

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: March 7, 2019.

Karen H. Abrams,

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

[FR Doc. 2019-04464 Filed 3-7-19; 4:15 pm]

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Proposed Rules

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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.

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket No. R-1652; RIN 7100-AF-40]

Regulation D: Reserve Requirements of Depository Institutions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is requesting comment on whether it should propose amendments to its Regulation D (Reserve Requirements of Depository Institutions, to lower the rate of interest paid on excess balances ("IOER") maintained at Federal Reserve Banks (Reserve Banks) by eligible institutions that hold a very large proportion of their assets in the form of balances at Reserve Banks.

DATES: Comments must be received no later than May 13, 2019.

ADDRESSES: You may submit comments, identified by Docket Number R-1652; RIN 7100-AF-40, by any of the following methods:

- *Agency website:* <http://www.federalreserve.gov>. Follow the instructions for submitting comments at <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm>.
- *Email:* regs.comments@federalreserve.gov. Include the docket number and RIN in the subject line of the message.
- *Fax:* (202) 452-3819 or (202) 452-3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm> as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request.

Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays.

FOR FURTHER INFORMATION CONTACT:

Sophia H. Allison, Senior Special Counsel, (202-452-3565), or Gavin Smith, Senior Counsel, (202-452-3474), Legal Division, or Marnie Gillis DeBoer, Associate Director (202-452-3139), or Mary-Frances Styczynski, Senior Financial Analyst (202-452-3303), Division of Monetary Affairs; for users of Telecommunications Device for the Deaf (TDD) only, contact 202-263-4869; Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Background

Section 19 of the Federal Reserve Act ("Act") provides that Reserve Banks may pay interest on balances maintained by or on behalf of certain institutions in an account at a Reserve Bank at a rate or rates not to exceed the general level of short-term interest rates ("IOR" authority). Institutions that are eligible to receive interest on their balances held at Reserve Banks ("eligible institutions") include "depository institutions" and certain other institutions.¹ This authority to pay interest does not extend to all balances maintained at Reserve Banks, such as balances of the Federal Home Loan Banks and of certain other non-depository institutions.² There is no requirement in the statute that interest be paid to any eligible institution, nor is there any requirement that the same interest rate or rates be paid to all eligible institutions or on all balances of eligible institutions.

Section 19 of the Act also provides that the Board may prescribe regulations concerning the payment of interest on balances at a Reserve Bank.³ The Board first authorized IOR in an October 2008 interim final rule amending its

Regulation D.⁴ Specifically, section 204.10 of Regulation D specifies the types of balances on which interest may be paid, the interest rates applicable to those balances, and the method for calculating interest. Reserve Banks may pay interest on balances that are maintained to satisfy an institution's reserve balance requirement (sometimes called "required reserve balances"), and also may pay interest on balances that are in excess of required reserves (excess reserves). Section 204.10 specifies an "IOER" (interest on required reserve balances) rate and an IOER (interest on excess reserves) rate. Regulation D currently provides that the IOER rate is 2.40 percent and that the IOER rate is 2.40 percent.⁵

II. Discussion

A. Recent Developments in Chartering Activity

Some financial firms recently have sought to establish special state charters for depository institutions with narrowly focused business models that involve taking deposits from institutional investors and investing all or substantially all of the proceeds in balances at Reserve Banks. These narrowly focused depository institutions would not be subject to federal prudential regulation and would not be subject to the same set of capital and other prudential requirements as other federally regulated banks.

As explained in greater detail below, these narrowly focused depository institutions (Pass-Through Investment Entities or PTIEs) could theoretically attract a very large quantity of deposits from institutional investors by paying a rate that is nearly identical to the IOER rate. In effect, these PTIEs would pass through the interest obtained at the IOER rate from a Reserve Bank to their depositors, less a small spread.

The Board has not yet determined whether any or all PTIEs would meet the definition of "eligible institution" in Regulation D.⁶ Assuming a PTIE were determined to be an "eligible institution," and assuming that a Reserve Bank were to exercise its discretion to grant that PTIE a master

¹ See 12 U.S.C. 461(b)(1)(A) & (b)(12)(C); see also 12 CFR 204.2(y) (definition of "eligible institution").

² 12 U.S.C. 1435 (Federal Home Loan Banks); see, e.g., 12 U.S.C. 1452(d) (Freddie Mac), 22 U.S.C. 285d (Asian Development Bank).

³ See 12 U.S.C. 461(b)(12).

⁴ Regulation D Interim Final Rule, 73 FR 59482 (Oct. 9, 2008).

⁵ See 12 CFR 204.10(b)(5) (setting forth IOER and IOER rates).

⁶ 12 CFR 204.2(y) (definition of "eligible institution").

account, the PTIE could earn interest on balances that it maintains at a Reserve Bank.⁷ Under the current provisions of Regulation D, this would enable PTIEs to earn interest on their balances at a Reserve Bank at the IORR and IOER rate, yet at the same time avoid the costs borne by other eligible institutions, such as the costs of capital requirements and the other elements of federal regulation and supervision, because of the limited scope of their product offerings and asset types.

Avoiding regulatory costs borne by other eligible institutions and unconstrained by meaningful capital requirements, PTIEs could effectively extend the IOER rate to their depositors that are not themselves “eligible institutions,” and would be able to do so on a potentially very large scale. A proliferation of similar PTIEs could magnify these effects across the financial system.

The Board is concerned that PTIEs, by maintaining all or substantially all of their assets in the form of balances at Reserve Banks and having the ability to attract very large quantities of deposits at a near-IOER rate, have the potential to complicate the implementation of monetary policy.⁸ In addition, the Board is concerned that PTIEs could disrupt financial intermediation in ways that are hard to anticipate, and could also have a negative effect on financial stability, as described in greater detail below.

B. Monetary Policy Implementation

Although the Board is concerned that PTIEs could complicate the implementation of monetary policy, some market participants have argued that the presence of PTIEs could help the implementation of monetary policy. Under this view, the presence of PTIEs, by essentially expanding the counterparties to which IOER is paid, could strengthen IOER as a tool for managing the level of short-term interest rates. Specifically, under this view, the activities of PTIEs could narrow the spread between short-term rates and the IOER rate, potentially strengthening the

ability of the Federal Reserve to manage the level of short-term interest rates.

The Board believes that monetary policy implementation has been very successful in maintaining the federal funds rate within the target range established by the Federal Open Market Committee (FOMC). The movements of other short-term money market interest rates have also tracked closely the changes in the target range for the federal funds rate. Accordingly, the potential benefits of PTIEs in enhancing monetary policy implementation appear to be quite modest. Moreover, the Board believes that PTIEs could present significant challenges for monetary policy implementation along a number of lines, as described below.

The viability of the PTIE business model relies on the IOER rate being slightly above the level of certain other key overnight money market rates. Under these circumstances, as outlined above, PTIEs could potentially attract a large quantity of deposits and maintain very large balances at Reserve Banks. The ability of PTIEs to attract a very large amount of deposits at a rate above other key overnight money market rates could affect the FOMC’s plans to reduce its balance sheet to the smallest level consistent with efficient and effective implementation of monetary policy. Specifically, if deposits at PTIEs were to become an especially attractive asset for cash investors, the demand for reserve balances by PTIEs could become quite large. In order to maintain the desired stance of monetary policy, the Federal Reserve would likely need to accommodate this demand by expanding its balance sheet and the supply of reserves.

Depending on the constellation of interest rates, PTIEs could be an attractive investment for lenders in short-term funding markets such as the federal funds market. If the current lenders in the federal funds market shifted much of their overnight investment to deposits at PTIEs, the federal funds rate could become volatile. Such a development could require the FOMC to change its policy target on relatively short notice. Moreover, a marked change in the volatility of the federal funds rate could have spillover effects in many other markets that are linked to the federal funds rate such as federal funds futures, overnight index swaps, and floating-rate bank loans.

More generally, a large-scale migration of institutional cash investors to deposits at PTIEs and away from other depository institutions, money market mutual funds, or repo markets could result in smaller trading volumes

across a range of unsecured and secured overnight money markets. If this shift were large enough, or if cash shifted into or out of PTIEs rapidly, the reference rates derived from reported transactions in those markets, such as the overnight bank funding rate (OBFR), could also become volatile. This volatility could make it difficult for the Federal Reserve to control short-term rates more broadly as a means of implementing monetary policy.

C. Financial Intermediation

The Board is also concerned that the presence of PTIEs could have unpredictable effects on financial intermediation broadly, potentially reshaping the financial industry in various ways that could raise the costs of private financial intermediation.

Deposits at PTIEs, as noted above, could become attractive investments for many lenders in overnight funding markets. Lenders in the overnight general collateral (“GC”) repo market could find PTIE deposits more attractive than continued activity in the overnight GC repo market. If the rise of PTIEs were to reduce demand for GC repo lending, securities dealers could find it more costly to finance their inventories of Treasury securities. Such a development could impair the liquidity of the repo market, making it harder for banks to monetize Treasury securities in times of stress and raising the overall cost of Treasury borrowing. A decline in the robustness of the repo market could also have implications for the success of the decision of the Alternative Reference Rates Committee to base LIBOR’s replacement on the U.S. Treasury repo market.⁹

PTIEs could also diminish the availability of funding for commercial banks generally. To the extent that deposits at PTIEs are seen as a more attractive investment for cash investors that currently hold bank deposits, these investors could shift some of their investments from deposits issued by banks to deposits with PTIEs. This shift in investment, in turn, could raise bank funding costs and ultimately raise the cost of credit provided by banks to households and businesses.

Some have argued that the presence of PTIEs could play an important role in raising deposit rates offered by banks to their retail depositors. The potential for rates offered by PTIEs to have a meaningful impact on retail deposit rates, however, seems very low. To the extent that the deposits of PTIEs would

⁷ Section 13 of the Federal Reserve Act, 12 U.S.C. 342. All subsequent references to “eligible institutions” in this advance notice of proposed rulemaking assume that such institutions have been granted master accounts at the discretion of a Reserve Bank.

⁸ Depository institution balances at Reserve Banks as a share of assets varies widely across individual depository institutions, reflecting differences in their business needs for liquidity and differences in overall asset-liability management strategies. However, in aggregate, reserve balances currently amount to roughly 10 percent of the assets of depository institutions and very few depository institutions maintain reserve balances that exceed 50 percent of their assets.

⁹ <https://www.newyorkfed.org/medialibrary/Microsites/arrc/files/2018/ARRC-Sept-20-2018-FAQ>.

be marketed largely to institutional investors, it seems very unlikely that the expansion of PTIEs would result in meaningfully higher rates on retail deposit accounts. Such retail deposit accounts have long paid rates of interest far below those offered on money market investments, reflecting factors such as bank costs in managing such retail accounts and the willingness of retail customers to forgo some interest on deposits for the perceived convenience or safety of maintaining balances at a bank rather than in a money market investment. Accordingly, the Board believes that PTIEs would play a limited, or no, role in raising overall retail deposit interest rates.

D. Financial Stability

The Board also is concerned about the uncertainty that PTIEs may present for financial stability. Some have argued that deposits at PTIEs could improve financial stability because deposits at PTIEs, which would be viewed as virtually free of credit and liquidity risk, would help satisfy investors' demand for safe money-like instruments. According to this line of argument, the growth of PTIEs could reduce the creation of private money-like assets that have proven to be highly vulnerable to runs and to pose serious risks to financial stability. Some might also argue that PTIE deposits could reduce the systemic footprint of large banks by reducing the relative attractiveness to cash investors of deposits placed at these large banks.

The Board believes, however, that the emergence of PTIEs likely would have negative financial stability effects on net. Deposits at PTIEs could significantly reduce financial stability by providing a nearly unlimited supply of very attractive safe-haven assets during periods of financial market stress. PTIE deposits could be seen as more attractive than Treasury bills, because they would provide instantaneous liquidity, could be available in very large quantities, and would earn interest at an administered rate that would not necessarily fall as demand surges. As a result, in times of stress, investors that would otherwise provide short-term funding to nonfinancial firms, financial institutions, and state and local governments could rapidly withdraw that funding from those borrowers and instead deposit those funds at PTIEs. The sudden withdrawal of funding from

these borrowers could greatly amplify systemic stress.

E. Congressional Intent Considerations

When Congress amended the Act to authorize Reserve Banks to pay interest on balances of depository institutions, it specifically restricted the receipt of such interest to a limited class of institutions. The Board is concerned that paying IOER to PTIEs would effectively amount to paying IOER to entities (for example, institutional investors that in many instances are not authorized to maintain balances at Reserve Banks) that Congress did not intend to receive it.¹⁰ As such, the payment of IOER in such cases could be viewed as inconsistent with the intent of Congress in providing the Federal Reserve with the authority to pay interest on balances maintained by the institutions specified in the Act.

III. Request for Comment

A. General Proposals

As discussed above, the Board recognizes that there are both potential benefits and potential costs associated with the presence of PTIEs in the U.S. financial system. The Board believes that the potential negative impact of PTIEs on monetary policy implementation, financial intermediation, and financial stability would outweigh the potential benefits if the Reserve Banks paid IOER to PTIEs.

In response to these concerns, the Board is requesting comment on whether it should amend Regulation D to provide for a lower IOER rate for PTIEs.¹¹ PTIEs could be identified as any eligible institution that holds a very large share of its assets in the form of balances at a Reserve Bank. Alternatively, PTIEs could be identified as any eligible institution that holds a very low level of capital relative to its assets. A PTIE also could be defined more narrowly as an eligible institution that (i) has a very high reserves/assets ratio or very low capital/assets ratio; and (ii) is not subject to supervision by

¹⁰ The extension of IOER to non-eligible entities could be spread to numerous non-eligible entities through a PTIE, or it could be extended to one non-eligible entity if, for example, a PTIE were established by a single large domestic or foreign financial or commercial firm for its own cash management purposes.

¹¹ Central banks in other countries, for example New Zealand and Norway, have found it necessary to limit the amount of central bank balances that individual institutions may maintain for various reasons related to the implementation of monetary policy.

a federal banking agency (e.g., the Board, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or the National Credit Union Administration). In all of these alternatives, the Board expects that it would define PTIE such that the vast majority of existing eligible institutions would continue to be paid the current IOER rate on all of their excess balances.

In terms of a lower IOER rate, Reserve Banks could pay a rate of zero on all the excess balances of such institutions. Alternatively, Reserve Banks could pay such institutions IOER up to a certain level of balances held at a Reserve Bank (as a percentage of the institution's total assets or total capital) and a lower or zero rate on balances above this level.

The Board seeks comment on all aspects of this advance notice of proposed rulemaking, including the potential public policy costs and benefits of PTIEs discussed in the previous section, the general regulatory proposals to change the IOER framework in this section, and the more specific questions presented below.

B. Specific Questions

In addition to the foregoing, the Board is also seeking comment on the following questions:

1. Has the Board identified all of the relevant public policy concerns associated with PTIEs? Are there additional public policy concerns that the Board should consider?

2. Are there public policy benefits of PTIEs that could outweigh identified concerns?

3. If the Board were to determine to pay a lower IOER rate to PTIEs, how should the Board define those eligible institutions to which a lower IOER rate should be paid?

4. If the Board were to determine to pay a lower IOER rate to PTIEs, what approach should the Board adopt for setting the lower rate?

5. Are there any other limitations that could be applied to PTIEs that might increase the likelihood that such institutions could benefit the public while mitigating the public policy concerns outlined above?

By order of the Board of Governors of the Federal Reserve System, March 6, 2019.

Margaret McCloskey Shanks,
Deputy Secretary of the Board.

[FR Doc. 2019-04348 Filed 3-11-19; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2019-0119; Product Identifier 2018-NM-156-AD]

RIN 2120-AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Bombardier, Inc., Model CL-600-2D15 (Regional Jet Series 705) airplanes, Model CL-600-2D24 (Regional Jet Series 900) airplanes, and Model CL-600-2E25 (Regional Jet Series 1000) airplanes. This proposed AD was prompted by reports that certain aft fuselage fittings are susceptible to cracking because they were not manufactured correctly. This proposed AD would require replacement of those fittings with correctly manufactured parts, an eddy current inspection of certain fastener holes for cracking, and corrective actions if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 26, 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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1-866-538-1247 or direct-dial telephone 1-514-855-2999; fax 514-855-7401; email ac.yul@aero.bombardier.com; internet

<http://www.bombardier.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.

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-2019-0119; 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 NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT:

Kristopher Greer, Aerospace Engineer, Aviation Safety Section AIR-7B1, Boston ACO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; telephone 781-238-7799.

SUPPLEMENTARY INFORMATION:**Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2019-0119; Product Identifier 2018-NM-156-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM 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 NPRM.

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF-2018-25, dated October 3, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for certain Bombardier, Inc., Model CL-600-2D15 (Regional Jet Series 705), Model CL-600-2D24

(Regional Jet Series 900), and Model CL-600-2E25 (Regional Jet Series 1000) airplanes. The MCAI states:

Bombardier Aerospace (BA) has informed Transport Canada that a batch of AFT fuselage fittings were not heat treated to the required material specification. Due to the absence of heat treatment for those parts, the affected AFT fuselage fittings have very low mechanical properties and there is a possibility for undetected cracks to develop as a result of mooring operations, which could lead to aircraft structural failure.

This [Canadian] AD mandates the removal and replacement of the affected AFT fuselage fittings.

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-2019-0119.

Related Service Information Under 14 CFR Part 51

Bombardier has issued Service Bulletin 670BA-53-056, dated February 11, 2016. This service information describes procedures for removal and replacement of the aft fuselage fittings, and an eddy current inspection of certain fastener holes for cracking.

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 aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

We estimate that this proposed AD affects 12 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS *

Labor cost	Cost per product	Parts cost	Cost on U.S. operators
5 work-hours × \$85 per hour = \$425	\$425	(*)	\$5,100

* Parts cost unavailable.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD.

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 proposed 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 to the Director of the System Oversight Division.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 this proposed regulation:

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.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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):

Bombardier, Inc.: Docket No. FAA-2019-0119; Product Identifier 2018-NM-156-AD.

(a) Comments Due Date

We must receive comments by April 26, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., airplanes, certificated in any category, as identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Model CL-600-2D15 (Regional Jet Series 705) and Model CL-600-2D24 (Regional Jet Series 900), serial numbers (S/Ns) 15336 through 15343 inclusive, 15351, and 15358 through 15362 inclusive.

(2) Model CL-600-2E25 (Regional Jet Series 1000), S/N 19041.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by reports that certain aft fuselage fittings are susceptible to

cracking because they were not manufactured correctly. We are issuing this AD to address the possibility of undetected cracks developing in the aft fuselage fittings due to the absence of heat treatment, which could lead to aircraft structural failure.

(f) Compliance

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

(g) Required Actions

Within 8,800 flight hours after the effective date of this AD, remove all aft fuselage fittings, replace with new aft fuselage fittings, and do an eddy current inspection of the fastener holes of frame FS1162.00 and stringers 17L, 17R, and 18L for cracking in accordance with Part C of the Accomplishment Instructions of Bombardier Service Bulletin 670BA-53-056, dated February 11, 2016.

(h) Corrective Action for Cracking

If any crack is found during any inspection required by paragraph (g) of this AD: Before further flight, repair using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York 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 ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; fax 516-794-5531. 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, New York ACO Branch, FAA; or TCCA; or Bombardier, Inc.'s TCCA DAO. If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF-2018-25, dated October 3, 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-2019-0119.

(2) For more information about this AD, contact Kristopher Greer, Aerospace Engineer, Aviation Safety Section AIR-7B1, Boston ACO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; telephone 781-238-7799.

(3) For information about AMOCs, contact Aziz Ahmed, Aerospace Engineer, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone: 516-287-7329; fax: 516-794-5531; email: Aziz.Ahmed@faa.gov.

(4) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1-866-538-1247 or direct-dial telephone 1-514-855-2999; fax 514-855-7401; email ac.yul@aero.bombardier.com; internet <http://www.bombardier.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.

Issued in Des Moines, Washington, on March 5, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019-04411 Filed 3-11-19; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2019-0105; Airspace Docket No. 19-AGL-9]

RIN 2120-AA66

Proposed Amendment of Class E Airspace; Manistique, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace extending upward from 700 feet above the surface and the Class E airspace extending upward from 1,200 feet above the surface at Schoolcraft County Airport, Manistique, MI. The FAA is proposing this action as the result of an airspace review caused by the decommissioning of the Schoolcraft 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 Schoolcraft County Airport would also be updated to coincide with the FAA's aeronautical database. Airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

DATES: Comments must be received on or before April 26, 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-2019-0105; Airspace Docket No. 19-AGL-9, 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 the Class E airspace extending upward from 700 feet above the surface and the Class E airspace extending upward from 1,200 feet above the surface at Schoolcraft County Airport, Manistique, MI, to support IFR operations at this airport.

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-2019-0105; Airspace Docket No. 19-AGL-9." 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 to within a 6.5-mile radius (reduced from a 7-mile radius) of Schoolcraft County Airport, Manistique, MI; amending the Class E airspace extending upward from 1,200 feet above the surface within a 9-mile radius of Schoolcraft County Airport; removing the extension to the east of the airport, as it is no longer required; removing the city associated with the airport from the airspace legal description to comply with FAA Order 7400.2M, Procedures for Handling Airspace Matters; and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is necessary due to an airspace review caused by the decommissioning of the Schoolcraft 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 designation 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.

* * * * *

AGL MI E5 Manistique, MI [Amended]

Schoolcraft County Airport, MI
(Lat. 45°58'29" N, long. 86°10'19" W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Schoolcraft County Airport, and

that airspace extending upward from 1,200 feet above the surface within a 9-mile radius of Schoolcraft County Airport.

Issued in Fort Worth, Texas, on March 4, 2019.

John Witucki,

*Acting Manager, Operations Support Group,
ATO Central Service Center.*

[FR Doc. 2019–04375 Filed 3–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 181015948–9091–01]

RIN 0648–BI54

Pacific Island Fisheries; Annual Catch Limit and Accountability Measures; Main Hawaiian Islands Deep 7 Bottomfish

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

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule would establish an annual catch limit (ACL) of 492,000 lb for Deep 7 bottomfish in the main Hawaiian Islands (MHI) for each of the three fishing years 2018–19, 2019–20, and 2020–21. If NMFS projects that the fishery will reach the ACL in any given fishing year, NMFS would close the commercial and non-commercial fisheries for MHI Deep 7 bottomfish in Federal waters for the remainder of the fishing year as an accountability measure (AM). This proposed rule would also make housekeeping changes to the Federal bottomfish fishing regulations. The proposed rule supports the long-term sustainability of Deep 7 bottomfish.

DATES: NMFS must receive comments by April 11, 2019.

ADDRESSES: You may submit comments on the proposed rule, identified by NOAA–NMFS–2018–0121, by either of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0121>, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- **Mail:** Send written comments to Michael D. Tosatto, Regional

Administrator, NMFS Pacific Islands Regional Office (PIRO), 1845 Wasp Bldg., Bldg. 176, Honolulu, HI 96818.

Instructions: NMFS may not consider comments sent by any other method, to any other address or individual, or received after the end of the comment period. All comments received 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).

NMFS prepared a draft environmental assessment (EA) that describes the potential impacts on the human environment that could result from the proposed action. The draft EA and other supporting documents are available at www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Brett Schumacher, NMFS PIRO Sustainable Fisheries, 808-725-5185.

SUPPLEMENTARY INFORMATION: NMFS and the Western Pacific Fishery Management Council (Council) manage the Deep 7 bottomfish fishery in Federal waters around Hawaii under the Fishery Ecosystem Plan for the Hawaiian Archipelago (FEP), as authorized by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Deep 7 bottomfish are onaga (*Etelis coruscans*), ehu (*E. carbunculus*), gindai (*Pristipomoides zonatus*), kalekale (*P. sieboldii*), opakapaka (*P. filamentosus*), lehi (*Aphareus rutilans*), and hapuupuu (*Hyporthodus quernus*). The regulations at Title 50, Code of Federal Regulations, part 665 (50 CFR 665.4) require NMFS to specify an ACL for MHI Deep 7 bottomfish each fishing year, based on a recommendation from the Council.

The Council recommended that NMFS implement the proposed ACL and AMs for MHI Deep 7 bottomfish in fishing years 2018–19, 2019–20, and 2020–21. The Council recommended the proposed ACL based on the benchmark 2018 bottomfish stock assessment, and in consideration of the risk of overfishing, past fishery performance, the acceptable biological catch recommendation from its Scientific and Statistical Committee, and input from the public.

The 2018 stock assessment estimated the overfishing limit for the MHI Deep 7 bottomfish stock complex to be 558,000 lb, assuming three years of

identical catch in fishing years 2018–19, 2019–20 and 2020–21. This new overfishing limit is 206,000 lb more than the estimated overfishing limit from the 2011 stock assessment, as updated in 2015. The proposed ACL of 492,000 lb is 186,000 lb more than the ACL that NMFS specified last year based on the previous stock assessment (82 FR 29778, June 30, 2017). The ACL is associated with up to a 40 percent probability of overfishing for each fishing year up to 2020–21, and is more conservative than the 50 percent risk threshold allowed under NMFS guidelines for National Standard 1 of the Magnuson-Stevens Act.

NMFS monitors Deep 7 bottomfish catches based on data provided by commercial fishermen to the State of Hawaii. If NMFS projects the fishery will reach the ACL, NMFS would close the commercial and non-commercial fisheries for MHI Deep 7 bottomfish in Federal waters for the remainder of the fishing year, as an AM. As an additional AM, in the event that NMFS and the Council determine that the final MHI Deep 7 bottomfish catch exceeds the ACL in any given year, NMFS would reduce the ACL for the subsequent fishing year by the amount of the overage.

The fishery has not caught the specified annual limit in any year since 2011, and NMFS does not expect the proposed rule to result in a change in fishing operations, or other changes to the conduct of the fishery that would result in significant environmental impacts.

This proposed rule would also make housekeeping changes to the regulations at 50 CFR part 665 A—Western Pacific Fisheries. The proposed rule removes the description of the process of setting an annual total allowable catch, which has been superseded by the ACL process. The housekeeping changes also include updates to the name of the multispecies stock complex and updates and revisions to the scientific, local, and/or common names of several species. This includes corrections to provisions of the regulations that have been amended by a final rule (84 FR 2726; February 8, 2019) to reclassify six species from the Hawaii bottomfish MUS table at 50 CFR 665.201 as ecosystem component species. Specifically, this proposed rule would make edits in definitions sections (sections 665.220 and 665.401) to remove diacriticals (which are not consistently represented across different typefaces resulting in misspellings) in local fish names, reorder species listed in a table so they are alphabetical by scientific name, and correct a

misspelling of *P. sieboldii*. The February 8, 2019, rule will become effective on March 11, 2019, which is before this current action can be finalized. Therefore, the regulatory text of this proposed rule is based upon the regulatory language as amended by the February 8, 2019, rule.

NMFS will consider public comments on this proposed rule and will announce the final rule in the **Federal Register**. NMFS must receive any comments by the date provided in the **DATES** heading, not postmarked or otherwise transmitted by that date. Regardless of the final rule, all other management measures will continue to apply in the fisheries.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator for Fisheries has determined that this proposed rule is consistent with the Hawaii FEP, other provisions of the Magnuson-Stevens Act, and other applicable laws, subject to further consideration after public comment.

Certification of Finding of No Significant Impact on Substantial Number of Small Entities

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that the proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. A description of the action, why it is being considered, and the legal basis for it, are contained in the preamble to the proposed rule.

NMFS proposes to implement an ACL of 492,000 lb for MHI Deep 7 bottomfish, as recommended by the Western Pacific Fishery Management Council, for each fishing year 2018–19, 2019–20 and 2020–21. Each fishing year begins on September 1 and ends on August 31 of the following year. NMFS monitors MHI Deep 7 bottomfish catches based on data provided by commercial fishermen to the State of Hawaii. The AM for fishing years 2018–19, 2019–20 and 2020–21 would remain the same as the AM that is currently in place. That is, if NMFS projects that the fishery will reach this limit in any fishing year, NMFS would close the commercial and non-commercial fisheries for MHI Deep 7 bottomfish in Federal waters for the remainder of that fishing year as an AM.

The proposed ACLs are 186,000 lb more than the ACL that NMFS implemented for the 2017–18 fishing year, 174,000 lb more than the ACL that

NMFS implemented for the 2016–17 fishing year, 166,000 lb more than the ACL that NMFS implemented for the 2015–16 fishing year, and 146,000 more than the ACL that NMFS implemented in each of the four fishing years, 2011–12, 2012–13, 2013–14, and 2014–15. The proposed ACLs are greater than the highest reported annual landings over the past five fishing seasons by more than 180,000 lb. Therefore, NMFS does not expect that the fishery would reach the ACL during any of the next three fishing years.

This rule would affect commercial and non-commercial fishermen who catch MHI Deep 7 bottomfish. In general, the relative importance of MHI bottomfish to commercial participants as a percentage of overall fishing or household income is unknown, as the total suite of fishing and other income-generating activities by individual operations across the year has not been examined. For Regulatory Flexibility Act 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 million for all its affiliated operations worldwide.

Based on available information, NMFS has determined that all affected entities—vessels in the commercial and non-commercial fisheries for MHI Deep 7 bottomfish—are small entities under the NMFS standard, as they are engaged in the business of fish harvesting, independently owned or operated, not dominant in their field of operation, and have annual gross receipts not in excess of \$11 million. Therefore, there would be no disproportionate economic impacts between large and small entities. Furthermore, there would be no disproportionate economic impacts among the universe of vessels based on gear, home port, or vessel length.

During the 2016–17 fishing year, 338 fishermen reported catching 234,299 lb of MHI Deep 7 bottomfish valued at \$1,646,044, which is consistent with catch and participation in recent years. During each of fishing years 2014–15, 2015–16, and 2016–2017, an average of 372 fisherman have reported catching 266,000 lb of MHI Deep 7 bottomfish. As for revenues earned by fishermen from MHI Deep 7 bottomfish, State of Hawaii records report that 312 of the

338 fishermen sold their MHI Deep 7 bottomfish catch during the 2016–17 fishing year. These 312 individuals sold a combined total of 222,407 lb (95 percent of reported catch) at a value of \$1,646,044. Based on these revenues, the average price for MHI Deep 7 bottomfish in 2016–17 was approximately \$7.40/lb. NMFS assumed that either the remaining 26 commercial fishermen sold no Deep 7 bottomfish, or the State of Hawaii reporting program did not capture their sales. With regard to the 2017–18 fishing year, as of October 1, 2018, revenues from sales of MHI Deep 7 bottomfish totaled \$1,661,346 from 212,751 lb sold, yielding an average price of \$7.81 per lb sold.

Assuming that the fishery attains the ACL of 492,000 in an individual fishing year, and using the 2016–17 average price of \$7.40/lb, NMFS expects the potential annual fleet-wide revenue during each of the 2018–19, 2019–20 and 2020–21 fishing years to be \$3,640,800 (or approximately \$3,458,760 under the assumption that 95 percent of catch is sold). If the MHI Deep 7 bottomfish catch reached the ACL during a fishing year, and all of the catch was sold by the same number of fishermen with sales during 2016–17, each of these 312 commercial fishermen could potentially earn on average \$11,669 from the sale of 1,577 lb of Deep 7 bottomfish. If the fishery reaches the ACL, and 95 percent of all MHI Deep 7 bottomfish catch was sold, then each of these 312 commercial fishermen would sell an average of 1,498 lb of Deep 7 bottomfish valued at about \$11,085, which is well below the \$11 million threshold.

Even though this proposed rule would apply to a substantial number of vessels, *i.e.*, 100 percent of the bottomfish fleet, NMFS does not expect this rule to have a significantly adverse economic impact on individual vessels because of the unlikelihood of reaching the ACL. Landings information from the past five fishing years shows an average catch of 274,100 lb, suggesting that Deep 7 bottomfish landings in the MHI are not likely to reach the proposed ACL of 492,000 lb in any fishing year. The proposed rule would not impose additional reporting or record-keeping requirements on small entities.

The proposed rule does not duplicate, overlap, or conflict with other Federal rules, and it is not expected to have a significant impact on small entities (as discussed above), organizations or government jurisdictions. There does not appear to be disproportionate economic impacts from the proposed

rule based on home port, gear type, or relative vessel size. The proposed rule will not place a substantial number of small entities, or any segment of small entities, at a significant competitive disadvantage to large entities. As a result, an initial regulatory flexibility analysis is not required, and none has been prepared.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

List of Subjects in 50 CFR Part 665

Annual catch limits, Accountability measures, Bottomfish, Fisheries, Fishing, Hawaii, Pacific Islands.

Dated: March 6, 2019.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 665 as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

■ 1. The authority citation for 50 CFR part 665 continues to read as follows:

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

■ 2. In § 665.12, revise the definition of “Fishing year” to read as follows:

§ 665.12 Definitions.

* * * * *

Fishing year means the year beginning at 0001 local time on January 1 and ending at 2400 local time on December 31, with the exception of fishing for Deep 7 bottomfish and any precious coral MUS.

* * * * *

■ 3. Amend § 665.201 by,

■ a. adding, in alphabetical order, the definitions of “Deep 7 bottomfish” and “Deep 7 bottomfish fishing year;”

■ b. revising the definition of “Hawaii bottomfish management unit species (Hawaii bottomfish MUS);” and

■ c. removing the definition of “Hawaii restricted bottomfish species fishing year;”

The revision and additions to read as follows:

§ 665.201 Definitions.

As used in §§ 665.200 through 665.219:

Deep 7 bottomfish means the following species:

Local name	Common name	Scientific name
lehi	silver jaw jobfish	<i>Aphareus rutilans</i> .
ehu	squirrelfish snapper	<i>Etelis carbunculus</i> .
onaga	longtail snapper	<i>Etelis coruscans</i> .
hapuupuu	sea bass	<i>Hyporthodus quernus</i> .
opakapaka	pink snapper	<i>Pristipomoides filamentosus</i> .
kalekale	pink snapper	<i>Pristipomoides sieboldii</i> .
gindai	snapper	<i>Pristipomoides zonatus</i> .

Deep 7 bottomfish fishing year means the year beginning at 0001 local time on

September 1 and ending at 2400 HST on August 31 of the next calendar year.
* * * * *

Hawaii bottomfish management unit species (Hawaii bottomfish MUS) means the following species:

Local name	Common name	Scientific name
lehi	silver jaw jobfish	<i>Aphareus rutilans</i> .
uku	gray jobfish	<i>Aprion virescens</i> .
ehu	squirrelfish snapper	<i>Etelis carbunculus</i> .
onaga	longtail snapper	<i>Etelis coruscans</i> .
hapuupuu	sea bass	<i>Hyporthodus quernus</i> .
opakapaka	pink snapper	<i>Pristipomoides filamentosus</i> .
kalekale	pink snapper	<i>Pristipomoides sieboldii</i> .
gindai	snapper	<i>Pristipomoides zonatus</i> .

Main Hawaiian Islands non-commercial bottomfish permit means the permit required by § 665.203(a)(2) to own or fish from a vessel that is used in any non-commercial vessel-based fishing, landing, or transshipment of any Hawaii bottomfish MUS or ECS in the MHI Management Subarea.
* * * * *

■ 4. In § 665.204, revise paragraphs (h), (i), and (j) to read as follows:

§ 665.204 Prohibitions.

* * * * *

(h) Fish for or possess any Deep 7 bottomfish as defined in § 665.201, in the MHI management subarea after a closure of the fishery, in violation of § 665.211.

(i) Sell or offer for sale any Deep 7 bottomfish as defined in § 665.201, after a closure of the fishery, in violation of § 665.211.

(j) Harvest, possess, or land more than a total of five fish (all species combined) identified as Deep 7 bottomfish in § 665.201 from a vessel in the MHI management subarea, while holding a MHI non-commercial bottomfish permit, or while participating as a charter boat customer, in violation of § 665.212.
* * * * *

§ 665.210 [Removed and reserved]

■ 5. Remove and reserve § 665.210:

■ 6. Revise § 665.211 to read as follows:

§ 665.211 Annual Catch Limit (ACL).

(a) In accordance with § 665.4, the ACL for MHI Deep 7 bottomfish for each fishing year is as follows:

Fishing year	ACL (lb)
2018–2019	492,000
2019–2020	492,000
2020–2021	492,000

(b) When an ACL is projected to be reached based on analyses of available information, the Regional Administrator shall publish a notice to that effect in the **Federal Register** and shall use other means to notify permit holders. The notice will include an advisement that the fishery will be closed beginning at a specified date, which is not earlier than seven days after the date of filing the closure notice for public inspection at the Office of the Federal Register, until the end of the fishing year in which the ACL is reached.

(c) On and after the date specified in § 665.211(b), no person may fish for or possess any Deep 7 bottomfish in the MHI management subarea, except as otherwise allowed in this section.

(d) On and after the date specified in § 665.211(b), no person may sell or offer

for sale Deep 7 bottomfish, except as otherwise authorized by law.

(e) Fishing for, and the resultant possession or sale of, Deep 7 bottomfish by vessels legally registered to Mau Zone, Ho'omalulu Zone, or PRIA bottomfish fishing permits and conducted in compliance with all other laws and regulations, is exempted from this section.

■ 7. Revise § 665.212 to read as follows:

§ 665.212 Non-commercial bag limits.

No more than a total of five fish (all species combined) identified as Deep 7 bottomfish may be harvested, possessed, or landed by any individual participating in a non-commercial vessel-based fishing trip in the MHI management subarea. Charter boat customers are also subject to the non-commercial bag limit.

■ 8. In § 665.401, amend the definition of “Mariana bottomfish management unit species (Mariana bottomfish MUS) by revising the entry for Pink snapper to read as follows:

§ 665.401 Definitions.

* * * * *

Mariana bottomfish management unit species (Mariana bottomfish MUS) means the following fish:

Local name	Common name	Scientific name
* * * * *	pink snapper	<i>Pristipomoides sieboldii</i> .
* * * * *		

■ 9. In § 665.601, amend the definition of “PRIA bottomfish management unit species (PRIA bottomfish MUS)” by revising the entry for Sea bass to read as follows:

§ 665.601 Definitions.

* * * * *

PRIA bottomfish management unit species (PRIA bottomfish MUS) means the following fish:

Common name	Scientific name
* * *	* * *
Sea bass	<i>Hyporthodus quernus</i> .
* * *	* * *

[FR Doc. 2019-04359 Filed 3-11-19; 8:45 am]

BILLING CODE 3510-22-P

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 AGRICULTURE

Food and Nutrition Service

Announcement of First Meeting of the 2020 Dietary Guidelines Advisory Committee and Request for Comments

AGENCY: U.S. Department of Agriculture (USDA), Food, Nutrition and Consumer Services (FNCS); Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Departments of Agriculture and Health and Human Services announce the first meeting of the newly appointed 2020 Dietary Guidelines Advisory Committee (the Committee). This meeting will be open to the public. Additionally, this notice opens a public comment period that will remain open until early 2020, throughout the Committee's deliberations.

DATES: This notice is being provided to the public on March 12, 2019. The first meeting will be held on March 28, 2019, from 9 a.m.–4:30 p.m. and March 29, 2019, from 8:30 a.m.–3 p.m. The public comment period opens with the publication of this notice.

ADDRESSES: (a) The meeting will be accessible by webcast on the internet or by attendance in-person. Registrants will receive the webcast information prior to the meeting. In-person participants also must register prior to the meeting; the meeting will take place at the U.S. Department of Agriculture, South Building, Jefferson Auditorium, 1400 Independence Ave. SW, Washington, DC 20250.

(b) You may send comments, identified by Docket FNS–2019–0001, by either of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for sending comments. (Preferred method.)
- *Mail:* Kristin Koegel, USDA Food and Nutrition Service, Center for

Nutrition Policy and Promotion, 3101 Park Center Drive, Room 1034, Alexandria, VA 22302.

Instructions: All submissions received must include the agency name and Docket FNS–2019–0001. For detailed instructions on sending comments, see the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to Docket FNS–2019–0001 to read background documents or comments received, go to www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Designated Federal Officer (DFO), 2020 Dietary Guidelines Advisory Committee, Eve Stoody, Ph.D.; Center for Nutrition Policy and Promotion, Food and Nutrition Service, USDA; 3101 Park Center Drive, Room 1034; Alexandria, VA 22302; Telephone (703) 305–7600; Fax (703) 305–3300. Additional information is available on the internet at www.DietaryGuidelines.gov.

SUPPLEMENTARY INFORMATION:

Authority and Purpose: Under Section 301 of Public Law 101–445 (7 U.S.C. 5341, the National Nutrition Monitoring and Related Research Act of 1990, Title III) the Secretaries of USDA and HHS are directed to publish the Dietary Guidelines for Americans jointly at least every five years. The law instructs that this publication shall contain nutritional and dietary information and guidelines for the general public, shall be based on the preponderance of scientific and medical knowledge current at the time of publication; and shall be promoted by each Federal agency in carrying out any Federal food, nutrition, or health program. Recent editions of the Dietary Guidelines provide dietary advice for Americans ages 2 years and older. The Agricultural Act of 2014 mandates the addition of dietary guidance for women who are pregnant and infants and toddlers from birth to 24 months of age beginning with the 2020 edition.

USDA and HHS appointed the 2020 Dietary Guidelines Advisory Committee to conduct an independent scientific review that will help inform the Departments' development of the next edition of the *Dietary Guidelines*. Information on the Dietary Guidelines Advisory Committee membership and the topics and scientific questions the Departments identified to be examined by the Committee is available at www.DietaryGuidelines.gov.

The 2020 Dietary Guidelines Advisory Committee's formation is governed under the provisions of the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C., App), which sets forth standards for the formation and use of advisory committees.

Committee's Task: The work of the Committee will be solely advisory in nature and time-limited. The Committee will examine the current *Dietary Guidelines for Americans*, take into consideration new scientific evidence and current resource documents, and based on the preponderance of current scientific and medical knowledge, develop a report to the Secretaries of USDA and HHS that outlines its science-based assessment and rationale. The Committee's report will help inform the Departments' development of the ninth edition of the *Dietary Guidelines for Americans*. The Committee will hold approximately five meetings, open to the public, to review and discuss recommendations. Meeting dates, times, locations, and other relevant information will be announced at least 15 days in advance of each meeting via **Federal Register** notice and at www.DietaryGuidelines.gov. As stipulated in the charter, the Committee will be terminated after delivery of its final report to the Secretaries of USDA and HHS or two years from the date the charter was filed, whichever comes first.

Purpose of the Meeting: In accordance with FACA, and to promote transparency of the process, deliberations of the Committee will occur in a public forum. The purpose of this first meeting is to orient the Committee to the *Dietary Guidelines* revision process and mark the beginning of its work.

Meeting Agenda: The meeting agenda will include (a) review of operations for the Committee members, (b) overview of the topics and questions identified by the Departments to be examined by the Committee, (c) presentations on the evidence-based approaches for reviewing the scientific evidence, including systematic reviews, data analyses, and food pattern modeling analyses, and (d) plans for future Committee work.

Meeting Registration: The meeting is open to the public. The meeting will be accessible by webcast or by attendance in-person. Registration is required for

both web viewing and in-person attendance. To register, go to www.DietaryGuidelines.gov and click on the link for "Meeting Registration." Online registration begins March 19, 2019, and closes at 5:00 p.m. March 26, 2019. To register by phone or to request a sign language interpreter or other special accommodations, please call for registration and logistics assistance through USDA's Center for Nutrition Policy and Promotion, Susan Cole at (703) 605-4266 by 5:00 p.m., March 26, 2019. All registrants will be asked to provide their name, affiliation, phone number or email address, days attending, and whether they will be participating via webcast or in-person.

Webcast Public Participation: After registration, individuals participating by webcast will receive webcast access information via email.

In-Person Public Participation and Building Access: For in-person participants, this meeting will be held at the U.S. Department of Agriculture, Jefferson Auditorium (South Building), as noted above in the Addresses section. Details regarding registration capacity and directions will be posted on www.DietaryGuidelines.gov. For in-person (registered) participants, check-in at the meeting's on-site registration desk is required and will begin at 7:30 a.m. each day.

Public Comments and Meeting Documents: Written comments from the public will be accepted throughout the Committee's deliberative process and will not be restricted to meeting dates and times. Opportunities to present oral comments to the Committee will be provided at a future meeting(s).

- **Electronic submissions:** Follow the instructions for submitting comments at www.regulations.gov. Comments submitted electronically, including attachments, will be posted to Docket FNS-2019-0001. (Preferred method.)

- **Written/paper submissions:** Mail/courier to Kristin Koegel, USDA Food and Nutrition Service, Center for Nutrition Policy and Promotion, 3101 Park Center Drive, Room 1034, Alexandria, VA 22302. For written/paper submissions, CNPP will post your comment, as well as any attachments, to www.regulations.gov.

Meeting materials will be available for public viewing at this meeting. Meeting materials related to each meeting will subsequently be accessible at www.DietaryGuidelines.gov and at the USDA Food and Nutrition Service, Center for Nutrition Policy and Promotion; 3101 Park Center Drive, Room 1034; Alexandria, VA 22302. Materials may be requested by:

Telephone (703) 305-7600, Fax (703) 305-3300, dietaryguidelines@usda.gov.

Dated: March 5, 2019.

Brandon Lipps,

Acting Deputy Under Secretary, Food, Nutrition, and Consumer Services, U.S. Department of Agriculture.

[FR Doc. 2019-04543 Filed 3-11-19; 8:45 am]

BILLING CODE 3410-30-P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Foreign Agricultural Service

Notice of Request for Revision of Currently Approved Information Collection

AGENCY: Foreign Agricultural Service and Commodity Credit Corporation, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Commodity Credit Corporation's (CCC) intention to request a revision from the Office of Management and Budget (OMB) for a currently approved information collection process in support of the Foreign Market Development (FMD) Program and the Market Access Program (MAP).

DATES: Comments on this notice must be received by May 13, 2019 to be assured of consideration.

ADDRESSES: You may send comments, identified by Document Number, by any of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for sending comments.

- **Email:** podadmin@fas.usda.gov. Include document number in the subject line of the message.

- **Fax:** (202) 720-9361.
- **Mail:** 1400 Independence Avenue SW, Room 6512, Washington, DC 20250.

Instructions: All submissions received must include the agency names and document number for this notice. All comments received will be posted without change to regulations.gov, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Curt Alt, (202) 720-4327, podadmin@fas.usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Foreign Market Development Program and Market Access Program.
OMB Number: 0551-0026.

Expiration Date of Approval: April 30, 2019.

Type of Request: Revision of a currently approved information collection. The estimated number of responses per respondent and estimated total annual burden on respondents is increasing.

Abstract: The primary objective of the FMD and MAP programs is to encourage and aid in the creation, maintenance, and expansion of commercial export markets for U.S. agricultural products through cost-share assistance to eligible organizations. The programs are a cooperative effort between CCC and eligible organizations. Currently, there are approximately 67 organizations participating directly in the programs with activities in more than 100 countries.

Prior to initiating program activities, each FMD or MAP participant must submit a detailed application to the Foreign Agricultural Service (FAS) which includes an assessment of overseas market potential; market or country strategies, constraints, goals, and benchmarks; proposed market development activities; estimated budgets; and performance measurements. Each FMD or MAP participant is also responsible for submitting: (1) Reimbursement claims for approved costs incurred in carrying out approved activities, (2) an end-of-year contribution report, (3) travel reports, and (4) progress reports/evaluation studies. FMD or MAP participants must maintain records on all information submitted to FAS. In addition, each FMD or MAP participant is required to submit the following forms: AD-1047, AD-1049, AD-1052, AD-3030, AD-3031, SF-424, SF-424A, SF-424B, SF-LLL disclosure of lobbying activities, and certification regarding lobbying. The information collected is used by FAS to manage, plan, evaluate, and account for government resources. The reports and records are required to ensure the proper and judicious use of public funds.

Estimate of Burden: Public reporting burden for this collection of information is currently estimated to average 20 hours per response.

Respondents: Non-profit agricultural trade organizations, state regional trade groups, agricultural cooperatives, and state agencies.

Estimated Number of Respondents: 67.

Estimated Number of Responses per Respondent: 68.

Estimated Total Annual Burden on Respondents: 89,324 hours.

Copies of this information collection can be obtained from Connie Ehrhart,

the Agency Information Collection Coordinator, at (202) 690-1578.

Request for Comments: Send comments regarding the accuracy of the burden estimate, ways to minimize the burden, including through the use of automated collection techniques or other forms of information technology, or any other aspect of this collection of information to: Director, Program Operations Division, Foreign Agricultural Service, Room 6510, STOP 1042, 1400 Independence Avenue SW, Washington, DC 20250. Facsimile submissions may be sent to (202) 720-9361 and electronic mail submissions should be addressed to: *podadmin@fas.usda.gov*.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

February 22, 2019.

Robert Stephenson,

Executive Vice President, Commodity Credit Corporation.

Dated: February 22, 2019.

Kenneth Isley,

Administrator, Foreign Agricultural Service.

[FR Doc. 2019-04439 Filed 3-11-19; 8:45 am]

BILLING CODE 3410-10-P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Mississippi Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Mississippi Advisory Committee (Committee) will hold a meeting on Friday March 22, 2019 at 2:00 p.m. Central time. The Committee will discuss next steps in their study of prosecutorial discretion in the state.

DATES: The meeting will take place on Friday March 22, 2019 at 2:00 p.m. Central Time.

ADDRESSES: Public Call Information: Dial: 877-260-1479, Conference ID: 5634835.

FOR FURTHER INFORMATION CONTACT:

Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or (312) 353-8311.

SUPPLEMENTARY INFORMATION: Members of the public may listen to this discussion through the above call in

number. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 230 S. Dearborn, Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353-8324, or emailed to Corrine Sanders at *csanders@usccr.gov*. Persons who desire additional information may contact the Regional Programs Unit at (312) 353-8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Mississippi Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov*, or may contact the Regional Programs Unit at the above email or street address.

Agenda

- I. Welcome and roll call
- II. Discussion: Prosecutorial Discretion in Mississippi
- III. Public comment
- IV. Next steps
- V. Adjournment

EXCEPTIONAL CIRCUMSTANCE: Pursuant to 41 CFR 102-3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstances of upcoming hearing planning and the need for related Committee deliberations.

Dated: March 7, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019-04486 Filed 3-11-19; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XG864

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 60 Data/Assessment Scoping webinar.

SUMMARY: The SEDAR 60 assessment of the South Atlantic stock of Red Porgy will consist of a series of webinars. See **SUPPLEMENTARY INFORMATION**.

DATES: A SEDAR 60 Data/Assessment Scoping webinar will be held on Monday, March 25, 2019, from 9 a.m. until 11 a.m.

ADDRESSES: 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**) 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 Data/Assessment Scoping webinar are as follows: Participants will discuss data issues, as necessary, including the potential use of otolith count versus calendar ages in the assessment and discuss initial modeling issues, as needed.

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: March 7, 2019.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2019-04485 Filed 3-11-19; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XG790

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Acting Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application contains all of the required information and warrants further consideration. This Exempted Fishing Permit would exempt seven commercial fishing vessels from limited access sea scallop regulations in support of a study on the feasibility of transplanting and monitoring scallops transplanted from one offshore area to another.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

DATES: Comments must be received on or before March 27, 2019.

ADDRESSES: You may submit written comments by any of the following methods:

- **Email:** nmfs.gar.efp@noaa.gov. Include in the subject line "DA19-005 CFF Reseeding EFP."
- **Mail:** Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "DA19-005 CFF Reseeding EFP."

FOR FURTHER INFORMATION CONTACT: Shannah Jaburek, Fishery Management Specialist, 978-282-8456.

SUPPLEMENTARY INFORMATION: Coonamesset Farm Foundation (CFF) submitted an exempted fishing permit (EFP) application in support of a project titled "Dispersal and Growth of Recently Transplanted Sea Scallops (*Placopecten magellanicus*) in an Offshore Grow-Out Area." The project would look primarily at the feasibility of transplanting/seeding scallops from one offshore area to another. The project would also demonstrate the feasibility of tracking the scallops once they have

been transplanted/seeded over a nine-month period. Researchers propose that information gained from this project on scallop growth and survival could be broadly applicable to future stock dynamic studies as well as a possible mitigation technique to help deal with global climate change.

To enable this research, CFF is requesting exemptions for seven commercial fishing vessels from the Atlantic sea scallop crew size restrictions at § 648.60(c); observer program requirements at § 648.11(g); Nantucket Lightship South and North Rotational Areas at § 648.60(e) and 648.60(g); and access area program requirements at § 648.59(a)(1)-(3), (b)(2), (b)(4).

This project would be conducted in three phases. An initial trip would harvest approximately 60 scallops to conduct a health assessment to ensure that disease transmission between areas will not occur. The second phase would have 1 vessel conducting dredging operations to harvest between 100,000-500,000 scallops on a single trip from Nantucket Lightship South and transplant them in Nantucket Lightship North. This trip would also include camera surveys when the scallops are transplanted and then at 12-, 24-, and 48-hour intervals. The third phase of the project would consist of five trips to the transplant area. The first four would only consist of camera surveys of the transplant area. The fifth and final trip would consist of a camera survey of the area and harvest activities of both natural set and transplant scallops for final size composition comparisons.

All tows to harvest scallops for transplanting would be conducted with one 15-foot (4.57 m) dredge for a duration of 10 minutes using an average tow speed of 4.5 knots. All dredge gear would conform to scallop gear regulations. A subset of approximately 10,000 scallops would be tagged with a unique identifier to both the top and bottom of the shell. An additional 25 scallops would be tagged with acoustic telemetry tags to help relocate transplanted scallop piles. All scallops, both tagged and untagged, would be lowered to the ocean bottom in covered baskets. Following transplant operations, CFF would use a stationary camera array tied on to the vessel to photographically document the drift of the transplanted scallops.

No catch sampling beyond tagging scallops would occur, therefore any non-scallop catch would not be retained for longer than needed to sort catch, and no catch would be landed for sale. All catch estimates for the project are listed in the table below.

TABLE 1—ESTIMATED CATCH, BY SPECIES, FOR CFF EFP REQUEST

Common name	Estimated weight (lb)	Estimated weight (kg)
Sea Scallop	12,000	5,443
Yellowtail Flounder	20	9
Winter Flounder	20	9
Windowpane Flounder	60	27
Monkfish	100	45
Other Fish	120	54
Barndoor Skates	20	9
Northeast Skate Complex	500	227

CFF needs these exemptions to allow them to deploy gear in areas that are currently closed to scallop fishing. Participating vessels need crew size waivers to accommodate science personnel. The project would be exempt from the sea scallop observer program requirements because activities conducted on the trip are not consistent with normal fishing operations. Researchers from CFF will accompany each trip taken under the EFP.

The New England Fishery Management Council is currently devising a management strategy for these scallops in the 2020 fishing year and there is talk of allocating them through a specifications action. NMFS is particularly interested in receiving comment on how this EFP would intersect with the Council's developing management strategy.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: March 6, 2019.

Karen H. Abrams,

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

[FR Doc. 2019-04413 Filed 3-11-19; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Estuarine Research Reserve System

AGENCY: Stewardship Division, Office for Coastal Management, National Ocean Service, National Oceanic and

Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of approval for the San Francisco Bay National Estuarine Research Reserve Management Plan revision.

SUMMARY: Under applicable Federal regulations, notice is hereby given that the Stewardship Division, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce approves the revised Management Plan for San Francisco Bay, California National Estuarine Research Reserve Management Plan. In accordance with applicable Federal regulations, the San Francisco Bay Reserve revised its Management Plan, which will replace the plan previously approved in 2011.

FOR FURTHER INFORMATION CONTACT: Bree Turner (Phone: 206-526-4641, Email: Bree.Turner@noaa.gov) or Erica Seiden (Phone: 240-533-0781) of NOAA's National Ocean Service, Stewardship Division, Office for Coastal Management, 1305 East-West Highway, N/ORM5, 10th floor, Silver Spring, MD 20910.

SUPPLEMENTARY INFORMATION: The revised Management Plan outlines the administrative structure; the research/monitoring, stewardship, education, and training programs of the Reserve; and the plans for future land acquisition and facility development to support Reserve operations.

The San Francisco Bay Reserve takes an integrated approach to management, linking research, education, coastal training, and stewardship functions. The Reserve has outlined how it will manage administration and its core program providing detailed actions that will enable it to accomplish specific goals and objectives. Since the last Management Plan, the Reserve has built out its core programs and monitoring infrastructure; conducted an educational market analysis and needs assessment to better meet teacher needs and underserved audiences; developed resource management and restoration management plans; and expanded the coastal training program through development of a five year strategy and partnership with the on-site wetland science program.

On December 21, 2017, NOAA issued a notice of a thirty day public comment period for the San Francisco Bay Reserve revised plan (82 FR 60588). Responses to the written and oral comments received, and an explanation of how comments were incorporated

into the final revised plan, are available in Appendix G of the revised plan.

The revised Management Plan will serve as the guiding document for the 3,710 acre San Francisco Bay Reserve. View the San Francisco Bay, California Reserve Management Plan at <http://www.sfbaynerr.org/resource-library/reserve-plans-reports/sf-bay-final-management-plan-2018-2023/>.

The revised management plan does not make substantial changes that are relevant to environmental concerns and does not raise significant new circumstances or information that may lead to new or different environmental impacts. It does not propose new construction, land acquisition, or changes in allowable or restricted uses. As such, the initial Environmental Impact Statement (EIS) prepared at the time of designation is still valid and supplementation of the EIS is not required. NOAA has made the determination that the revision of the management plan will not have a significant effect on the human environment and qualifies for a categorical exclusion under NOAA Administrative Order 216-6A and the NOAA NEPA Companion Manual. An environmental assessment will not be prepared. Any specific actions that NOAA may fund or carry out in the future pursuant to this management plan will be subject to future NEPA and environmental review, as applicable.

Authority: 15 CFR 921.33.

Dated: March 4, 2019.

Keelin Kuipers,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2019-04419 Filed 3-11-19; 8:45 am]

BILLING CODE 3510-08-P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN-2018-HQ-0018]

Submission for OMB Review; Comment Request

AGENCY: Department of the Navy, DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 11, 2019.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at oir_submission@omb.eop.gov. Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT:

Angela James, 571-372-7574, or whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Non-Appropriated Fund Human Resource Management System (NAF HRMS); OMB Control Number 0703-XXXX.

Type of Request: New Information Collection.

Number of Respondents: 77,866.

Responses per Respondent: 1.

Annual Responses: 77,866.

Average Burden per Response: 30 minutes.

Annual Burden Hours: 38,933.

Needs and Uses: Respondents are applicants who are responding to an MCCS (Marine Corps Community Service) job posting on the MCCS Civilian Careers website, accessible at www.usmc-mccs.org/careers. The application delivers a systematic process which guides the applicants in completing and submitting it through the MCCS Civilian Careers website. Applicants are then able to log into their accounts and view their profile, track the status of their current application, and apply for future job postings. Maintaining the information collection in the NAF HRMS enables MCCS to successfully manage and administer an effective and efficient recruiting and hiring process. In addition, the NAF HRMS capabilities streamline the employment application process, reduce processing and recruiter response times, and decrease the need for applicant calls and inquiries, thereby improving the applicant's experience.

Affected Public: Business or other for-profit; individuals or households.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket

ID 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.

DoD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

Dated: March 7, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019-04465 Filed 3-11-19; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN-2019-HQ-0009]

Proposed Collection; Comment Request

AGENCY: Department of the Navy, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Department of the Navy 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 May 13, 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 Office of the Judge Advocate General, Military Personnel Division, Code 61, ATTN: LT Lindsay McCarl, 1322 Patterson Ave. SE, Suite 3000, Washington Navy Yard, DC 20374-5066, or call 202-685-8527.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: JAG Corps Student Program or Direct Accession Application (online system); OPNAV 1070/3 Internship/Externship Program Application; Structured Interview Questions; OMB Control Number 0703-XXXX.

Needs and Uses: This information requirement is needed to determine the eligibility, competitive standing, and the scholastic and leadership potential of students and lawyers interested in the U.S. Navy Judge Advocate General's Corps (JAGC). The application for the Student Program/Direction Accession and the application for the Internship/Externship Program (OPNAV Form 10703/3) are each accessible via the U.S. Navy JAGC website. Both applications ask for detailed academic and extracurricular achievement, professional experience if applicable, and supporting documentation.

JAGC Student Program Direct Accession Application (Online System)

Affected Public: Individuals or Households.

Annual Burden Hours: 1,600.

Number of Respondents: 800.

Responses per Respondent: 1.

Annual Responses: 800.

Average Burden per Response: 2 hours.

Frequency: On occasion.

Structured Interviews

Affected Public: Individuals or Households.

Annual Burden Hours: 500.

Number of Respondents: 500.

Responses per Respondent: 1.

Annual Responses: 500.
Average Burden per Response: 1 hour.
Frequency: On occasion.

OPNAV 1070/3

Affected Public: Individuals or Households.

Annual Burden Hours: 100.
Number of Respondents: 100.
Responses per Respondent: 1.
Annual Responses: 100.
Average Burden per Response: 1 hour.
Frequency: On occasion.

Total

Annual Burden Hours: 2,200 hours.
Number of Respondents: 900 (the approximately 500 interview respondents are selected from the online system's existing pool of applicants).
Responses per Respondent: 1.556.
Annual Responses: 1,400.
Average Burden per Response: 1.5714 hours.

The online system application is used for both the U.S. Navy JAGC Student Program and Direct Accession Program. The Student Program offers law students an opportunity to apply for a commission to the JAGC. The Direct Accessions Program offers practicing attorneys the opportunity to apply for a commission to the JAGC.

The structured interview is subsequently offered to applicants judged to be most competitive for the JAGC Student Program or Direct Accession Program.

The Internship/Externship Program (OPNAV Form 10703/3), is available throughout the year for programs offered in the summer, fall and spring. The Internship/Externship Program offers law students the opportunity to intern with the JAGC while in law school.

Dated: March 6, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2019-04393 Filed 3-11-19; 8:45 am]

BILLING CODE P

DEPARTMENT OF EDUCATION

Application Deadline for Fiscal Year 2019; Small, Rural School Achievement Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: Under the Small, Rural School Achievement (SRSA) program, Catalog of Federal Domestic Assistance (CFDA) number 84.358A, the U.S. Department of Education (Department)

awards grants on a formula basis to eligible local educational agencies (LEAs) to address the unique needs of rural school districts. In this notice, we establish the deadline and describe the submission requirements and procedures for fiscal year (FY) 2019 SRSA grant applications.

All LEAs eligible for FY 2019 SRSA funds must submit an application electronically via *Grants.gov* by the deadline in this notice.

DATES:

Applications Available: February 20, 2019.

Deadline for Transmittal of Applications: April 26, 2019.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Hitchcock, U.S. Department of Education, 400 Maryland Avenue SW., room 3E-218, Washington, DC 20202. Telephone: (202) 260-1472. Email: *reap@ed.gov*.

If you use a telecommunications device for the deaf or a text telephone, call the Federal Relay Service, toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

I. Award Information

Type of Award: Formula grant.
Available Funds: \$90,420,000.
Estimated Range of Awards: \$0-\$60,000.

Note: Depending on the number of eligible LEAs identified in a given year and the amount appropriated by Congress for the program, some eligible LEAs may receive an SRSA allocation of \$0 under the statutory funding formula.

Estimated Number of Awards: 3,900.

II. Program Authority and Eligibility Information

Under what statutory authority will FY 2019 SRSA grant awards be made?

The FY 2019 SRSA grant awards will be made under title V, part B, subpart 1 of the Elementary and Secondary Education Act of 1965, as amended (ESEA).

Which LEAs are eligible for an award under the SRSA program?

For FY 2019, an LEA (including a public charter school that meets the definition of LEA in section 8101(30) of the ESEA) is eligible for an award under the SRSA program if it meets one of the following criteria:

(a)(1) The total number of students in average daily attendance at all of the schools served by the LEA is fewer than 600; or each county in which a school served by the LEA is located has a total population density of fewer than 10 persons per square mile; and

(2) All of the schools served by the LEA are designated with a school locale

code of 41, 42, or 43 by the Department's National Center for Education Statistics (NCES); or the Secretary has determined, based on a demonstration by the LEA and concurrence of the State educational agency, that the LEA is located in an area defined as rural by a governmental agency of the State;

(b) The LEA is a member of an educational service agency (ESA) that does not receive SRSA funds, and the LEA meets the eligibility requirements described in (a)(1) and (2) above; or

(c) The LEA meets the requirements for a hold harmless award as described in section 5212(b)(4) of the ESEA. These are LEAs that are no longer eligible for the SRSA program because of amendments made under the Every Student Succeeds Act to the locale code methodology and designations referenced in section 5211(b)(1)(A)(ii) of the ESEA. However, these LEAs may receive an FY 2019 award of 25 percent of the amount such agency received for FY 2015, as provided in section 5212(b)(4) of the ESEA.

Note: The "Choice of Participation" provision under section 5225 of the ESEA gives LEAs eligible for both SRSA and the Rural and Low-Income School (RLIS) program authorized under title V, part B, subpart 2 of the ESEA the option to participate in either the SRSA program or the RLIS program. LEAs eligible for both SRSA and RLIS are henceforth referred to as "dual-eligible LEAs."

Which eligible LEAs must submit an application to receive an FY 2019 SRSA grant award?

Under 34 CFR 75.104(a), the Secretary makes a grant only to an eligible entity that submits an application.

In FY 2019, all LEAs eligible to receive an SRSA award are required to submit an SRSA application in order to receive SRSA funds, regardless of whether the LEA received an award or submitted an application in any previous year. This includes LEAs eligible to receive an FY 2019 award under the hold harmless provision, dual-eligible LEAs that choose to participate in the SRSA program instead of the RLIS program, and SRSA-eligible LEAs that are members of ESAs that do not receive SRSA funds. In the case of SRSA-eligible LEAs that are members of SRSA-eligible ESAs, the respective LEAs and ESAs must coordinate directly with each other to determine which entity will submit an SRSA application, as both entities may not apply for or receive SRSA funds. Additionally, we note that dual-eligible LEAs that apply for SRSA funds in accordance with these application

submission procedures will not be considered for an RLIS award.

We also note that a separate application must be submitted for each eligible LEA. For example, if a rural community has two distinct LEAs—one composed of its elementary school(s) and one composed of its high school(s)—each distinct LEA would have to submit its own SRSA application.

A list of LEAs eligible for FY 2019 SRSA grant funds is available on the Department's website at: <http://www2.ed.gov/programs/reapsrsa/eligibility.html>. All LEAs on this list must submit an electronic application via *Grants.gov* in order to receive an FY 2019 SRSA grant award. The list identifies those LEAs that meet the eligibility requirements for the Rural Education Achievement Program (REAP) SRSA program, those LEAs that meet the eligibility requirements for the REAP RLIS program, those LEAs that are dual-eligible, and those LEAs that are eligible to receive an SRSA award pursuant to the hold harmless provision.

If an LEA on the Department's list of LEAs eligible to receive an FY 2019 SRSA award is no longer in existence as of the 2018–19 school year or will close prior to the 2019–2020 school year, the LEA is no longer eligible to receive an FY 2019 SRSA award and should not apply.

An LEA eligible to receive FY 2019 SRSA funds that fails to submit an FY 2019 SRSA application or fails to submit an application in accordance with the application submission procedures is at risk of not receiving an FY 2019 SRSA award. Such LEAs may receive an award only to the extent funds become available after awards are made to all eligible LEAs that complied with the application procedures.

How must LEAs eligible for an FY 2019 SRSA grant award submit an application?

LEAs must use the *Grants.gov* site for submitting SRSA applications. LEAs should review closely the next section titled Application and Submission Information for specific information about how to apply for SRSA FY 2019 funds.

III. Application and Submission Information

Electronic Submission of Applications Using Grants.gov

All LEAs eligible for FY 2019 SRSA grant funds are required to submit an electronic application using the *Grants.gov* Apply site at

www.Grants.gov by 11:59:59 p.m., Eastern Time, on April 26, 2019. SRSA applications must be submitted electronically using *Grants.gov* unless you qualify for an exception to this requirement, in accordance with the instructions in this section. You may not email an electronic copy of a grant application to us.

A *Grants.gov* applicant must apply online using Workspace, a shared environment where members of a grant team may simultaneously access and edit different webforms within an application. An applicant can create an individual Workspace for each application notice and, thus, establish for that application a collaborative application package that allows more than one person in the applicant's organization to work concurrently on an application. The applicant can, thus, assign other users to participate in the Workspace. The system also enables the applicant to reuse forms from previous submissions; check them in and out and complete them; and submit its application package. For access to complete instructions on how to apply, refer to: www.grants.gov/web/grants/applicants/apply-for-grants.html.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

Please note the following:

- When you enter the *Grants.gov* site, you will find information about submitting an application through the site, as well as the hours of operation.
- Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the *Grants.gov* system no later than 11:59:59 p.m., Eastern Time, on April 26, 2019. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the *Grants.gov* system—after 11:59:59 p.m., Eastern Time, on April 26, 2019. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from *Grants.gov*, we will notify you if we are rejecting your application because it

was date and time stamped by the *Grants.gov* system after 11:59:59 p.m., Eastern Time, on April 26, 2019.

- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through *Grants.gov*.

- You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for this program to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* under News and Events on the Department's G5 system home page at www.G5.gov. In addition, for specific guidance and procedures for submitting an application through *Grants.gov*, please refer to the *Grants.gov* website at: www.grants.gov/web/grants/applicants/apply-for-grants.html.

- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

- When you submit your application electronically, you must upload any narrative sections and all other attachments to your application as files in either Portable Document Format (PDF) or Microsoft Word. Although applicants have the option of uploading any narrative sections and all other attachments to their application in either PDF or Microsoft Word, we recommend applicants submit all documents as read-only flattened PDFs, meaning any fillable PDF files must be saved and submitted as nonfillable PDF files and not as interactive or fillable PDF files, to better ensure applications are processed in a more timely, accurate, and efficient manner. If you choose to submit your application in Microsoft Word, you may do so using any version of Microsoft Word (*i.e.*, a document ending in a .doc or .docx extension). If you upload a file type other than PDF or Microsoft Word or if you submit a password-protected file, we will be unable to review that material. Please note that this will likely result in your application not being considered for funding. The Department will not convert material from other formats to PDF or Microsoft Word.

- After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. This notification indicates receipt by *Grants.gov* only, not receipt by the Department. *Grants.gov* will also notify you automatically by email if your application met all the *Grants.gov* validation requirements or if there were any errors (such as submission of your application by someone other than a registered Authorized Organization Representative, or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

- Once your application is successfully validated by *Grants.gov*, the Department will retrieve your application from *Grants.gov* and send you an email with a unique PR/Award number for your application.

- These emails do not mean that your application is without any disqualifying errors. While your application may have been successfully validated by *Grants.gov*, it must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues With the Grants.gov System

If you are experiencing problems submitting your application through *Grants.gov*, please contact the *Grants.gov* Support Desk, toll free, at 1-800-518-4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application by the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 11:59:59 p.m., Eastern Time, the following business day to enable you to transmit your application electronically. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 11:59:59 p.m., Eastern Time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that the problem affected your ability to submit your application by 11:59:59 p.m., Eastern Time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant you an extension if you failed to fully register to submit your application to *Grants.gov* before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

Exception to Electronic Submission Requirement

You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the *Grants.gov* system because—

- You do not have access to the internet; or
- You do not have the capacity to upload large documents to the *Grants.gov* system; and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you send a letter or email with a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. Address and mail your statement to: Mr. Robert Hitchcock, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E-218, Washington, DC 20202. Or email your statement to REAP@ed.gov.

Your paper application must be submitted in accordance with the mail instructions described in this notice.

Submission of Paper Applications by Mail

We discourage paper applications, but if electronic submission is not possible (e.g., you do not have access to the internet), you must provide a written statement that you intend to submit a paper application. Send this written statement no later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday). Please send this statement to the person listed under **FOR FURTHER INFORMATION CONTACT**.

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.358A), LBJ Basement Level 1, 400 Maryland Avenue SW, Washington, DC 20202-4260.

You must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.

- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

- (3) A dated shipping label, invoice, or receipt from a commercial carrier.

- (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

- (1) A private metered postmark.
- (2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date.

Note for Mail of Paper Applications: If you mail your application to the Department—

- (1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number (84.358A) of the program under which you are submitting your application; and

- (2) The Application Control Center will mail to you a notification of receipt

of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the Application Control Center at (202) 245-6288.

IV. Other Submission Requirements

Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management

To do business with the Department of Education, you must:

- a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);
- b. Register both your DUNS number and TIN with the System for Award Management (SAM), the Government's primary registrant database;
- c. Provide your DUNS number and TIN on your application; and
- d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, throughout the grant performance period.

You can obtain a DUNS number from Dun and Bradstreet at the following website: <http://fedgov.dnb.com/webform>. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM.gov database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early. If you are unable to submit an application on *Grants.gov* by the application deadline because you do not have an active SAM registration, you may not be considered for funding.

Note: Once your SAM.gov registration is active, it may be 24 to 48 hours before you can access the information in, and submit an application through, *Grants.gov*.

If you are currently registered with SAM.gov, you may not need to make any changes. However, please make certain that the TIN associated with

your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at www.SAM.gov. To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: <http://www2.ed.gov/fund/grant/apply/sam-faqs.html>.

In addition, if you are submitting your SRSA application via *Grants.gov*, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with *Grants.gov* as an AOR. Details on these steps are outlined at the following *Grants.gov* web page: www.grants.gov/web/grants/register.html.

V. Accessibility Information and Program Authority

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations via the Federal Digital System at www.gpo.gov/fdsys. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: Sections 5211-5212 of the ESEA, 20 U.S.C. 7345-7345a.

Dated: March 7, 2019.

Frank Brogan,

Assistant Secretary of Elementary and Secondary Education.

[FR Doc. 2019-04519 Filed 3-11-19; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2019-ICCD-0021]

Agency Information Collection Activities; Comment Request; Supporting Excellence in Adult Education

AGENCY: Office of Career, Technical, and Adult Education (OCTAE), 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 May 13, 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-2019-ICCD-0021. 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. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *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 9086, Washington, DC 20202-0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Braden Goetz, 202-245-7405.

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: Supporting Excellence in Adult Education.

OMB Control Number: 1830-NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 18.

Total Estimated Number of Annual Burden Hours: 110.

Abstract: The purpose of this information collection request is to identify and document innovative practices in adult education and literacy that are associated with positive outcomes for adult learners so that they may be disseminated to adult education programs. The U.S. Department of Education will analyze the information that is collected about adult education programs and the outcomes they achieve to identify innovative practices that merit dissemination to the field.

Dated: March 6, 2019.

Kate Mullan,

PRA Coordinator, Information Collection Clearance Program, Information Management Branch, Office of the Chief Information Officer.

[FR Doc. 2019-04392 Filed 3-11-19; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

International Energy Agency Meetings

AGENCY: Department of Energy.

ACTION: Notice of meetings.

SUMMARY: The Industry Advisory Board (IAB) to the International Energy Agency (IEA) will meet on March 20, 2019, at OECD Boulogne, 46 Quai Alphonse le Gallo, 92100 Boulogne-Billancourt, France, in connection with a joint meeting of the IEA's Standing

Group on Emergency Questions (SEQ) and the IEA's Standing Group on the Oil Market (SOM) on March 21, 2019, in connection with a meeting of the SEQ on that day.

DATES: March 20–21, 2019.

ADDRESSES: 46 Quai Alphonse le Gallo, 92100 Boulogne-Billancourt, France.

FOR FURTHER INFORMATION CONTACT: Thomas Reilly, Assistant General Counsel for International and National Security Programs, Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202-586-5000.

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)) (EPCA), the following notice of meetings is provided:

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held in Room BB1 at OECD Boulogne, 46 Quai Alphonse le Gallo, 92100 Boulogne-Billancourt, France, commencing at 9:30 a.m. on March 20, 2019. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a meeting of the IEA's Standing Group on Emergency Questions (SEQ), which is scheduled to be held at the same location and time. The IAB will also hold a preparatory meeting among company representatives at the same location at 8:30 a.m. on March 20. The agenda for this preparatory meeting is to review the agenda for the SEQ meeting.

The agenda of the meeting is under the control of the SEQ and the SOM. It is expected that the SEQ and the SOM will adopt the following agenda:

Closed SEQ Session—IEA Member Countries Only

1. Adoption of the Agenda
2. Approval of the Summary Record of the 156th Meeting
3. Status of Compliance with IEP Agreement Stockholding Obligations
4. Update on the Ministerial Mandates/ Oil Stockholding System Review
5. Outreach: Update on Chile

Open SEQ Session—Open to Association Countries

6. Summary of ERE 9 & notice for ERE10
7. Oil Security Toolkit
8. Mid-term Review of Spain
9. ERR of the United States
10. Industry Advisory Board Update
11. Mid-term Review of Korea
12. Outreach
13. Oral Reports by Administrations
14. Any Other Business

Schedule of SEQ & SOM Meetings 2019/2020:

- 25–27 June 2019
- 22–24 October 2019
- 24–26 March 2020
- 23–25 June 2020
- 17–19 November 2020

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held in Room BB1 at OECD Boulogne, 46 Quai Alphonse le Gallo, 92100 Boulogne-Billancourt, France, on March 21, 2019, commencing at 09:30 a.m. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a joint meeting of the IEA's Standing Group on Emergency Questions (SEQ) and the IEA's Standing Group on the Oil Market (SOM), which is scheduled to be held at the same location and time.

The agenda of the SEQ meeting is under the control of the SEQ. It is expected that the SEQ will adopt the following agenda:

Start Meeting/Introduction

1. Adoption of the Agenda
2. Approval of Summary Record of 29 November 2018
3. Reports on Recent Oil Market and Policy Developments in IEA Countries
4. Update on the Current Oil Market Situation: Followed by Q&A
5. Presentation: “Oil 2019—Analysis and Forecasts to 2024—Supply Issues” followed by Q&A
6. Presentation: “Oil 2019—Analysis and Forecasts to 2024—Demand Issues” followed by Q&A
7. Presentation: “Oil 2019—Analysis and Forecasts to 2024—IMO” followed by Q&A
8. Presentation: “Oil 2019—Analysis and Forecasts to 2024—Refining” followed by Q&A
9. Presentation: “TBD” followed by Q&A
10. Presentation: “TBD” followed by Q&A
11. Other Business
 - Tentative schedule of the next SOM meeting: 27 June 2019, Location TBC

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(ii)), the meetings of the IAB are open to representatives of members of the IAB and their counsel; representatives of members of the IEA's Standing Group on Emergency Questions and the IEA's Standing Group on the Oil Markets; representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General

Accounting Office, Committees of Congress, the IEA, and the European Commission; and invitees of the IAB, the SEQ, the SOM, or the IEA.

Issued in Washington, DC, March 7, 2019.

Thomas Reilly,

Assistant General Counsel for International and National Security Programs.

[FR Doc. 2019-04455 Filed 3-11-19; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Energy Information Administration

Proposed Agency Information Collection

AGENCY: U.S. Energy Information Administration (EIA), Department of Energy.

ACTION: Notice.

SUMMARY: EIA submitted an information collection request for extending, with changes, the Oil and Gas Reserves Survey Program pursuant to the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of Form EIA-64A, *Annual Report of the Origin of Natural Gas Liquids Production*; Form EIA-23L, *Annual Report of Domestic Oil and Gas Reserves*; and Form EIA-23S, *Annual Survey of Domestic Oil and Gas Reserves, Summary Level Report*. The information collected is used to develop accurate national and regional estimates of proved reserves of domestic crude oil and natural gas.

DATES: Comments regarding this collection must be received on or before April 11, 2019. If you anticipate any difficulties in submitting your comments by the deadline, contact the DOE Desk Officer at (202) 395-0710.

ADDRESSES: Written comments should be sent to the DOE Desk Officer: Brandon DeBruhl, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW, Washington, DC, 20503. *Brandon_F_DeBruhl@omb.eop.gov*; And to Steven G. Grape, U.S. Energy Information Administration, Mail Stop EI-24, Forrestal Building 1000 Independence Avenue SW, Washington, DC 20585, *Steven.Grape@eia.gov*.

FOR FURTHER INFORMATION CONTACT: Steven G. Grape, (202) 586-1868, email at *Steven.Grape@eia.gov*.

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No. 1905-0057*;

(2) *Information Collection Request Title: Oil and Gas Reserves System*;

(3) *Type of Request:* Three-year extension with changes.

(4) *Purpose:* Forms EIA-23L and EIA-23S provide accurate national and regional data on the proved reserves of crude oil, natural gas, and natural gas liquids (NGL). Form EIA-64A provides data that are used to estimate natural gas plant liquids production and reserves by state and federal offshore regions.

(4a) *Changes to Information Collection:*

Changes to Form EIA-23L:

- Coalbed methane is deleted as a response category choice for *Type Code* reported in section 2. Fields previously classified as coalbed methane will be merged into the conventional gas category.

Changes to Form EIA-64A:

- Collect the total outlet volume of residue natural gas and the volume of residue natural gas sent to a pipeline.

- Collect the amount of electricity consumed annually at the natural gas plant (a growing percentage of natural gas processing plants are 100% electrically-powered rather than consuming any of the natural gas received for processing as fuel, because of air quality restrictions imposed on sources of combustion emissions).

- Collect an annual total of natural gas liquids by components or products produced at the natural gas processing plant in Section 3 of Form EIA-64A, rather than requesting only total plant NGL volume reported in Line 4.8.

- Delete Item 5.0 Gas Shrinkage Resulting from Natural Gas

Liquids Extracted. Operators no longer need to calculate their own estimate of the volumes of gas shrinkage in millions of cubic feet (MMCF) resulting from the removal of natural gas liquids from the natural gas received at the plant. The shrinkage volumes will now be calculated automatically by EIA using the component data from Section 3.

(5) *Annual Estimated Number of Respondents:* 1,600 total respondents: Form EIA-23L consist of 500 respondents.

Form EIA-23S consist of 500 respondents.

Form EIA-64A consist of 600 respondents.

(6) *Annual Estimated Number of Responses:* 1,600 total responses.

(7) *Annual Estimated Number of Burden Hours:* 28,800 hours.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* The cost of burden hours to the respondents is estimated to be \$ 2,131,776 (28,800 burden hours times \$74.02 per hour). EIA estimates that there are no additional costs to respondents

associated with the surveys other than the cost associated with the burden hours.

Statutory Authority: 15 U.S.C. 772(b).

Signed in Washington, DC, on March 5, 2019.

Nanda Srinivasan,

Director, Office of Survey Development and Statistical Integration, U.S. Energy Information Administration.

[FR Doc. 2019-04441 Filed 3-11-19; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5218-003]

City of San Luis, Obispo, California; Notice of Comment Period Extension

On January 18, 2019, the Commission issued a notice through the FERC eLibrary system¹ setting February 19, 2019, as the end of the formal period to file comments, motions to intervene, and protests for the notice of application to surrender the San Luis Obispo Hydroelectric Project No. 5218. Due to the funding lapse at certain federal agencies between December 22, 2018 and January 25, 2019, the Commission is extending the comment period until March 6, 2019.

Dated: February 27, 2019.

Kimberly D. Bose,
Secretary.

[FR Doc. 2019-04395 Filed 3-11-19; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Southwestern Power Administration

Integrated System Power Rates

AGENCY: Southwestern Power Administration, DOE.

ACTION: Notice of proposed change to Southwestern Power Administration Integrated System Wholesale Rates for Hydro Peaking Power Rate Schedule and opportunity for public review and comment.

SUMMARY: The Administrator, Southwestern Power Administration (Southwestern), is proposing to add a new section to Southwestern's existing Integrated System Wholesale Rates for Hydro Peaking Power (P-13) Rate Schedule. This new section is necessary

¹ Go to http://elibrary.ferc.gov/0/idmws/file_list.asp?document_id=14737577 and select the file link to view the document.

to effect a uniform shift in the time Southwestern requires its customers to submit Peaking Energy schedules. Southwestern has determined that the shift in Peaking Energy Schedule Submission Time from the current 2:00 p.m. CPT to the proposed 2:30 p.m. CPT allows Southwestern's customers to best incorporate Federal hydropower in their energy resource portfolios and better align with regional energy market considerations.

DATES: The consultation and comment period will begin on March 12, 2019 and will end on April 11, 2019. Written comments are due on or before April 11, 2019.

ADDRESSES: Comments should be submitted to Ms. Fritha Ohlson, Senior Vice President and Chief Operating Officer, Southwestern Power Administration, U.S. Department of Energy, One West Third Street, Tulsa, Oklahoma 74103.

FOR FURTHER INFORMATION CONTACT: Ms. Fritha Ohlson, Senior Vice President, Chief Operating Officer, Office of Corporate Operations, (918) 595-6684, fritha.ohlson@swpa.gov, or facsimile transmission (918) 595-6684.

SUPPLEMENTARY INFORMATION: Originally established by Order 1865, Secretary of the Interior, dated August 31, 1943 and effective September 1, 1943 (8 FR 12142 (Sept. 3, 1943)), Southwestern is an agency within the U.S. Department of Energy created by the Department of Energy Organization Act, Public Law 95-91, dated August 4, 1977. Guidelines for preparation of power repayment studies are included in DOE Order No. RA 6120.2 (Sept. 20, 1979), entitled *Power Marketing Administration Financial Reporting*. Procedures for public participation in power and transmission rate adjustments of the Power Marketing Administrations are found at title 10, part 903, subpart A of the Code of Federal Regulations (10 CFR part 903). Procedures for the confirmation and approval of rates for the Federal Power Marketing Administrations are found at title 18, part 300, subpart L of the Code of Federal Regulations (18 CFR part 300).

Southwestern markets power from 24 multi-purpose reservoir projects with hydroelectric power facilities constructed and operated by the U.S. Army Corps of Engineers (Corps). These projects are located in the states of Arkansas, Missouri, Oklahoma, and Texas. Southwestern's marketing area includes these states plus Kansas and Louisiana. The costs associated with the hydropower facilities of 22 of the 24 projects are repaid via revenues received under the Integrated System

rates, as are those of Southwestern's transmission facilities, which consist of 1,380 miles of high-voltage transmission lines, 26 substations, and 46 communication sites. Costs associated with the Sam Rayburn and Robert D. Willis Dams, two Corps projects that are isolated hydraulically, electrically, and financially from the Integrated System, are repaid under separate rate schedules and are not addressed in this Notice.

Public Review and Comment

In accordance with 10 CFR part 903, Southwestern's proposed change to its P-13 Rate Schedule is considered a minor rate adjustment, as there is no change in annual revenues. 10 CFR part 903 also provides that neither a Public Information Forum nor a Public Comment Forum is required in conjunction with the consultation and comment period for a minor rate adjustment. Additionally, the proposed change is provided for contractually for those customers to whom the P-13 Rate Schedule applies. Therefore, Southwestern finds that holding a Public Information and Comment Forum in conjunction with the consultation and comment period is not necessary. Written comments will be accepted throughout the consultation and comment period (see **DATES**).

Rate Schedule Change

The proposed new Section 4.2 establishes the Peaking Energy Schedule Submission Time as on or before 2:30 p.m. Central Prevailing Time (CPT) of the day preceding the day for delivery of Peaking Energy. Southwestern has determined that the proposed new Section 4.2 will provide a single instrument and procedure for establishing and making limited adjustments to its Peaking Energy Schedule Submission Time. There is no change in annual revenues associated with the proposed P-13 Rate Schedule change.

Established by the provision in each customer's power sales contract, Southwestern's current requirement is that customers submit Peaking Energy schedules to Southwestern on or before 2:00 p.m. CPT of the day preceding the day for delivery of Peaking Energy. The majority of existing power sales contracts permit a change to the Peaking Energy schedule submission time provided the time change is specified in Southwestern's in-effect Rate Schedule for Hydro Peaking Power.

Southwestern's customers requested that Southwestern consider shifting the Peaking Energy schedule submission time later in the day, which allows Southwestern's customers to best

incorporate Federal hydropower in their energy resource portfolios and better align with regional energy market considerations. Southwestern performed studies to determine if a change to the submission time would create any operational or financial issues. At this time, there are no significant issues identified with changing the Peaking Energy schedule submission time from 2:00 p.m. CPT to the proposed 2:30 p.m. CPT. Southwestern's customers have expressed support for such a change. Therefore, Southwestern determined that it would pursue shifting its Peaking Energy schedule submission time from 2:00 p.m. CPT to 2:30 p.m. CPT.

For customers that schedule Peaking Energy with Southwestern, the majority of the customers' power sales contracts contain a provision for submitting Peaking Energy schedules to Southwestern on or before 2:00 p.m. CPT of the day preceding the day for delivery of Peaking Energy, *unless otherwise specified in Southwestern's in-effect Rate Schedule for Hydro Peaking Power*. However, the current P-13 Rate Schedule has no provision for establishing or adjusting the time for customers to submit Peaking Energy schedules. The Administrator determined that adding the proposed new Section 4.2 to the P-13 Rate Schedule implements the desired change in Peaking Energy schedule submission time most efficiently. Additionally, the proposed new Section 4.2 provides a procedure by which the Administrator may adjust the Peaking Energy Schedule Submission Time once annually to a time no earlier than 2:00 p.m. CPT and no later than 3:00 p.m. CPT.

Implementing the proposed new Section 4.2 that establishes the Peaking Energy Schedule Submission Time is consistent with the terms and conditions of the majority of existing power sales contracts. The few power sales contracts that do not contain the *unless otherwise specified in Southwestern's in-effect Rate Schedule for Hydro Peaking Power* provision are currently undergoing modification to insert such a provision, with execution anticipated prior to this proposed Rate Schedule change action taking effect. Southwestern would not implement the proposed new section in the P-13 Rate Schedule unless and until all applicable power sales contracts included the appropriate provision. Additionally, the proposed new Section 4.2 affords Southwestern a single instrument and procedure to utilize for establishing and making limited adjustments to its Peaking Energy Schedule Submission Time.

The title of the P-13 Rate Schedule will be changed to P-13A to reflect the addition of Section 4.2. A redlined version of the P-13 Rate Schedule, which shows the revision proposed by the P-13A Rate Schedule, will be made available upon request. To request a copy, please contact Ms. Fritha Ohlson, Senior Vice President and Chief Operating Officer.

Following review and consideration of written comments, the Administrator will determine whether to finalize and submit the proposed P-13A Rate Schedule to the Under Secretary of Energy for confirmation and approval on an interim basis, and subsequently to the Federal Energy Regulatory Commission (FERC) for confirmation and approval on a final basis. The FERC will allow the public an opportunity to provide written comments on the proposed rate schedule change before making a final decision.

Dated: March 5, 2019.

Mike Wech,
Administrator.

UNITED STATES DEPARTMENT OF ENERGY

SOUTHWESTERN POWER ADMINISTRATION

RATE SCHEDULE P-13A¹ **

WHOLESALE RATES FOR HYDRO PEAKING POWER

Effective:

During the period October 1, 2013, through September 30, 2019**, in accordance with Federal Energy Regulatory Commission order issued January 9, 2014, Docket No. EF14-1-000.

Available:

In the marketing area of Southwestern Power Administration (Southwestern), described generally as the States of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

Applicable:

To wholesale Customers which have contractual rights from Southwestern to purchase Hydro Peaking Power and associated energy (Peaking Energy and Supplemental Peaking Energy).

Character and Conditions of Service:

Three-phase, alternating current, delivered at approximately 60 Hertz, at the nominal voltage(s), at the point(s) of delivery, and in such quantities as are specified by contract.

1. Definitions of Terms

1.1. Ancillary Services

The services necessary to support the transmission of capacity and energy from resources to loads while maintaining reliable operation of the System of Southwestern in accordance with good utility practice, which include the following:

1.1.1. Scheduling, System Control, and Dispatch Service

is provided by Southwestern as Balancing Authority Area operator and is in regard to interchange and load-match scheduling and related system control and dispatch functions.

1.1.2. Reactive Supply and Voltage Control from Generation Sources Service

is provided at transmission facilities in the System of Southwestern to produce or absorb reactive power and to maintain transmission voltages within specific limits.

1.1.3. Regulation and Frequency Response Service

is the continuous balancing of generation and interchange resources accomplished by raising or lowering the output of on-line generation as necessary to follow the moment-by-moment changes in load and to maintain frequency within a Balancing Authority Area.

1.1.4. Spinning Operating Reserve Service

maintains generating units on-line, but loaded at less than maximum output, which may be used to service load immediately when disturbance conditions are experienced due to a sudden loss of generation or load.

1.1.5. Supplemental Operating Reserve Service

provides an additional amount of operating reserve sufficient to reduce Area Control Error to zero within 10 minutes following loss of generating capacity which would result from the most severe single contingency.

1.1.6. Energy Imbalance Service

corrects for differences over a period of time between schedules and actual hourly deliveries of energy to a load. Energy delivered or received within the authorized bandwidth for this service is accounted for as an inadvertent flow and is returned to the providing party by the receiving party in accordance with standard utility practice or a contractual arrangement between the parties.

1.2. Customer

The entity which is utilizing and/or purchasing Federal Power and Federal

Energy and services from Southwestern pursuant to this Rate Schedule.

1.3. Demand Period

The period of time used to determine maximum integrated rates of delivery for the purpose of power accounting which is the 60-minute period that begins with the change of hour.

1.4. Federal Power and Energy

The power and energy provided from the System of Southwestern.

1.5. Hydro Peaking Power

The Federal Power that Southwestern sells and makes available to the Customers through their respective Power Sales Contracts in accordance with this Rate Schedule.

1.6. Peaking Billing Demand

The quantity equal to the Peaking Contract Demand for any month unless otherwise provided by the Customer's Power Sales Contract.

1.7. Peaking Contract Demand

The maximum rate in kilowatts at which Southwestern is obligated to deliver Federal Energy associated with Hydro Peaking Power as set forth in the Customer's Power Sales Contract.

1.8. Peaking Energy

The Federal Energy associated with Hydro Peaking Power that Southwestern sells and makes available to the Customer in accordance with the terms and conditions of the Customer's Power Sales Contract.

1.9. Peaking Energy Schedule Submission Time

The time by which Southwestern requires the Customer to submit Peaking Energy schedules to Southwestern as provided for in this Rate Schedule P-13A and in accordance with the terms and conditions of the Customer's Power Sales Contract.

1.10. Power Sales Contract

The Customer's contract with Southwestern for the sale of Federal Power and Federal Energy.

1.11. Supplemental Peaking Energy

The Federal Energy associated with Hydro Peaking Power that Southwestern sells and makes available to the Customer if determined by Southwestern to be available and that is in addition to the quantity of Peaking Energy purchased by the Customer in accordance with the terms and conditions of the Customer's Power Sales Contract.

1.12. System of Southwestern

The transmission and related facilities owned by Southwestern, and/or the generation, transmission, and related facilities owned by others, the capacity of which, by contract, is available to and utilized by Southwestern to satisfy its contractual obligations to the Customer.

¹ Supersedes Rate Schedule P-13.

** Extended through September 30, 2019 by approval of Rate Order No. SWPA-72 by the Deputy Secretary of Energy.

1.13. Uncontrollable Force

Any force which is not within the control of the party affected, including, but not limited to failure of water supply, failure of facilities, flood, earthquake, storm, lightning, fire, epidemic, riot, civil disturbance, labor disturbance, sabotage, war, act of war, terrorist acts, or restraint by court of general jurisdiction, which by exercise of due diligence and foresight such party could not reasonably have been expected to avoid.

Wholesale Rates, Terms, and Conditions for Hydro Peaking Power, Peaking Energy, Supplemental Peaking Energy, and Associated Services

Unless otherwise specified, this Section 2 is applicable to all sales under the Customer's Power Sales Contract.

2.1. Hydro Peaking Power Rates, Terms, and Conditions**2.1.1. Monthly Capacity Charge for Hydro Peaking Power**

\$4.50 per kilowatt of Peaking Billing Demand.

2.1.2. Services Associated with Capacity Charge for Hydro Peaking Power

The capacity charge for Hydro Peaking Power includes such transmission services as are necessary to integrate Southwestern's resources in order to reliably deliver Hydro Peaking Power and associated energy to the Customer. This capacity charge also includes two Ancillary Services charges: Scheduling, System Control, and Dispatch Service; and Reactive Supply and Voltage Control from Generation Sources Service.

2.1.3. Secondary Transmission Service under Capacity Associated with Hydro Peaking Power

Customers may utilize the transmission capacity associated with Peaking Contract Demand for the transmission of non-Federal energy, on a non-firm, as-available basis, at no additional charge for such transmission service or associated Ancillary Services, under the following terms and conditions:

2.1.3.1.1. The sum of the capacity, for any hour, which is used for Peaking Energy, Supplemental Peaking Energy, and Secondary Transmission Service, may not exceed the Peaking Contract Demand;

2.1.3.1.2. The non-Federal energy transmitted under such secondary service is delivered to the Customer's point of delivery for Hydro Peaking Power;

2.1.3.1.3. The Customer commits to provide Real Power Losses associated with such deliveries of non-Federal energy; and

2.1.3.1.4. Sufficient transfer capability exists between the point of receipt into the System of Southwestern of such non-Federal energy and the Customer's point of delivery for Hydro Peaking Power for the time period that such secondary transmission service is requested.

2.1.4. Adjustment for Reduction in Service

If, during any month, the Peaking Contract Demand associated with a Power Sales Contract in which Southwestern has the obligation to provide 1,200 kilowatthours of Peaking Energy per kilowatt of Peaking Contract Demand is reduced by Southwestern for a period or periods of not less than two consecutive hours by reason of an outage caused by either an Uncontrollable Force or by the installation, maintenance, replacement or malfunction of generation, transmission and/or related facilities on the System of Southwestern, or insufficient pool levels, the Customer's capacity charges for such month will be reduced for each such reduction in service by an amount computed under the formula:

$$R = (C \times K \times H) \div S$$

with the factors defined as follows:

R = The dollar amount of reduction in the monthly total capacity charges for a particular reduction of not less than two consecutive hours during any month, except that the total amount of any such reduction shall not exceed the product of the Customer's capacity charges associated with Hydro Peaking Power times the Peaking Billing Demand.

C = The Customer's capacity charges associated with Hydro Peaking Power for the Peaking Billing Demand for such month.

K = The reduction in kilowatts in Peaking Billing Demand for a particular event.

H = The number of hours duration of such particular reduction.

S = The number of hours that Peaking Energy is scheduled during such month, but not less than 60 hours times the Peaking Contract Demand.

Such reduction in charges shall fulfill Southwestern's obligation to deliver Hydro Peaking Power and Peaking Energy.

2.2. Peaking Energy and Supplemental Peaking Energy Rates, Terms, and Conditions**2.2.1. Peaking Energy Charge**

\$0.0094 per kilowatthour of Peaking Energy delivered plus the Purchased Power Adder as defined in Section 2.2.3 of this Rate Schedule.

2.2.2. Supplemental Energy Charge

\$0.0094 per kilowatthour of Supplemental Peaking Energy delivered.

2.2.3. Purchased Power Adder

A purchased power adder of \$0.0059 per kilowatthour of Peaking Energy delivered, as adjusted by the Administrator, Southwestern, in accordance with the procedure within this Rate Schedule.

2.2.3.1. Applicability of Purchased Power Adder

The Purchased Power Adder shall apply to sales of Peaking Energy. The Purchased Power Adder shall not apply to sales of Supplemental Peaking Energy or sales to any Customer which, by contract, has assumed the obligation to supply energy to fulfill the minimum of 1,200 kilowatthours of Peaking Energy per kilowatt of Peaking Contract Demand during a contract year (hereinafter "Contract Support Arrangements").

2.2.3.1.1. Procedure for Determining Net Purchased Power Adder Adjustment

Not more than twice annually, the Purchased Power Adder of \$0.0059 (5.9 mills) per kilowatthour of Peaking Energy, as noted in this Rate Schedule, may be adjusted by the Administrator, Southwestern, by an amount up to a total of $\pm$ \$0.0059 (5.9 mills) per kilowatthour per year, as calculated by the following formula:

$ADJ = (PURCH - EST + DIF) \div SALES$ with the factors defined as follows:

ADJ = The dollar per kilowatthour amount of the total adjustment, plus or minus, to be applied to the net Purchased Power Adder, rounded to the nearest \$0.0001 per kilowatthour, provided that the total ADJ to be applied in any year shall not vary from the then-effective ADJ by more than \$0.0059 per kilowatthour;

PURCH = The actual total dollar cost of Southwestern's System Direct Purchases as accounted for in the financial records of the Southwestern Federal Power System for the period;

EST = The estimated total dollar cost (\$13,273,800 per year) of Southwestern's System Direct Purchases used as the basis for the Purchased Power Adder of \$0.0059 per kilowatthour of Peaking Energy;

DIF = The accumulated remainder of the difference in the actual and

estimated total dollar cost of Southwestern's System Direct Purchases since the effective date of the currently approved Purchased Power Adder set forth in this Rate Schedule, which remainder is not projected for recovery through the ADJ in any previous periods;
SALES = The annual Total Peaking Energy sales projected to be delivered (2,241,300,000 KWh per year) from the System of Southwestern, which total was used as the basis for the \$0.0059 per kilowatt-hour Purchased Power Adder.

2.3. Transformation Service Rates, Terms, and Conditions

2.3.1. Monthly Capacity Charge for Transformation Service

\$0.46 per kilowatt will be assessed for capacity used to deliver energy at any point of delivery at which Southwestern provides transformation service for deliveries at voltages of 69 kilovolts or less from higher voltage facilities.

2.3.2. Applicability of Capacity Charge for Transformation Service

Unless otherwise specified by contract, for any particular month, a charge for transformation service will be assessed on the greater of (1) that month's highest metered demand, or (2) the highest metered demand recorded during the previous 11 months, at any point of delivery. For the purpose of this Rate Schedule, the highest metered demand will be based on all deliveries, of both Federal and non-Federal energy, from the System of Southwestern, at such point during such month.

2.4. Ancillary Services Rates, Terms, and Conditions

2.4.1. Capacity Charges for Ancillary Services

2.4.1.1. Regulation and Frequency Response Service

Monthly rate of \$0.07 per kilowatt of Peaking Billing Demand plus the Regulation Purchased Adder as defined in Section 2.4.5 of this Rate Schedule.

2.4.1.2. Spinning Operating Reserve Service

Monthly rate of \$0.0146 per kilowatt of Peaking Billing Demand.

Daily rate of \$0.00066 per kilowatt for non-Federal generation inside

Southwestern's Balancing Authority Area.

2.4.1.3. Supplemental Operating Reserve Service

Monthly rate of \$0.0146 per kilowatt of Peaking Billing Demand.

Daily rate of \$0.00066 per kilowatt for non-Federal generation inside Southwestern's Balancing Authority Area.

2.4.1.4. Energy Imbalance Service

\$0.0 per kilowatt for all reservation periods.

2.4.2. Availability of Ancillary Services

Regulation and Frequency Response Service and Energy Imbalance Service are available only for deliveries of power and energy to load within Southwestern's Balancing Authority Area. Spinning Operating Reserve Service and Supplemental Operating Reserve Service are available only for deliveries of non-Federal power and energy generated by resources located within Southwestern's Balancing Authority Area and for deliveries of all Hydro Peaking Power and associated energy from and within Southwestern's Balancing Authority Area. Where available, such Ancillary Services must be taken from Southwestern; unless, arrangements are made in accordance with Section 2.4.4 of this Rate Schedule.

2.4.3. Applicability of Charges for Ancillary Services

For any month, the charges for Ancillary Services for deliveries of Hydro Peaking Power shall be based on the Peaking Billing Demand.

The daily charge for Spinning Operating Reserve Service and Supplemental Operating Reserve Service for non-Federal generation inside Southwestern's Balancing Authority Area shall be applied to the greater of Southwestern's previous day's estimate of the peak, or the actual peak, in kilowatts, of the internal non-Federal generation.

2.4.4. Provision of Ancillary Services by Others

Customers for which Ancillary Services are made available as specified above, must inform Southwestern by written notice of the Ancillary Services which they do *not* intend to take and purchase from Southwestern, and of their election

to provide all or part of such Ancillary Services from their own resources or from a third party.

Subject to Southwestern's approval of the ability of such resources or third parties to meet Southwestern's technical and operational requirements for provision of such Ancillary Services, the Customer may change the Ancillary Services which it takes from Southwestern and/or from other sources at the beginning of any month upon the greater of 60 days notice or upon completion of any necessary equipment modifications necessary to accommodate such change; *Provided*, That, if the Customer chooses not to take Regulation and Frequency Response Service, which includes the associated Regulation Purchased Adder, the Customer must pursue these services from a different host Balancing Authority; thereby moving all metered loads and resources from Southwestern's Balancing Authority Area to the Balancing Authority Area of the new host Balancing Authority. Until such time as that meter reconfiguration is accomplished, the Customer will be charged for the Regulation and Frequency Response Service and applicable Adder then in effect. The Customer must notify Southwestern by July 1 of this choice, to be effective the subsequent calendar year.

2.4.5. Regulation Purchased Adder

Southwestern has determined the amount of energy used from storage to provide Regulation and Frequency Response Service in order to meet Southwestern's Balancing Authority Area requirements. The replacement value of such energy used shall be recovered through the Regulation Purchased Adder. The Regulation Purchased Adder during the time period of January 1 through December 31 of the current calendar year is based on the average annual use of energy from storage¹ for Regulation and Frequency Response Service and Southwestern's estimated purchased power price for the corresponding year from the most currently approved Power Repayment Studies.

The Regulation Purchased Adder will be phased in over a period of four (4) years as follows:

Year	Regulation purchased adder for the incremental replacement value of energy used from storage
2014	1/4 of the average annual use of energy from storage × 2014 Purchased Power price.
2015	1/2 of the average annual use of energy from storage × 2015 Purchased Power price.
2016	3/4 of the average annual use of energy from storage × 2016 Purchased Power price.

¹ The average annual use of energy from storage for Regulation and Frequency Response Service is based on Southwestern studies.

Year	Regulation purchased adder for the incremental replacement value of energy used from storage
2017 and thereafter	The total average annual use of energy from storage × the applicable Purchased Power price.

2.4.5.1. Applicability of Regulation Purchased Adder

The replacement value of the estimated annual use of energy from storage for Regulation and Frequency Response Service shall be recovered by Customers located within Southwestern's Balancing Authority Area on a non-coincident peak ratio share basis, divided into twelve equal monthly payments, in accordance with the formula in Section 2.4.5.2.

If the Regulation Purchased Adder is determined and applied under Southwestern's Rate Schedule NFTS-13, then it shall not be applied here.

2.4.5.1.1. Procedure for Determining Regulation Purchased Adder

Unless otherwise specified by contract, the Regulation Purchased Adder for an individual Customer shall be based on the following formula rate, calculated to include the replacement value of the estimated annual use of energy from storage by Southwestern for Regulation and Frequency Response Service.

RPA = The Regulation Purchased Adder for an individual Customer per month, which is as follows:

$[(L_{\text{Customer}} \div L_{\text{Total}}) \times RP_{\text{Total}}] \div 12$
with the factors defined as follows:

L_{Customer} = The sum in MW of the following three factors:

- (1) The Customer's highest metered load plus generation used to serve the Customer's load that is accounted for through a reduction in the Customer's metered load

(referred to as 'generation behind the meter') during the previous calendar year, and

- (2) The Customer's highest rate of Scheduled Exports² during the previous calendar year, and
- (3) The Customer's highest rate of Scheduled Imports² during the previous calendar year.

L_{Total} = The sum of all L_{Customer} factors for all Customers that were inside Southwestern's Balancing Authority Area at the beginning of the previous calendar year in MW.

RP_{Total} = The "net" cost in dollars and cents based on Southwestern's estimated purchased power price for the corresponding year from the most currently approved Power Repayment Studies multiplied by the average annual use of energy from storage, as provided for in the table in Section 2.4.5, to support Southwestern's ability to regulate within its Balancing Authority Area. The "net" cost in dollars and cents shall be adjusted by subtracting the product of the quantity of such average annual use of energy from storage in MWh and Southwestern's highest rate in dollars per MWh for Supplemental Peaking Energy during the previous calendar year.

For Customers that have aggregated their load, resources, and scheduling into a single node by contract within Southwestern's Balancing Authority Area, the individual Customer's

respective Regulation Purchased Adder shall be that Customer's ratio share of the Regulation Purchased Adder established for the node. Such ratio share shall be determined for the Customer on a non-coincident basis and shall be calculated for the Customer from their highest metered load plus generation behind the meter.

2.4.6. Energy Imbalance Service Limitations

Energy Imbalance Service primarily applies to deliveries of power and energy which are required to satisfy a Customer's load. As Hydro Peaking Power and associated energy are limited by contract, the Energy Imbalance Service bandwidth specified for Non-Federal Transmission Service does not apply to deliveries of Hydro Peaking Power, and therefore Energy Imbalance Service is not charged on such deliveries. Customers who consume a capacity of Hydro Peaking Power greater than their Peaking Contract Demand may be subject to a Capacity Overrun Penalty.

3. Hydro Peaking Power Penalties, Terms, and Conditions

3.1. Capacity Overrun Penalty

3.1.1. Penalty Charge for Capacity Overrun

For each hour during which Hydro Peaking Power was provided at a rate greater than that to which the Customer is entitled, the Customer will be charged a Capacity Overrun Penalty at the following rates:

Months associated with charge	Rate per kilowatt
March, April, May, October, November, December	\$0.15
January, February, June, July, August, September	0.30

3.1.2. Applicability of Capacity Overrun Penalty

Customers which have loads within Southwestern's Balancing Authority Area are obligated by contract to provide resources, over and above the Hydro Peaking Power and associated energy purchased from Southwestern, sufficient to meet their loads. A Capacity Overrun Penalty shall be applied only when the formulas provided in Customers' respective Power Sales Contracts indicate an

overrun on Hydro Peaking Power, and investigation determines that all resources, both firm and non-firm, which were available at the time of the apparent overrun were insufficient to meet the Customer's load.

3.2. Energy Overrun Penalty

3.2.1. Penalty Charge for Energy Overrun

\$0.1034 per kilowatthour for each kilowatthour of overrun.

respectively, which are in addition to a Customer's

3.2.2. Applicability of Energy Overrun Penalty

By contract, the Customer is subject to limitations on the maximum amounts of Peaking Energy which may be scheduled under the Customer's Power Sales Contract. When the Customer schedules an amount in excess of such maximum amounts, such Customer is subject to the Energy Overrun Penalty.

3.3. Power Factor Penalty

metered load that contribute to Southwestern's Balancing Authority Area need for regulation.

² Scheduled Exports and Scheduled Imports are transactions, such as sales and purchases

3.3.1. Requirements Related to Power Factor

Any Customer served from facilities owned by or available by contract to Southwestern will be required to maintain a power factor of not less than 95 percent and will be subject to the following provisions.

3.3.2. Determination of Power Factor

The power factor will be determined for all Demand Periods and shall be calculated under the formula:

$$PF = (kWh) \div \sqrt{(kWh^2 + rkVAh^2)}$$

with the factors defined as follows:

PF = The power factor for any Demand Period of the month.

kWh = The total quantity of energy which is delivered during such Demand Period to the point of delivery or interconnection in accordance with Section 3.3.4.

rkVAh = The total quantity of reactive kilovolt-ampere-hours (kVARs) delivered during such Demand Period to the point of delivery or interconnection in accordance with Section 3.3.4

3.3.3. Penalty Charge for Power Factor

The Customer shall be assessed a penalty for all Demand Periods of a month where the power factor is less than 95 percent lagging. For any Demand Period during a particular month such penalty shall be in accordance with the following formula:

$$C = D \times (0.95 - LPF) \times \$0.10$$

with the factors defined as follows:

C = The charge in dollars to be assessed for any particular Demand Period of such month that the determination of power factor "PF" is calculated to be less than 95 percent lagging.

D = The Customer's demand in kilowatts at the point of delivery for such Demand Period in which a low power factor was calculated.

LPF = The lagging power factor, if any, determined by the formula "PF" for such Demand Period.

If C is negative, then C = zero (0).

3.3.4. Applicability of Power Factor Penalty

The Power Factor Penalty is applicable to radial interconnections with the System of Southwestern. The total Power Factor Penalty for any month shall be the sum of all charges "C" for all Demand Periods of such month. No penalty is assessed for leading power factor. Southwestern, in its sole judgment and at its sole option, may determine whether power factor calculations should be applied to (i) a single physical point of delivery, (ii) a combination of physical points of delivery where a Customer has a single, electrically integrated load, (iii) or interconnections. The general criteria for such decision shall be that, given the configuration of the Customer's and Southwestern's systems, Southwestern will determine, in its sole judgment and at its sole option, whether the power factor calculation more accurately assesses the detrimental impact on Southwestern's system when the above formula is calculated for a single physical point of delivery, a combination of physical points of delivery, or for an interconnection as specified by an Interconnection Agreement.

Southwestern, at its sole option, may reduce or waive Power Factor Penalties when, in Southwestern's sole judgment, low power factor conditions were not detrimental to the System of Southwestern due to particular loading and voltage conditions at the time the power factor dropped below 95 percent lagging.

4. Hydro Peaking Power Miscellaneous Rates, Terms, and Conditions**4.1. Real Power Losses**

Customers are required to self-provide all Real Power Losses for non-Federal energy transmitted by Southwestern on behalf of such Customers under the provisions detailed below.

Real Power Losses are computed as four (4) percent of the total amount of non-Federal energy transmitted by Southwestern. The Customer's monthly Real Power Losses are computed each month on a megawatthour basis as follows:

$$ML = 0.04 \times NFE$$

with the factors defined as follows:

ML = The total monthly loss energy, rounded to the nearest megawatthour, to be scheduled by a Customer for receipt by Southwestern for Real Power Losses associated with non-Federal energy transmitted on behalf of such Customer; and

NFE = The amount of non-Federal energy that was transmitted by Southwestern on behalf of a Customer during a particular month.

The Customer must schedule or cause to be scheduled to Southwestern, Real Power Losses for which it is responsible subject to the following conditions:

4.1.1. The Customer shall schedule and deliver Real Power Losses back to Southwestern during the second month after they were incurred by Southwestern in the transmission of the Customer's non-Federal power and energy over the System of Southwestern unless such Customer has accounted for Real Power Losses as part of a metering arrangement with Southwestern.

4.1.2. On or before the twentieth day of each month, Southwestern shall determine the amount of non-Federal loss energy it provided on behalf of the Customer during the previous month and provide a written schedule to the Customer setting forth hour-by-hour the quantities of non-Federal energy to be delivered to Southwestern as losses during the next month.

4.1.3. Real Power Losses not delivered to Southwestern by the Customer, according to the schedule provided, during the month in which such losses are due shall be billed by Southwestern to the Customer to adjust the end-of-month loss energy balance to zero (0) megawatthours and the Customer shall be obliged to purchase such energy at the following rates:

Months associated with charge	Rate per kilowatt hour
March, April, May, October, November, December	\$0.15
January, February, June, July, August, September	0.30

4.1.4. Real Power Losses delivered to Southwestern by the Customer in excess of the losses due during the month shall be purchased by Southwestern from the Customer at

a rate per megawatthour equal to Southwestern's rate per megawatthour for Supplemental Peaking Energy, as set forth in Southwestern's then-effective Rate

Schedule for Hydro Peaking Power to adjust such hourly end-of-month loss energy balance to zero (0) megawatthours.

4.2. Peaking Energy Schedule Submission Time

Southwestern's Peaking Energy Schedule Submission Time is on or before 2:30 p.m. Central Prevailing Time (CPT), as adjusted by the Administrator, Southwestern, in accordance with Section 4.2.2 in this Rate Schedule, of the day preceding the day for the delivery of Peaking Energy. The Peaking Energy Schedule Submission Time supersedes the Peaking Energy schedule submission time provided in the Customer's Power Sales Contract, pursuant to Section 4.2.1 of this Rate Schedule.

4.2.1. Applicability of Peaking Energy Schedule Submission Time

The Peaking Energy Schedule Submission Time shall apply to the scheduling of Peaking Energy. The Peaking Energy Schedule Submission Time shall not apply to the scheduling of Supplemental Peaking Energy or to Contract Support Arrangements.

4.2.2. Procedure for Adjusting the Peaking Energy Schedule Submission Time

Not more than once annually, the Peaking Energy Schedule Submission Time of 2:30 p.m. CPT, as noted in Section 4.2 of this Rate Schedule, may be adjusted by the Administrator, Southwestern, to a time no earlier than 2:00 p.m. CPT and no later than 3:00 p.m. CPT.

4.2.2.1.1. Determination of Need to Adjust the Peaking Energy Schedule Submission Time

The Administrator, Southwestern, will make a determination on the need to adjust the Peaking Energy Schedule Submission Time based on Southwestern's studies involving financial analysis, regional energy market conditions, and/or operational considerations.

4.2.2.1.2. Notification of Peaking Energy Schedule Submission Time Adjustment

The Administrator, Southwestern, will notify customers of the determination to adjust the Peaking Energy Schedule Submission Time in writing no later than 30 calendar days prior to the effective date of the Peaking Energy Schedule Submission Time adjustment.

[FR Doc. 2019-04456 Filed 3-11-19; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-R07-SFUND-2019-0069; FRL-9990-63-Region 7]

Notice of Proposed Administrative Settlement Agreement and Covenant Not To Sue by Bona Fide Prospective Purchaser

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: Notice is hereby given by the U.S. Environmental Protection Agency (EPA), Region 7, of a proposed bona fide prospective purchaser settlement agreement, embodied in an Administrative Settlement Agreement and Covenant Not to Sue, with Soulard Second Street, L.L.C. This agreement pertains to a portion of the former John F. Queeny-Monsanto Chemical Works property located at 200 Russell Boulevard in St. Louis, Missouri.

DATES: Comments must be received on or before April 11, 2019.

ADDRESSES: The proposed settlement agreement is available for public inspection at EPA Region 7's office. A copy of the proposed agreement may also be obtained from Mr. Bruce Morrison, EPA Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219, telephone number (913) 551-7755. You may send comments, identified by Docket ID No. EPA-R07-SFUND-2019-0069 to <https://www.regulations.gov>. Follow the online instructions for submitting comments. You may also send comments, identified by John F. Queeny-Monsanto Chemical Works facility, 200 Russell Boulevard, St. Louis, Missouri 63106 to Mr. Morrison at the above address or electronically to morrison.bruce@epa.gov.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received will be posted without change to <https://www.regulations.gov/>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the "Written Comments" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Alex Chen, Senior Counsel, Office of Regional Counsel, Environmental Protection Agency Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number (913) 551-7962; email address chen.alex@epa.gov.

SUPPLEMENTARY INFORMATION:

Written Comments

Submit your comments, identified by Docket ID No. EPA-R07-SFUND-2019-0069 at <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. If CBI exists, please contact Mr. Bruce Morrison. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

Notice is hereby given by the U.S. Environmental Protection Agency, Region 7, of a proposed bona fide prospective purchaser settlement agreement, embodied in an Administrative Settlement Agreement and Covenant Not to Sue, with Soulard Second Street, L.L.C. This agreement pertains to a portion of the former John F. Queeny-Monsanto Chemical Works property located at 200 Russell Boulevard in St. Louis, Missouri. Soulard Second Street, L.L.C. agrees to purchase the property to build a new commercial or industrial building and perform a response action. This project will result in a formerly contaminated property being restored to beneficial use.

The settlement includes a covenant by EPA not to sue or take administrative action against Soulard Second Street, L.L.C. pursuant to Sections 106 and 107(a) of CERCLA for Existing Contamination, as that term is defined in the settlement agreement. For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the settlement. EPA will consider all comments received and may modify or withdraw its consent to the settlement agreement if comments received disclose facts or considerations that indicate that the proposed settlement is inappropriate, improper, or inadequate. EPA's response to any comments

received will be available for public inspection at EPA Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219.

Dated: March 5, 2019.

Mary P. Peterson,

Director, Superfund Division, EPA Region 7.

[FR Doc. 2019-04500 Filed 3-11-19; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2012-0978; FRL-9990-77-OECA]

Access by United States Environmental Protection Agency (EPA) Contractors to Information Claimed as Confidential Business Information (CBI) Submitted Under Clean Air Act (CAA), Title I, Programs and Activities Air, and Title II Emission Standards for Moving Sources, and Act To Prevent Pollution From Ships (APPS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The United States Environmental Protection Agency's (EPA's) Office of Enforcement and Compliance Assurance (OECA) plans to authorize various contractors to access information that will be submitted to EPA under the Clean Air Act (CAA) Titles I and II and the Act to Prevent Pollution from Ships (APPS) that may be claimed as, or may be determined to be, confidential business information (CBI).

DATES: Comments must be received on or before March 18, 2019. Contractors' access to information collected under the CAA Titles I and II, and the APPS, will begin on March 18, 2019.

ADDRESSES: You may send comments, identified by Docket ID No. EPA HQ-OECA-2012-0978, by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov/> (our preferred method). Follow the online instructions for submitting comments.

- *Email:* doCKET.oeca@epa.gov. Include Docket ID No. EPA-HQ-OECA-2012-0978 in the subject line of the message.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov/>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Jeffrey Kimes, Air Enforcement

Division, Office of Enforcement and Compliance Assurance (Mail Code 8MSU), Environmental Protection Agency, 1595 Wynkoop St., Denver, CO 80202; telephone number: (303) 312-6445; fax number (303) 312-7208; email address: kimes.jeffrey@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this notice apply to me?

This action is directed to the general public. However, this action may be of particular interest to certain parties, including: Motor vehicle manufacturers and importers; engine manufacturers and importers; motor vehicle fuel and fuel additive producers and importers; manufacturers, importers and distributors of motor vehicle and engine emission control equipment and parts; and any other parties subject to the regulations found in 40 CFR parts 79, 80, 85, 86, 89-92, 94, 1033, 1036, 1037, 1039, 1042, 1043, 1045, 1048, 1051, 1054, 1060, 1065, and 1068.

This **Federal Register** notice may be of particular relevance to parties that have submitted data to EPA under the above-listed regulations. Because other parties may also be interested, EPA has not attempted to describe all the specific parties that may be affected by this action. If you have further questions regarding the applicability of this action to a particular party, please contact the person listed in **FOR FURTHER INFORMATION CONTACT**.

II. How can I get copies of this document and other related information?

A. Electronically

EPA has established a public docket for this **Federal Register** notice under Docket ID No. EPA-HQ-OECA-2012-0978.

All documents in the docket are identified in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, such as CBI or other information for which disclosure is restricted by statute. Certain materials, such as copyrighted material, will only be available in hard copy at the EPA Docket Center.

B. EPA Docket Center

Materials listed under Docket ID No. EPA-HQ-OECA-2012-0978 will be available for public viewing at the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20460. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the

Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742.

III. Description of Programs and Potential Disclosure of Information Claimed as CBI to Contractors

EPA's OECA has responsibility for protecting public health and the environment by regulating air pollution from motor vehicles, engines, and the fuels used to operate them, and by encouraging travel choices that minimize emissions. In order to implement various Clean Air Act programs, and to give regulated entities flexibility in meeting regulatory requirements (e.g., compliance on average), OECA collects compliance reports and other information from the regulated industry. Occasionally, the information submitted is claimed to be CBI by persons submitting data to EPA. Information submitted under such a claim is handled in accordance with EPA's regulations at 40 CFR part 2, subpart B, and in accordance with EPA procedures that are consistent with those regulations. When EPA has determined that disclosure of information claimed as CBI to EPA contractors is necessary, the corresponding contract must address the appropriate use and handling of the information by the EPA contractor and the EPA contractor must require its personnel who require access to information claimed as CBI to sign written non-disclosure agreements before they are granted access to data.

In accordance with 40 CFR 2.301(h), we have determined that the contractors listed below require access to CBI submitted to EPA under Section 114 of the CAA, Section 208 of the CAA, and APPS, and we are providing notice and an opportunity to comment on EPA contractors' access to information claimed as CBI. OECA collects this data in order to monitor compliance with regulations promulgated under the CAA Title II Emission Standards for Moving Sources, APPS, and the International Convention for the Prevention of Pollution from Ships (MARPOL), Annex VI. We are issuing this **Federal Register** notice to inform all affected submitters of information that we plan to grant access to material that may be claimed as CBI to the contractors identified below on a need-to-know basis.

Under Contract Number 68HERH19C0004, Eastern Research Group, Incorporated, 14555 Avion Parkway, Suite 200, Chantilly, VA 20151 provides enforcement support for EPA's CAA mobile source regulatory and enforcement activities including field inspections, investigations, audits

and other CAA regulatory and enforcement support that involve access to information claimed as CBI. Access to data, including information claimed as CBI, will commence six days after the date of publication of this notice in the **Federal Register**, and will continue until March 1, 2024. If the contract is extended, this access will continue for the remainder of the contract without further notice. If the contract expires prior to March 1, 2024, the access will cease at that time.

Parties who wish to obtain further information about this **Federal Register** notice, or about OECA's disclosure of information claimed as CBI to contactors, may contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: March 6, 2019.

Phillip A. Brooks,

Director, Air Enforcement Division.

[FR Doc. 2019-04504 Filed 3-11-19; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2018-0407; FRL-9989-60]

Certain New Chemical Substances; Receipt and Status Information for August 2018

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is required under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to make information publicly available and to publish information in the **Federal Register** pertaining to submissions under TSCA section 5, including notice of receipt of a Premanufacture Notice (PMN), Significant New Use Notice (SNUN) or Microbial Commercial Activity Notice (MCAN), including an amended notice or test information; an exemption application (Biotech exemption); an application for a Test Marketing Exemption (TME), both pending and/or concluded; a Notice of Commencement (NOC) of manufacture (including import) for new chemical substances; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review. This document covers the period from August 1, 2018 to August 31, 2018. This document also makes corrections to previously published Certain New Chemical

Substances; Receipt and Status Information documents.

DATES: Comments identified by the specific case number provided in this document must be received on or before April 11, 2019.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2018-0407, and the specific case number for the chemical substance related to your comment, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Jim Rahai, Information Management Division (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 564-8593; email address: rahai.jim@epa.gov.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. What action is the Agency taking?

This document provides the receipt and status reports for the period from August 1, 2018 to August 31, 2018. The Agency is providing notice of receipt of PMNs, SNUNs and MCANs (including amended notices and test information); an exemption application under 40 CFR part 725 (Biotech exemption); TMEs, both pending and/or concluded; NOCs to manufacture a new chemical substance; and a periodic status report on new chemical substances that are

currently under EPA review or have recently concluded review.

EPA is also providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices>. This information is updated on a weekly basis.

B. What is the Agency's authority for taking this action?

Under the TSCA, 15 U.S.C. 2601 *et seq.*, a chemical substance may be either an "existing" chemical substance or a "new" chemical substance. Any chemical substance that is not on EPA's TSCA Inventory of Chemical Substances (TSCA Inventory) is classified as a "new chemical substance," while a chemical substance that is listed on the TSCA Inventory is classified as an "existing chemical substance." (See TSCA section 3(11).) For more information about the TSCA Inventory go to: <https://www.epa.gov/tsca-inventory>.

Any person who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose, or to manufacture or process a chemical substance in a non-exempt manner for a use that EPA has determined is a significant new use, is required by TSCA section 5 to provide EPA with a PMN, MCAN or SNUN, as appropriate, before initiating the activity. EPA will review the notice, make a risk determination on the chemical substance or significant new use, and take appropriate action as described in TSCA section 5(a)(3).

TSCA section 5(h)(1) authorizes EPA to allow persons, upon application and under appropriate restrictions, to manufacture or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a)(2), for "test marketing" purposes, upon a showing that the manufacture, processing, distribution in commerce, use, and disposal of the chemical will not present an unreasonable risk of injury to health or the environment. This is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: <http://www.epa.gov/oppt/newchemicals>.

Under TSCA sections 5 and 8 and EPA regulations, EPA is required to publish in the **Federal Register** certain

information, including notice of receipt of a PMN/SNUN/MCAN (including amended notices and test information); an exemption application under 40 CFR part 725 (biotech exemption); an application for a TME, both pending and concluded; NOCs to manufacture a new chemical substance; and a periodic status report on the new chemical substances that are currently under EPA review or have recently concluded review.

C. Does this action apply to me?

This action provides information that is directed to the public in general.

D. Does this action have any incremental economic impacts or paperwork burdens?

No.

E. What should I consider as I prepare my comments for EPA?

1. *Submitting confidential business information (CBI).* Do not submit this information to EPA through [regulations.gov](https://www.regulations.gov) or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <http://www.epa.gov/dockets/comments.html>.

II. Status Reports

In the past, EPA has published individual notices reflecting the status of TSCA section 5 filings received, pending or concluded. In 1995, the Agency modified its approach and streamlined the information published in the **Federal Register** after providing notice of such changes to the public and an opportunity to comment (See the **Federal Register** of May 12, 1995, (60 FR 25798) (FRL-4942-7). Since the passage of the Lautenberg amendments to TSCA in 2016, public interest in information on the status of section 5 cases under EPA review and, in particular, the final determination of such cases, has increased. In an effort to be responsive to the regulated community, the users of this information, and the general public, to comply with the requirements of TSCA, to conserve EPA resources and to streamline the process and make it more timely, EPA is providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices>. This information is updated on a weekly basis.

III. Receipt Reports

For the PMN/SNUN/MCANs received by EPA during this period, Table I provides the following information (to the extent that such information is not subject to a CBI claim) on the notices received by EPA during this period: The EPA case number assigned to the notice that indicates whether the submission is an initial submission, or an amendment, a notation of which version was received, the date the notice was received by EPA, the submitting manufacturer (*i.e.*, domestic producer or importer), the potential uses identified by the manufacturer in the notice, and the chemical substance identity.

As used in each of the tables in this unit, (S) indicates that the information in the table is the specific information provided by the submitter, and (G) indicates that this information in the table is generic information because the specific information provided by the submitter was claimed as CBI. Submissions which are initial submissions will not have a letter following the case number. Submissions which are amendments to previous submissions will have a case number followed by the letter "A" (*e.g.* P-18-1234A). The version column designates submissions in sequence as "1", "2", "3", etc. Note that in some cases, an initial submission is not numbered as version 1; this is because earlier versions were rejected as incomplete or invalid submissions. Note also that future versions of the following tables may adjust slightly as the Agency works to automate population of the data in the tables.

TABLE I—PMN/SNUN/MCANS RECEIVED FROM 8/1/2018 TO 8/31/2018

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
J-18-0041	1	08/09/2018	FREDsense Technologies USA, LLC.	(S) To detect arsenic in small water samples.	(G) Escherichia coli C003.
J-18-0041A	2	08/29/2018	FREDsense Technologies USA, LLC.	(S) To detect arsenic in small water samples.	(G) Escherichia coli C003.
J-18-0042	1	08/14/2018	CBI	(G) Ethanol production	(G) Biofuel producing saccharomyces cerevisiae modified, genetically stable.
J-18-0043	1	08/14/2018	CBI	(G) Ethanol production	(G) Biofuel producing saccharomyces cerevisiae modified, genetically stable.
J-18-0044	1	08/30/2018	NIST	(S) Used as a qualitative and quantitative.	(S) Saccharomyces Cerevisiae NEO95.
P-16-0377A	7	08/22/2018	CBI	(G) Film component	(G) Polyester polyol.
P-16-0378A	6	08/22/2018	CBI	(G) Film component	(G) Polyester polyol.
P-16-0393A	3	08/08/2018	CBI	(S) Plasticizer for use with polymers ..	(G) Di-substituted benzenedicarboxylic acid ester.
P-16-0580A	2	08/09/2018	Chemtura Corporation	(G) Synthetic aircraft engine lubricant for contained use Industrial lubricant.	(G) Trimethylolpropane ester of mixed linear and branched carboxylic acids.
P-16-0591A	9	08/08/2018	Chromatic Technologies, Inc	(G) Component of printing ink (G) Component of colorants.	(G) Alkyl bis-phenol.

TABLE I—PMN/SNUN/MCANS RECEIVED FROM 8/1/2018 TO 8/31/2018—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P-16-0600A	4	08/02/2018	CBI	(G) (see attachment) The organo-titanate substance serves as the negative electrolyte for a flow battery. A flow battery is a rechargeable energy storage device comprising a negative electrolyte, a positive electrolyte, an electrochemical cell stack, and a balance of plant. During operation, the positive and negative electrolytes flow through the electrochemical cell stack in two separate fluidic loops connected by an ionically conductive separator. The electrolytes are continuously recirculated between the storage tanks and the cell stack while the cell stack converts chemical energy to electric power during discharge cycles and electric power into stored chemical energy during charge cycles. Flow batteries are rechargeable devices and the electrolytes will cycle between a charged and a discharge state many times throughout the life of the product. These devices are intended for use in commercial, industrial and utility applications where they will deliver mega-watts of power for 4–12 hours.	(G) Organo-titanate.
P-17-0145A	2	08/06/2018	CBI	(G) Intermediate	(G) Silane ammonium salt.
P-17-0184A	3	08/09/2018	Colonial Chemical, Inc	(S) Liquid Laundry Detergent	(S) 1-propanaminium, 2-hydroxy-n, n-dimethyl-n-[3-[(1-oxooctylamino)propyl]-3-sulfo-, inner salt.
P-17-0199A	4	08/03/2018	CBI	(S) Binder in Sealant	(G) Oxyalkylene urethane polyolefin.
P-18-0017A	3	08/08/2018	Allnex USA, Inc	(S) Corrosion protection	(G) Substituted carbomonocycle, polymer with substituted polyalkylene glycol and substituted heteromonocycle.
P-18-0020A	3	08/12/2018	Myriant Corporation	(G) Industrial Coating (G) Composites	(S) Butanedioic acid, polyol with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 2,5-furandione and 1,3-propanediol, 3a,4,5,6,7,7a-hexahydro-4,7-methano-1h-inden-5(or 6)-yl ester.
P-18-0042A	8	08/01/2018	Myriant Corporation	(G) Industrial Coating	(S) 2,5-furandione, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 3a,4,5,6,7,7a-hexahydro-4,7-methano-1h-inden-5(or 6)-yl ester, ester with 2,3-dihydroxypropyl neodecanoate, polymer with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, 2-hydroxyethyl acrylate- and 2-hydroxyethyl methacrylate-blocked.
P-18-0042A	9	08/07/2018	Myriant Corporation	(G) Industrial Coating	(S) 2,5-furandione, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 3a,4,5,6,7,7a-hexahydro-4,7-methano-1h-inden-5(or 6)-yl ester, ester with 2,3-dihydroxypropyl neodecanoate, polymer with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, 2-hydroxyethyl acrylate- and 2-hydroxyethyl methacrylate-blocked.
P-18-0049A	6	08/27/2018	Solvay Fluorides, LLC	(G) Coating component/processing aid.	(G) Mixed metal halide.
P-18-0073A	4	08/10/2018	Earth Science Laboratories	(G) Non-Pesticide Agricultural Use Chemical (S) Chlorine stabilizer (S) FIFRA Inert ingredient (S) Antiscalant.	(S) Sulfuric acid, ammonium salt (1:?).
P-18-0120A	2	08/20/2018	Designer Molecules, Inc	(G) Adhesive component	(S) 1h-pyrrole-2,5-dione, 1,1'-c36-alkylenebis-.
P-18-0148A	2	08/29/2018	3M Company	(S) Roofing granule coating	(G) Kaolin, reaction products with calcined kaolin, hetero substituted alkyl acrylate polymer, and sodium silicate.

TABLE I—PMN/SNUN/MCANS RECEIVED FROM 8/1/2018 TO 8/31/2018—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P-18-0149A	2	08/29/2018	3M Company	(S) Roofing granule coating	(G) Kaolin, calcined, reaction products with hetero substituted alkyl acrylate polymer and sodium silicate.
P-18-0152A	3	08/07/2018	CBI	(G) Intermediate for use in manufacturing.	(G) Hydrolyzed functionalized diamino silanol polymer.
P-18-0154A	5	08/06/2018	CBI	(G) Crosslinking agent for coatings	(G) Isocyanic acid, polyalkylenepolycycloalkylene ester, 2-alkoxy alkanol and 1-alkoxy alkanol and alkylene diol blocked.
P-18-0168A	3	08/17/2018	CBI	(G) Color additive	(G) Alkoxyated triaryl methane.
P-18-0175A	4	08/09/2018	Hexion, Inc	(S) Non-food contact can coating (S) Food can coating.	(S) Formaldehyde, polymer with 4-(1,1-dimethylethyl)phenol and phenol, bu ether.
P-18-0179A	3	08/20/2018	CBI	(G) Adhesive	(G) Phenol, polymer with formaldehyde and phenolic resin, sodium salt.
P-18-0180A	3	08/20/2018	CBI	(G) Adhesive	(G) Phenol, polymer with formaldehyde and phenolic resin, potassium salt.
P-18-0181A	3	08/20/2018	CBI	(G) Adhesive	(G) Phenol, polymer with formaldehyde and phenolic resin, potassium sodium salt.
P-18-0226A	4	08/08/2018	CBI	(G) Anti-agglomerate	(G) Tri alkyl, mono alkoxy, fatty acid ester, ammonium salt.
P-18-0228	2	08/30/2018	CBI	(G) Tackifier	(G) Branched alkenyl acid, alkyl ester, homopolymer.
P-18-0229	2	08/30/2018	CBI	(G) Tackifier	(G) Modified branched alkenyl acid, alkyl ester, homopolymer.
P-18-0237A	4	08/24/2018	CBI	(G) Use in print resins	(G) Alkanediol, polymer with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, alkylaminoalkyl methacrylate-, and dialkylheteromonocycle-blocked.
P-18-0241A	3	08/21/2018	CBI	(G) Necessary precursor for automotive coating.	(G) 2-propenoic acid, 2-methyl-, methyl ester, polymer with ethenylbenzene, ethyl 2-propenoate, 2-oxiranylmethyl 2-methyl-2-propenoate and 1,2-propanediol mono(2-methyl-2-propenoate), reaction products with diethanolamine, polymers with substituted-alkyl acrylate, formates (salts).
P-18-0241A	4	08/27/2018	CBI	(G) Additive for automotive coating	(G) 2-propenoic acid, 2-methyl-, methyl ester, polymer with ethenylbenzene, ethyl 2-propenoate, 2-oxiranylmethyl 2-methyl-2-propenoate and 1,2-propanediol mono(2-methyl-2-propenoate), reaction products with diethanolamine, polymers with substituted-alkyl acrylate, formates (salts).
P-18-0242A	3	08/27/2018	CBI	(S) Withdrawn	(S) Substance withdrawn.
P-18-0243A	3	08/27/2018	CBI	(S) Withdrawn	(S) Withdrawn.
P-18-0244A	3	08/21/2018	CBI	(G) Necessary precursor to automotive coating.	(G) 2-propenoic acid, 2-methyl, methyl ester, polymer with ethenylbenzene, ethyl 2-propenoate, 2-oxiranylmethyl 2-methyl-2-propenoate and 1,2-propanediol mono(2-methyl-2-propenoate), reaction products with diethanolamine, polymers with substituted-alkyl methacrylate, formates (salts).
P-18-0244A	4	08/27/2018	CBI	(G) Additive for automotive coating	(G) 2-propenoic acid, 2-methyl, methyl ester, polymer with ethenylbenzene, ethyl 2-propenoate, 2-oxiranylmethyl 2-methyl-2-propenoate and 1,2-propanediol mono(2-methyl-2-propenoate), reaction products with diethanolamine, polymers with substituted-alkyl methacrylate, formates (salts).

TABLE I—PMN/SNUN/MCANS RECEIVED FROM 8/1/2018 TO 8/31/2018—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P-18-0245A	3	08/20/2018	CBI	(G) Necessary precursor for automotive coating.	(G) 2-propenoic acid, 2-methyl-, methyl ester, polymer with ethenylbenzene, ethyl 2-propenoate, 2-oxiranylmethyl 2-methyl-2-propenoate, and 1,2-propanediol mono-2-propenoate, reaction products with diethanolamine, polymers with alkylene glycol monoacrylate, formates (salts).
P-18-0245A	4	08/27/2018	CBI	(G) Additive for automotive coating	(G) 2-propenoic acid, 2-methyl-, methyl ester, polymer with ethenylbenzene, ethyl 2-propenoate, 2-oxiranylmethyl 2-methyl-2-propenoate, and 1,2-propanediol mono(2-methyl-2-propenoate), reaction products with diethanolamine, polymers with alkylene glycol monoacrylate, formates (salts).
P-18-0246A	3	08/27/2018	CBI	(S) Withdrawn	(S) Withdrawn.
P-18-0260A	2	08/10/2018	Allnex USA, Inc	(S) Binder for wood stains	(G) Fatty acids, polymers with alkanolic acid and substituted carbomonocycle, peroxide-initiated, polymers with alkanolic acid esters and substituted carbomonocycle, ammonium salts.
P-18-0270	1	08/06/2018	Specialty Elements, LLC	(S) Coalescent for industrial water-based coatings (S) Coupling agent for resins and dyes in water-based printing inks (S) Primary solvent in solvent-based silk screen printing inks (S) Other uses include a co-solvent for agricultural pesticides, and may be used in the production of a wide variety of products and commodities such as polyester resins, engine coolants, latex paints, heat transfer fluids and deicing compounds, lubricants, plasticizers and cement grinding additives (S) Active co-solvent for solvent-based coatings (S) Coupling agent and solvent in household and industrial cleaners, rust removers, hard surface cleaners, and disinfectants.	(G) Ethanol, 2-butoxy-, 1,1'-ester.
P-18-0271	1	08/06/2018	Specialty Elements, LLC	(S) Film forming coalescent for automotive OEM coatings (electrodeposition primers) (S) Film forming coalescent for marine and wood coatings (S) Film forming coalescent for can and coil coatings (S) Film forming coalescent for transportation coatings (S) Other uses include Graphic Arts—Printing Inks (Lithographic and Letterpress oil-based inks) Oil Field Chemical—Drilling Muds/Frothing Agent/Ore Flotation, Reactive Intermediate—Ester Derivatives for Plasticizers (S) Film forming coalescent for industrial wood coatings (S) Film forming coalescent for industrial maintenance coatings (S) Film forming coalescent for floor polishes (S) Film forming coalescent for architectural coatings.	(G) 2-propanol, 1-butoxy-, 2,2'-ester.
P-18-0272	1	08/07/2018	CBI	(G) Polymer composite additive	(G) Metal, alkylcarboxylate oxo complexes.
P-18-0273	2	08/09/2018	CBI	(G) Plasticizer/softener in PVC manufacturing.	(S) 1,4-cyclohexanedicarboxylic acid, 1,4-bis(2-ethylhexyl) ester.
P-18-0274	3	08/21/2018	CBI	(S) Chemical intermediate (G) Additive.	(G) Heterocycle fluoroalkyl sulfonyl.
P-18-0275	1	08/10/2018	CBI	(G) Polymer additive (G) Polymer additive.	(G) Methanone phenylene fluoroalkyl sulfonyl heterocycle.
P-18-0276	1	08/15/2018	Nisso America, Inc	(S) Developer for thermal paper	(S) Benzenesulfonamide, n-[2-[(phenylamino)carbonyl]amino]phenyl]-.

TABLE I—PMN/SNUN/MCANS RECEIVED FROM 8/1/2018 TO 8/31/2018—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P-18-0277	2	08/28/2018	CBI	(G) Adhesive	(G) Poly[2-(dimethylamino)ethyl acrylate chloride salt, vinyl acetate, methacrylic acid and alkyl acrylates].
P-18-0278	2	08/16/2018	DSM Engineering Plastics ...	(S) Resin for molded automotive parts and electrical and electronic equipment.	(G) Isophthalic acid, polymer with terephthalic acid and c4 and c6 dialkyl amines.
P-18-0279	1	08/16/2018	Allnex USA, Inc	(S) UV Curable Coating Resin	(G) Substituted heteromonocycle, polymer with substituted alkanediol and diisocyanate substituted carbomonocycle, alkylene glycol acrylate-blocked.
P-18-0280	1	08/17/2018	Evonik Corporation	(S) Base polymer for miscellaneous adhesive and sealants (S) Base polymer for use in parquet adhesive (S) Base polymer for liquid membranes.	(S) Oxirane, 2-methyl-, polymer with ϵ -hydro- ϵ -hydroxypoly[oxy(methyl-1,2-ethanediyl)], 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane and 2-[[3-(triethoxysilyl)propoxy]methyl]oxirane, propylene oxide-2-[[3-(triethoxysilyl)propoxy]methyl]oxirane polymer monoether with polypropylene glycol mono-butyl ether-blocked.
P-18-0281	1	08/17/2018	CBI	(G) Electrolyte additive	(G) Cyclic sulfate.
P-18-0282	2	08/24/2018	Ashland, Inc	(G) Adhesive	(G) Fatty acid ester, polyether, diisocyanate polymer.
P-18-0282A	3	08/29/2018	Ashland, Inc	(G) Adhesive	(G) Fatty acid ester, polyether, diisocyanate polymer.
P-18-0283	1	08/26/2018	CBI	(G) Open, non-dispersive use	(G) Hydroxy alkanolic acid, compds. with aminoalkoxyalcohol-epoxy polymer-alkanolamine reaction products.
P-18-0284	1	08/27/2018	Wild River Consulting Group, LLC.	(G) Polymer composite additive	(G) Inorganic acid, reaction products with alkyl alcohol.
P-18-0285	2	08/28/2018	Itaconix Corp	(S) Odor neutralization for air care (S) Odor neutralization for pet litter and cleaning/deodorizing hard surfaces, fabrics, skin and hair (S) Odor neutralization for waste processing and solid waste management in paper, oil, gas, mining, agriculture, food and municipal industries.	(S) Butanedioic acid, 2-methylene-, polymer with 2-methyl-2-[(1-oxo-2-propen-1-yl)amino]-1-propanesulfonic acid, sodium zinc salt.
P-18-0286	1	08/27/2018	Halocarbon Products Corp ..	(G) Heat transfer fluid (G) Additive contained/sealed in low voltage electronics (S) Solvent in vapor degreasing/vapor cleaning.	(S) Propane, 1,1,1,3,3,3-hexafluoro-2-methoxy-.
P-18-0287	3	08/27/2018	CBI	(G) XX plans to produce "tires, wastes, pyrolyzed, condensate oil fraction" (hereafter referred to as syn oil) (CASRN: 1312024-02-4) from scrap tire materials (G) XX plans to produce "tires, wastes, pyrolyzed, condensate oil fraction" (hereafter referred to as syn oil) (CASRN: 1312024-02-4) from scrap tire materials (G) XX plans to produce "tires, wastes, pyrolyzed, condensate oil fraction" (hereafter referred to as syn oil) (CASRN: 1312024-02-4) from scrap tire materials.	(G) Synthetic oil from tires.
P-18-0288	1	08/27/2018	Ungerer and Company	(S) Degreasing solvent	(G) Alkyl carbobicyclic, manuf. of, by-products from, isomerized.
P-18-0291	1	08/29/2018	Pulcra Chemicals, LLC	(S) The PMN substance will be imported as part of an aqueous emulsion containing about 10 to 25 percent PMN substance with lubricant oils, nonionic surfactants and anionic surfactants. The emulsion will be used in the fat liquoring stage in the production of leather.	(S) Vegetable oil, sulfonated, sodium salts.
P-18-0292	1	08/29/2018	CBI	(G) Use in print resins	(G) Alkanediol, polymer with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, alkylaminoalkyl methacrylate-blocked.

TABLE I—PMN/SNUN/MCANS RECEIVED FROM 8/1/2018 TO 8/31/2018—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P-18-0293	1	08/30/2018	CBI	(S) Monomer for use in formulated industrial coatings (S) Monomer for use in emulsion polymers (S) Monomer for use in formulated industrial adhesives.	(S) Propanedioic acid, 2-methylene-, 1,3-dihexyl ester.
P-18-0294	1	08/30/2018	CBI	(S) Monomer for use in formulated industrial coatings (S) Monomer for use in emulsion polymers (S) Monomer for use in formulated industrial adhesives.	(S) Propanedioic acid, 2-methylene-, 1,3-dicyclohexyl ester.
P-18-0295	1	08/30/2018	CBI	(S) Use as a precursor in the manufacture of cleaning products (S) Use as an ingredient in the manufacture of plastic products.	(S) 1,3-butanediol, (3R)-.
P-18-0296	1	08/30/2018	CBI	(G) Emulsifier additive	(G) Saturated and unsaturated alcohol ethers with polyalkylene glycol monoalkyl ether.
SN-17-0008A	2	08/24/2018	CBI	(G) Intermediate	(G) Chlorofluorocarbon.
SN-17-0009A	2	08/24/2018	CBI	(G) Intermediate	(G) Chlorofluorocarbon.
SN-18-0005	1	08/16/2018	CBI	(G) Monomer for industrial coating, ink and adhesives.	(S) Butanoic acid, 3-mercapto-, 1,1'-[2-(hydroxymethyl)-2-[(3-mercapto-1-oxobutoxy)methyl]-1,3-propanediyl] ester]; (S) Butanoic acid, 3-mercapto-, 1,1'-[2,2-bis[(3-mercapto-1-oxobutoxy)methyl]-1,3-propanediyl] ester.

In Table II. of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the NOCs received by EPA during this period: The EPA case

number assigned to the NOC including whether the submission was an initial or amended submission, the date the NOC was received by EPA, the date of commencement provided by the

submitter in the NOC, a notation of the type of amendment (*e.g.*, amendment to generic name, specific name, technical contact, etc.) and chemical substance identity.

TABLE II—NOCs RECEIVED FROM 8/1/2018 TO 8/31/2018

Case No.	Received date	Commencement date	If amendment, type of amendment	Chemical substance
P-14-0269A	08/21/2018	06/09/2014	Chemical CBI claim withdrawn.	(S) Methanone, bis(4-fluorophenyl)-, polymer with 1,4-benzenediol and [1,1'-biphenyl]-4,4'-diol.
P-14-0353	08/10/2018	07/28/2018	.....	(S) Hexanedioic acid, polymer with 1,4-butanediol, 3-hydroxy-2-(hydroxymethyl)-2-methylpropanoic acid and 1,1'-methylenebis[4-isocyanatocyclohexane], compd. with n,n-diethylethanamine.
P-14-0473	08/29/2018	08/26/2018	.....	(G) Alkylpolycarboxylic acid, derivative, tris(fluorinatedalkoxy)alkyl ester salt.
P-16-0403	08/20/2018	07/24/2018	.....	(G) Heteropolycyclic carboxylic acid, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol and 4-substitutedbenzene, substituted carbomonocycle and alkyl-substituted carbomonocycle-blocked.
P-16-0462	08/22/2018	07/26/2018	.....	(G) Silane-treated aluminosilicate.
P-16-0508	08/28/2018	08/21/2018	.....	(G) Terephthalic acid and alcohol ester polymer hydroxy glycol and 2-ethylhexyl alcohol.
P-17-0029	08/08/2018	08/08/2018	.....	(G) Substituted carbomonocycle, polymer with (aminoalkyl)-alkanediamine, (haloalkyl)oxirane, dialkyl-alkanediamine and alkyl-alkanamine, reaction products with dialkanolamine and alkyl[oxy]alkyl]oxirane.
P-17-0249	08/29/2018	08/02/2018	.....	(G) Amine- and hydroxy-functional acrylic polymer, neutralized.
P-18-0047	08/13/2018	08/09/2018	.....	(S) 1,2-ethanediol, 1,2-dibenzoate.
P-18-0130	08/28/2018	08/22/2018	.....	(G) Substituted alkanediol, polymer with heteromonocycles, alkenoate, metal complexes.

In Table III. of this unit, EPA provides the following information (to the extent such information is not subject to a CBI claim) on the test information received

by EPA during this time period: The EPA case number assigned to the test information; the date the test information was received by EPA, the

type of test information submitted, and chemical substance identity.

TABLE III—TEST INFORMATION RECEIVED FROM 8/1/2018 TO 8/31/2018

Case No.	Received date	Type of test information	Chemical substance
P-16-0543	8/1/2018	Industrial Hygiene Exposure Assessment Report	(G) halogenophosphoric acid metal salt.
P-18-0007	8/2/2018	Assessment of Toxic Effects on Daphnia magna Using the 48 h Acute Immobilisation Test (OECD 202), Assessment of the Ready Biodegradability of CBI with the Closed Bottle Test (OECD 301 D).	(S) glycerides, soya mono- and di-, epoxidized, acetates.

TABLE III—TEST INFORMATION RECEIVED FROM 8/1/2018 TO 8/31/2018—Continued

Case No.	Received date	Type of test information	Chemical substance
P-16-0093	8/3/2018	Bhas-42 Initiator and Promoter Cell Transformation Assay (OECD 231), Evaluation of Genotoxicity and Carcinogenicity of P-16-0093, Scientific Opinion on the safety assessment of carvone, considering all sources of exposure.	(S) 2-cyclohexen-1-one, 2-methyl-5-propyl-.
P-16-0404	8/3/2018	Expert Statement on PMN, Acute Immobilization Test to <i>Daphnia magna</i> , Semi-static, 48 hours (OECD 202), Alga Growth Inhibition Test with <i>Pseudokirchneriella subcapitata</i> , 96 hours (OECD 201).	(G) alkyl ester, 2-({4-[2-(trisubstituted phenyl)azo]-5-acetamido-2-substitutedphenyl})(substituted alkoxy)amino).
SN-17-0011	8/3/2018	Rat Inhalation Two-Generation Study (OECD 416)	(G) polyfluorohydrocarbon.
P-15-0583	8/6/2018	A dietary exposure bioaccumulation test with the bluegill (<i>Lepomis macrochirus</i>).	(G) butanedioic acid, alkyl amine, dimethylbutyl ester.
P-16-0405	8/7/2018	Expert Statement on[CBI], EPI Summary, PBT Profiler Results, Sediment-Water Chironomid Toxicity Test using Spiked Sediment (OECD 233).	(G) alkyl ester, 2-({5-acetamido-2-alkoxy-4-[2-(substituted-2,1-benzothiazol-3-yl)azo]phenyl})(disubstituted)amino).
P-17-0253	8/8/2018	An Acute Inhalation Toxicity Study of CBI in Rats (OECD 403)	(G) oxirane, 2-methyl-, polymer with oxirane, methyl 2-(substituted carbomonocycle isoquinolin-2(3H)-yl) propyl ether.
P-18-0124	8/10/2018	MnO2 Area Air Sample Reduction Analysis Summary	(G) alkali nickel oxide.
P-16-0408	8/15/2018	Expert Statement on CBI, EPI Summary, PBT Profiler Results, Sediment-Water Chironomid Toxicity Test using Spiked Sediment (OECD 233).	(G) 3-pyridinecarbonitrile, 1,2-dihydro-trisubstituted-5-[2-(disubstituted phenyl)azo]-2-oxo.
P-16-0449	8/22/2018	100 Human Subject Repeat Insult Patch Test Skin Irritation/ Sensitization evaluation (Occlusive Patch).	(S) 2,7-decadienal, (2E,7Z)-.
P-16-0462	8/23/2018	SEFA Group Metals Report	(G) silane-treated aluminosilicate.
P-16-0543	8/28/2018	Industrial Hygiene Exposure Assessment Report	(G) halogenophosphoric acid metal salt.
P-16-0446	8/28/2018	Duroxyn® EF 2410w/40WA Liquid Coating Resins: Acute Inhalation Toxicity Study (Nose-only) in the Rat (OECD 403).	(G) fatty acids, reaction products with alkylamine, polymers with substituted carbomonocycle, substituted alkylamines, heteromonocycle and substituted alkanoate, lactates (salts).
P-18-0126	8/30/2018	Mutagenicity study of Tipaue Black SG-101 with the bacterial reverse mutation assay (OECD 471), Skin Sensitization test of Calcium manganese titanium oxide in CBA/J mice (OECD 442B), Acute Oral Dose Toxicity Study of Calcium manganese titanium oxide in Sprague-Dawley Rats (Acute Toxic Class Method) (OECD 423), Acute Skin Irritation/Corrosion Study of Calcium manganese titanium oxide in New Zealand White Rabbits (OECD 404), Acute Eye Irritation/Corrosion Study of Calcium manganese titanium oxide in New Zealand White Rabbits (OECD 405).	(S) calcium manganese titanium oxide.
P-18-0127	8/31/2018	Fresh Water Algal Growth Inhibition Test with daikon ether (OECD 201), Acute Toxicity Study in <i>Daphnia magna</i> with daikon ether (Static) (OECD 202), Acute Toxicity Test of Daikon Ether with Rare Minnow (<i>Gobiocypris rarus</i>), Ready Biodegradability: Manometric Respirometry Test of daikon ether.	(S) heptane, 2-methoxy-2-methyl-.
SN-15-0009	8/31/2018	28-Day Repeated Dose Oral (Gavage) Toxicity Study in the Rat (OECD 407), Acute Dermal Toxicity (Limit Test) in the Rat (OECD 402), Reverse Mutation Assay 'Ames Test' using <i>Salmonella typhimurium</i> and <i>Escherichia coli</i> (OECD 471), The Bovine Corneal Opacity and Permeability (BCOP) Assay (OECD 437), Determination of Skin Irritation Potential Using the EPISKIN™ Reconstructed Human Epidermis Model (OECD 439), Local Lymph Node Assay in the Mouse (OECD 429), Micronucleus Test in the Mouse (OECD 474).	(G) fatty Acid amide.

Table IV. Correction to Previous FR Reports

In Table IV. of this unit, EPA is correcting previously published

document that inadvertently included or omitted the following information:
 1. *October 2016*: EPA has not received a NOC for P-16-0001. After reviewing our records, the Agency determined that this error was created due to an

erroneous case number entry on the NOC form received by EPA for a different PMN. EPA has now corrected that error.

2. *May 2018*: NOC Amendment

Case No.	Received date	Commence-ment date	If amendment, type of amendment	Chemical substance
P-13-0193A	5/8/2018	4/16/2014	Chemical CBI claim withdrawn	(S) Poly[oxy(methyl-1,2-ethanediyl)], .alpha.-hydro.-omega.-[2-[[2,2-dimethyl-3-(4-morpholinyl)propylidene]amino]methylethoxy]-, ether with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol (3:1).

3. *July 2018*: NOC Amendments

Case No.	Received date	Commence- ment date	If amendment, type of amendment	Chemical substance
P-13-0253A	7/20/2018	5/18/2018	Revised generic name	(G) Alkoxy substituted carbopolycyclemethyl.
P-13-0253A	7/11/2018	5/18/2018	Revised generic name	(G) 3,4-bis(alkoxy)-4-(carbopolycyclemethyl)-.
P-13-0878A	7/19/2018	5/9/2018	Revised generic name and corrected typos in the chemical name.	(G) 2-propenoic acid, reaction products with tris (2-hydroxyethyl) isocyanurate.
P-14-0314A	7/13/2018	4/6/2018	Revised generic name	(G) Poly oxy aliphatic halogenated phosphate.
P-14-0471A	7/19/2018	5/9/2018	Revised generic name	(G) Hexanedioic acid, polymer with 2-(chloromethyl) oxirane polymer with isocyanato acrylate blocked, cmpds with triethylamine.
P-16-0588A	7/17/2018	5/13/2018	Revised chemical name.	(G) Alkyl methacrylate, polymer with alkyl acrylate and polyesters.
P-17-0343A	7/19/2018	4/9/2018	Revised chemical name.	(G) Heteropolycyclic-alkanol, carbomonocycle-alkanesulfonate.

If you are interested in information that is not included in these tables, you may contact EPA's technical information contact or general information contact as described under **FOR FURTHER INFORMATION CONTACT** to access additional non-CBI information that may be available.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: February 21, 2019.

Megan Carroll,

*Acting Director, Information Management
Division, Office of Pollution Prevention and
Toxics.*

[FR Doc. 2019-04462 Filed 3-11-19; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL ELECTION COMMISSION

[Notice 2019-06]

Filing Dates for the North Carolina Special Election in the 3rd Congressional District

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for special election.

SUMMARY: North Carolina has scheduled special elections to fill the U.S. House of Representatives seat in the 3rd Congressional District held by the late Representative Walter B. Jones Jr.

DATES: There are three possible special elections, but only two may be necessary.

- *Special Primary Election:* April 30, 2019.

- *Possible Special Runoff Election:* July 9, 2019. In the event that the top vote-getter does not achieve over 30% of the votes cast in his/her party's Special Primary Election, the top two vote-getters of that party will participate in a Special Runoff Election.

- *Special General Election:*

September 10, 2019. However, if a Special Runoff Election is not necessary, the Special General will instead be held on July 9, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth S. Kurland, Information Division, 1050 First Street NE, Washington, DC 20463; Telephone: (202) 694-1100; Toll Free (800) 424-9530.

SUPPLEMENTARY INFORMATION:

Principal Campaign Committees

Special Primary Only

All principal campaign committees of candidates *only* participating in the North Carolina Special Primary Election shall file a Pre-Primary Report on April 18, 2019. (See chart below for the closing date for the report).

Special Primary and Special General Without Special Runoff

If only two elections are held, all principal campaign committees of candidates participating in the North Carolina Special Primary and Special General Elections shall file a Pre-Primary Report on April 18, 2019; a Pre-General Report on June 27, 2019; and a Post-General Report on August 8, 2019. (See chart below for the closing date for each report).

Special Primary and Special Runoff Elections

If three elections are held, all principal campaign committees of candidates *only* participating in the North Carolina Special Primary and Special Runoff Elections shall file a Pre-Primary Report on April 18, 2019; and a Pre-Runoff Report on June 27, 2019. (See chart below for the closing date for each report.)

Special Primary, Special Runoff and Special General Elections

All principal campaign committees of candidates participating in the North Carolina Special Primary, Special Runoff and Special General Elections shall file a Pre-Primary Report on April 18, 2019; a Pre-Runoff Report on June 27, 2019; a Pre-General Report on August 29, 2019; and a Post-General Report on October 10, 2019. (See chart below for the closing date for each report.)

Unauthorized Committees (PACs and Party Committees)

Political committees not filing monthly in 2019 are subject to special election reporting if they make previously undisclosed contributions or expenditures in connection with the North Carolina Special Primary, Special Runoff or Special General Elections by the close of books for the applicable report(s). (See charts below for the closing date for each report.)

Committees filing monthly that make contributions or expenditures in connection with the North Carolina Special Primary, Special Runoff or Special General Elections will continue to file according to the monthly reporting schedule.

Additional disclosure information in connection with the North Carolina Special Elections may be found on the FEC website at <https://www.fec.gov/help-candidates-and-committees/dates-and-deadlines/>.

Disclosure of Lobbyist Bundling Activity

Principal campaign committees, party committees and Leadership PACs that are otherwise required to file reports in connection with the special elections must simultaneously file FEC Form 3L

if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that

aggregate in excess of \$18,700 during the special election reporting periods. (See charts below for closing date of

each period.) 11 CFR 104.22(a)(5)(v), (b), 110.17(e)(2), (f).

CALENDAR OF REPORTING DATES FOR NORTH CAROLINA SPECIAL ELECTION

Report	Close of books ¹	Reg./cert. & overnight mailing deadline	Filing deadline
Campaign Committees Involved in <i>Only</i> the Special Primary (04/30/19) Must File:			
April Quarterly		---WAIVED---	
Pre-Primary	04/10/19	04/15/19	04/18/19
July Quarterly	06/30/19	07/15/19	07/15/19
PACs and Party Committees Not Filing Monthly Involved in <i>Only</i> the Special Primary (04/30/19) Must File:			
Pre-Primary	04/10/19	04/15/19	04/18/19
Mid-Year	06/30/19	07/31/19	07/31/19
If Only Two Elections Are Held, Campaign Committees Involved in Both the Special Primary (04/30/19) and Special General (07/09/19) Must File:			
April Quarterly		---WAIVED---	
Pre-Primary	04/10/19	04/15/19	04/18/19
Pre-General	06/19/19	06/24/19	06/27/19
July Quarterly	06/30/19	07/15/19	07/15/19
Post-General	07/29/19	08/08/19	08/08/19
October Quarterly	09/30/19	10/15/19	10/15/19
If Only Two Elections Are Held, PACs and Party Committees Not Filing Monthly Involved in Both the Special Primary (04/30/19) and Special General (07/09/19) Must File:			
Pre-Primary	04/10/19	04/15/19	04/18/19
Pre-General	06/19/19	06/24/19	06/27/19
Mid-Year		---WAIVED---	
Post-General	07/29/19	08/08/19	08/08/19
Year-End	12/31/19	01/31/20	01/31/20
If Only Two Elections Are Held, Campaign Committees Involved in <i>Only</i> the Special General (07/09/19) Must File:			
Pre-General	06/19/19	06/24/19	06/27/19
July Quarterly	06/30/19	07/15/19	07/15/19
Post-General	07/29/19	08/08/19	08/08/19
October Quarterly	09/30/19	10/15/19	10/15/19
If Only Two Elections Are Held, PACs and Party Committees Not Filing Monthly Involved in <i>Only</i> the Special General (07/09/19) Must File:			
Pre-General	06/19/19	06/24/19	06/27/19
Mid-Year		---WAIVED---	
Post-General	07/29/19	08/08/19	08/08/19
Year-End	12/31/19	01/31/20	01/31/20
If Three Elections Are Held, Campaign Committees Involved in <i>Only</i> the Special Primary (04/30/19) and Special Runoff (07/09/19) Must File:			
April Quarterly		---WAIVED---	
Pre-Primary	04/10/19	04/15/19	04/18/19
Pre-Runoff	06/19/19	06/24/19	06/27/19
July Quarterly	06/30/19	07/15/19	07/15/19
If Three Elections Are Held, PACs and Party Committees Not Filing Monthly Involved in <i>Only</i> the Special Primary (04/30/19) and Special Runoff (07/09/19) Must File:			
Pre-Primary	04/10/19	04/15/19	04/18/19
Pre-Runoff	06/19/19	06/24/19	06/27/19
Mid-Year	06/30/19	07/31/19	07/31/19
If Three Elections Are Held, Campaign Committees Involved in <i>Only</i> the Special Runoff (07/09/19) Must File:			
Pre-Runoff	06/19/19	06/24/19	06/27/19

¹ The reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a

report, the first report must cover all activity that occurred before the committee registered as a

political committee up through the close of books for the first report due.

CALENDAR OF REPORTING DATES FOR NORTH CAROLINA SPECIAL ELECTION—Continued

Report	Close of books ¹	Reg./cert. & overnight mailing deadline	Filing deadline
July Quarterly	06/30/19	07/15/19	07/15/19
If Three Elections Are Held, PACs and Party Committees Not Filing Monthly Involved in <i>Only</i> the Special Runoff (07/09/19) Must File:			
Pre-Runoff	06/19/19	06/24/19	06/27/19
Mid-Year	06/30/19	07/31/19	07/31/19
Campaign Committees Involved in the Special Primary (04/30/19), Special Runoff (07/09/19), and Special General (09/10/19) Must File:			
April Quarterly	---	---WAIVED---	---
Pre-Primary	04/10/19	04/15/19	04/18/19
Pre-Runoff	06/19/19	06/24/19	06/27/19
July Quarterly	06/30/19	07/15/19	07/15/19
Pre-General	08/21/19	08/26/19	08/29/19
Post-General	09/30/19	10/10/19	10/10/19
October Quarterly	---	---WAIVED---	---
Year-End	12/31/19	01/31/20	01/31/20
PACs And Party Committees Not Filing Monthly Involved in the Special Primary (04/30/19), Special Runoff (07/09/19), and Special General (09/10/19) Must File:			
Pre-Primary	04/10/19	04/15/19	04/18/19
Pre-Runoff	06/19/19	06/24/19	06/27/19
Mid-Year	06/30/19	07/31/19	07/31/19
Pre-General	08/21/19	08/26/19	08/29/19
Post-General	09/30/19	10/10/19	10/10/19
Year-End	12/31/19	01/31/20	01/31/20
If Three Elections Are Held, Campaign Committees Involved in <i>Only</i> the Special General (09/10/19) Must File:			
Pre-General	08/21/19	08/26/19	08/29/19
Post-General	09/30/19	10/10/19	10/10/19
October Quarterly	---	---WAIVED---	---
Year-End	12/31/19	01/31/20	01/31/20
If Three Elections Are Held, PACs and Party Committees Not Filing Monthly Involved in <i>Only</i> the Special General (09/10/19) Must File:			
Pre-General	08/21/19	08/26/19	08/29/19
Post-General	09/30/19	10/10/19	10/10/19
Year-End	12/31/19	01/31/20	01/31/20

On behalf of the Commission,
Dated: March 7, 2019.

Matthew S. Petersen,
Vice Chairman, Federal Election Commission.

[FR Doc. 2019-04482 Filed 3-11-19; 8:45 am]

BILLING CODE 6715-01-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act ("Act") (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 28, 2019.

A. Federal Reserve Bank of Chicago
(Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *James J. Johnson and Colleen D. Johnson, both of Sutherland, Iowa, and Sonya A. Duhn, Emmetsburg, Iowa; to join Darin J. Johnson, Sutherland, Iowa, as a group acting in concert; to retain and acquire voting shares of Old O'Brien Banc Shares, Inc., and thereby indirectly acquire shares of Security State Bank, both of Sutherland, Iowa.*

Board of Governors of the Federal Reserve System, March 7, 2019.

Yao-Chin Chao,
Assistant Secretary of the Board.

[FR Doc. 2019-04481 Filed 3-11-19; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[CDC-2018-0033; Docket Number NIOSH-311]

Final National Occupational Research Agenda for Public Safety

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of availability.

SUMMARY: NIOSH announces the availability of the final *National Occupational Research Agenda for Public Safety*.

DATES: The final document was published March 6, 2019 on the CDC website.

ADDRESSES: The document may be obtained at the following link: https://www.cdc.gov/nora/councils/pubsaf/research_agenda.html.

FOR FURTHER INFORMATION CONTACT: Emily Novicki, M.A., M.P.H., (NORACoordinator@cdc.gov), National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Mailstop E-20, 1600 Clifton Road NE, Atlanta, GA 30329, phone (404) 498-2581 (not a toll free number).

SUPPLEMENTARY INFORMATION: On April 12, 2018, NIOSH published a request for public review in the **Federal Register** [83 FR 15838] of the draft version of the *National Occupational Research Agenda for Public Safety*. All comments received were reviewed and addressed where appropriate.

Dated: March 7, 2019.

Frank J. Hearl,

Chief of Staff, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2019-04460 Filed 3-11-19; 8:45 am]

BILLING CODE 4163-19-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number CDC-2019-0018, NIOSH-328]

Draft—National Occupational Research Agenda for Healthy Work Design and Well-being

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Request for comment.

SUMMARY: The National Institute for Occupational Safety and Health of the Centers for Disease Control and Prevention announces the availability of a draft NORA Agenda entitled *National Occupational Research Agenda for Healthy Work Design and Well-being* for public comment. To view the notice and related materials, visit <https://www.regulations.gov> and enter CDC-

2019-0018 in the search field and click "Search."

Table of Contents

- DATES:
- ADDRESSES:
- FOR FURTHER INFORMATION CONTACT:
- SUPPLEMENTARY INFORMATION:
- BACKGROUND:

DATES: Electronic or written comments must be received by May 13, 2019.

ADDRESSES: You may submit comments, identified by CDC-2019-0018 and docket number NIOSH-328, by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov> Follow the instructions for submitting comments.
- *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C-34, Cincinnati, Ohio 45226-1998.

Instructions: All submissions received in response to this notice must include the agency name and docket number [CDC-2019-0018; NIOSH-328]. All relevant comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>. All information received in response to this notice will also be available for public examination and copying at the NIOSH Docket Office, 1150 Tusculum Avenue, Room 155, Cincinnati, OH 45226-1998.

FOR FURTHER INFORMATION CONTACT:

Emily Novicki, M.A., M.P.H., (NORACoordinator@cdc.gov), National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Mailstop E-20, 1600 Clifton Road NE, Atlanta, GA 30329, phone (404) 498-2581 (not a toll free number).

SUPPLEMENTARY INFORMATION: The National Occupational Research Agenda (NORA) is a partnership program created to stimulate innovative research and improved workplace practices. The national agenda is developed and implemented through the NORA sector and cross-sector councils. Each council develops and maintains an agenda for its sector or cross-sector.

Background: The *National Occupational Research Agenda for Healthy Work Design and Well-being* is intended to identify the research, information, and actions most urgently needed to prevent occupational injuries. This research agenda provides a vehicle for stakeholders to describe the most relevant issues, gaps, and safety and health needs for the sector. Each NORA research agenda is meant to guide or

promote high priority research efforts on a national level, conducted by various entities, including: Government, higher education, and the private sector.

This is the first Healthy Work Design and Well-Being Agenda, developed for the third decade of NORA (2016-2026). It was developed considering new information about injuries and illnesses, the state of the science, and the probability that new information and approaches will make a difference. As the steward of the NORA process, NIOSH invites comments on the draft *National Occupational Research Agenda for Healthy Work Design and Well-Being*. Comments expressing support or with specific recommendations to improve the agenda are requested. A copy of the draft agenda is available at <https://www.regulations.gov> (see Docket Number CDC-2019-0018).

Dated: March 7, 2019.

Frank J. Hearl,

Chief of Staff, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2019-04498 Filed 3-11-19; 8:45 am]

BILLING CODE 4163-19-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS-10325]

Agency Information Collection Activities: Submission for OMB Review; 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 (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 a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate 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 on the collection(s) of information must be received by the OMB desk officer by April 11, 2019.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, *Fax Number:* (202) 395-5806, *OR Email:* OIRA_submission@omb.eop.gov.

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>.

1. Email your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@cms.hhs.gov.

2. Call the Reports Clearance Office at (410) 786-1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786-4669.

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. 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 (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-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 that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of*

Information Collection: Disclosure and Recordkeeping Requirements for Grandfathered Health Plans under the Affordable Care Act; *Use:* Section 1251 of the Affordable Care Act provides that certain plans and health insurance coverage in existence as of March 23, 2010, known as grandfathered health plans, are not required to comply with certain statutory provisions in the Act. The final regulations titled "Final Rules under the Affordable Care Act for Grandfathered Plans, Preexisting Condition Exclusions, Lifetime and Annual Limits, Rescissions, Dependent Coverage, Appeals, and Patient Protections" (80 FR 72192, November 18, 2015) require that, to maintain its status as a grandfathered health plan, a plan must maintain records documenting the terms of the plan in effect on March 23, 2010, and any other documents that are necessary to verify, explain or clarify status as a grandfathered health plan. The plan must make such records available for examination upon request by participants, beneficiaries, individual policy subscribers, or a state or federal agency official.

A grandfathered health plan is also required to include a statement in any summary of benefits under the plan or health insurance coverage, that the plan or coverage believes it is a grandfathered health plan within the meaning of section 1251 of the Affordable Care Act, and providing contact information for participants to direct questions and complaints. In addition, a grandfathered group health plan that is changing health insurance issuers is required to provide the succeeding health insurance issuer (and the succeeding health insurance issuer must require) documentation of plan terms (including benefits, cost sharing, employer contributions, and annual limits) under the prior health insurance coverage sufficient to make a determination whether the standards of paragraph § 147.140(g)(1) of the final regulations are exceeded. It is also required that, for an insured group health plan (or a multiemployer plan) that is a grandfathered plan, the relevant policies, certificates, or contracts of insurance, or plan documents must disclose in a prominent and effective manner that employers, employee organizations, or plan sponsors, as applicable, are required to notify the issuer (or multiemployer plan) if the contribution rate changes at any point during the plan year. *Form Number:* CMS-10325 (OMB Control Number: 0938-1093; *Frequency:* Occasionally; *Affected Public:* Private Sector, State,

Local or Tribal governments; *Number of Respondents:* 20,973; *Total Annual Responses:* 3,831,484; *Total Annual Hours:* 114. (For policy questions regarding this collection contact Usree Bandyopadhyay at 410-786-6650.)

Dated: March 7, 2019.

William N. Parham, III,
Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2019-04494 Filed 3-11-19; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-10052 and CMS-10629]

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 May 13, 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 N. Parham at (410) 786-4669.

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-10052 Recognition of Pass-Through Payment for Additional (New) Categories of Devices under the Outpatient Prospective Payment System and Supporting Regulations
CMS-10629 Waiver Application for Providers and Suppliers Subject to an Enrollment Moratorium

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 with change of a currently approved collection; *Title of Information Collection:* Recognition of Pass-Through Payment for Additional (New) Categories of Devices under the Outpatient Prospective Payment System and Supporting Regulations; *Use:* Section 402 of the Benefits Improvement and Protection Act of 2000 (BIPA), enacted on December 21, 2000, made changes in the provision for transitional pass-through payment for devices under the hospital OPSS. Section 402 of BIPA amended section 1833(t)(6) of the Act to require that we abandon the item-specific approach in determining the eligibility of medical devices for transitional pass-through payments. This provision mandated that we adopt a category approach for making such payments. In accordance with this requirement, we would pay for any device that falls in categories we establish for this purpose. This provision required us to establish the initial set of categories, to include devices previously determined eligible for transitional pass-through payments, effective April 1, 2001.

The law made clear that application and approval processes are no longer required as the basis for determining an individual medical device’s eligibility for transitional pass-through payments. However, we must assemble certain crucial information to be able to determine the appropriateness of establishing an additional (new) category. The information that we seek to collect is essential to determine whether additional categories of medical devices are appropriate for transitional pass-through payments. The intent of these provisions is to ensure that timely beneficiary access to new technologies is not jeopardized by inadequate payment levels.

Interested parties such as hospitals, device manufacturers, pharmaceutical companies, and physicians apply for transitional pass-through payment for certain items used with services covered in the outpatient PPS. After we receive all requested information, we evaluate the information to determine if the creation of an additional category of medical devices for transitional pass-

through payments is justified. We may request additional information related to the proposed new device category, as needed. We advise the applicant of our decision, and update the outpatient PPS during its next scheduled quarterly payment update cycle to reflect any newly approved device categories. *Form Number:* CMS-10052 (OMB control number: 0938-0857); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 10; *Total Annual Responses:* 10; *Total Annual Hours:* 160. (For policy questions regarding this collection contact AuSha Washington at 410-786-3736.)

2. *Type of Information Collection*
Request: Extension of a currently approved collection; *Title of Information Collection:* Waiver Application for Providers and Suppliers Subject to an Enrollment Moratorium; *Use:* The Provider Enrollment Moratoria Access Waiver Application, named the “Waiver Application for Providers and Suppliers Subject to an Enrollment Moratorium” has been created to collect that data, which will be completed by providers and suppliers to apply for a waiver in Moratoria locations. CMS will be collecting this data on an ad-hoc basis until the Paperwork Reduction Act Submission has been approved. The goal of the Waiver Application for Providers and Suppliers Subject to an Enrollment Moratorium is to provide a uniform application process that all providers and suppliers may follow so that CMS is able to administer the Medicaid or Children’s Health Insurance Program moratorium process in a standardized and repeatable manner. This form creates a standardized process so that moratoria decisions are being made with the same criteria each time. *Form Number:* CMS-10629 (OMB control number: 0938-1313); *Frequency:* Occasionally; *Affected Public:* Federal Government, State, Local, or Tribal Governments; *Number of Respondents:* 800; *Total Annual Responses:* 800; *Total Annual Hours:* 6. (For policy questions regarding this collection contact Kim Jung at 410-786-9370.)

Dated: March 7, 2019.

William N. Parham, III,
Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2019-04490 Filed 3-11-19; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2012-N-1203]

Agency Information Collection Activities; Proposed Collection; Comment Request; Information To Accompany Humanitarian Device Exemption Applications and Annual Distribution Number Reporting Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information to accompany humanitarian device exemption (HDE) applications and the collection of information regarding the annual distribution number (ADN).

DATES: Submit either electronic or written comments on the collection of information by May 13, 2019.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before May 13, 2019. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 13, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any

confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2012-N-1203 for "Information To Accompany Humanitarian Device Exemption Applications and Annual Distribution Number Reporting Requirements." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management

Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-8867, PRASStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: 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. "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 (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the

validity of the methodology and assumptions used; (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 on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Information To Accompany Humanitarian Device Exemption Applications and Annual Distribution Number Reporting Requirements—OMB Control Number 0910–0661—Extension

Under section 520(m) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360j(m)), as amended by section 3052 of the 21st Century Cures Act (Pub. L. 114–255), FDA is authorized to exempt a humanitarian use device (HUD) from the effectiveness requirements in sections 514 and 515 of the FD&C Act (21 U.S.C. 360d and 360e) provided that the device: (1) Is designed to treat or diagnose a disease or condition that affects not more than 8,000 individuals in the United States; (2) would not be available to a person with such a disease or condition unless

the exemption is granted and there is no comparable device, other than another HUD approved under this exemption, available to treat or diagnose the disease or condition; and (3) the device will not expose patients to an unreasonable or significant risk of illness or injury and the probable benefit to health from using the device outweighs the risk of injury or illness from its use, taking into account the probable risks and benefits of currently available devices or alternative forms of treatment.

HUDs approved under an HDE cannot be sold for an amount that exceeds the costs of research and development, fabrication, and distribution of the device (*i.e.*, for profit), except in narrow circumstances. Under section 520(m)(6)(A)(i) of the FD&C Act a HUD approved under an HDE is eligible to be sold for profit if the device meets the following criteria: The device is intended for the treatment or diagnosis of a disease or condition that occurs in pediatric patients or in a pediatric subpopulation, and such device is labeled for use in pediatric patients or in a pediatric subpopulation in which the disease or condition occurs; or the device is intended for the treatment or diagnosis of a disease or condition that

does not occur in pediatric patients, or that occurs in pediatric patients in such numbers that the development of the device for such patients is impossible, highly impracticable, or unsafe.

Section 520(m)(6)(A)(ii) of the FD&C Act, provides that the Secretary of Health and Human Services will determine the ADN for devices that meet the eligibility criteria to be permitted to be sold for profit. The ADN is defined as the number of devices “reasonably needed to treat, diagnose, or cure a population of 8,000 individuals in the United States.”

Section 520(m)(6)(A)(iii) of the FD&C Act provides that an HDE holder immediately notify the Agency if the number of such devices distributed during any calendar year exceeds the ADN. Section 520(m)(6)(C) of the FD&C Act provides that an HDE holder may petition to modify the ADN if additional information arises.

FDA is requesting the extension of OMB approval for the collection of information required under the statutory mandate of sections 515A (21 U.S.C. 360e–1) and 520(m) of the FD&C Act.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN¹

Activity/section of FD&C Act, as amended by Food and Drug Administration Safety and Innovation Act (FDASIA) and 21st Century Cures Act	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Pediatric Subpopulation and Patient Information—515A(a)(2) of the FD&C Act	1	1	1	100	100
Exemption from Profit Prohibition Information—520(m)(6)(A)(i) and (ii) of the FD&C Act	1	1	1	50	50
Request for Determination of Eligibility Criteria—613(b) of FDASIA	1	1	1	10	10
ADN Notification—520(m)(6)(A)(iii) of the FD&C Act	1	1	1	100	100
ADN Modification—520(m)(6)(C) of the FD&C Act	1	1	1	100	100
Total					360

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Our estimated burden for the information collection reflects a decrease in the number of responses and corresponding decrease of 1,010 hours in the total burden since our last OMB approval. We attribute this adjustment to a decrease in the number of submissions we received over the last few years.

Dated: March 6, 2019.

Lowell J. Schiller,

Acting Associate Commissioner for Policy.
[FR Doc. 2019–04450 Filed 3–11–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–D–1113]

Data Integrity and Compliance With Drug Current Good Manufacturing Process: Questions and Answers; Guidance for Industry; Availability; Correction

AGENCY: Food and Drug Administration, HHS

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration is correcting a notice

entitled “Data Integrity and Compliance With Drug CGMP: Questions and Answers; Guidance for Industry; Availability” that appeared in the **Federal Register** of December 13, 2018. The document announced the availability of a guidance for industry. The document was published with the incorrect docket number. This document corrects that error. Previously submitted comments will be transferred to the correct docket number.

FOR FURTHER INFORMATION CONTACT:

Karen Takahashi, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 6686,

Silver Spring, MD 20993-0002, 301-796-3191.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of Thursday, December 13, 2018 (83 FR 64132), in FR Doc. 2018-26957, the following correction is made:

On page 64132, in the first column, in the header of the document, “[Docket No. FDA-2018-D-3984]” is corrected to read “[Docket No. FDA-2016-D-1113].”

Dated: March 6, 2019.

Lowell J. Schiller,

Acting Associate Commissioner for Policy.

[FR Doc. 2019-04431 Filed 3-11-19; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2012-N-0021]

Agency Information Collection Activities; Proposed Collection; Comment Request; Substances Generally Recognized as Safe: Notification Procedure

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection, provisions of the notification procedure for substances generally recognized as safe (GRAS).

DATES: Submit either electronic or written comments on the collection of information by May 13, 2019.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before May 13, 2019. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 13, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service

acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2012-N-0021 for “Agency Information Collection Activities; Proposed Collection; Comment Request; Substances Generally Recognized as Safe: Notification Procedure.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be

made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-5733, PRASStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: 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. “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 (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information,

including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (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 on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Substances Generally Recognized as Safe: Notification Procedure—21 CFR 170, Subpart E and 21 CFR 570, Subpart E

OMB Control Number 0910-0342—Extension

The Federal Food, Drug, and Cosmetic Act (FD&C Act) requires that all food additives (as defined by section 201(s) (21 U.S.C. 321(s)) be approved by FDA before they are marketed. Section 409 of the FD&C Act (21 U.S.C. 349) establishes a premarket approval requirement for “food additives.” Section 201(s) of the FD&C Act provides an exclusion to the definition of food additive and thus from the premarket approval requirement, for uses of substances that are GRAS by qualified experts. The GRAS provision of section 201(s) of the FD&C Act is implemented in 21 CFR part 170 (part 170) and 21 CFR part 570 (part 570) for human food and animal food, respectively. Part 170, subpart E and part 570, subpart E provide a standard format for the

submission of a notice. This collection utilizes a voluntary administrative procedure for notifying FDA about a conclusion that a substance is GRAS under the conditions of its intended use in human food or animal food. The information submitted to us in a GRAS notice is necessary to allow us to administer efficiently the FD&C Act's various provisions that apply to the use of substances added to food, specifically with regard to whether a substance is GRAS under the conditions of its intended use or is a food additive subject to premarket review. We use the information collected through the GRAS notification procedures to complete our evaluation within specific timelines.

Description of Respondents: The respondents to this collection of information are manufacturers of substances used in human food and animal food and feed.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

Activity; 21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
GRAS notification procedure for human food; 170.210–170.280 (part 170, subpart E)	100	1	100	170	17,000
GRAS notification procedure for animal food and animal feed; 570.210–570.280 (part 570, subpart E)	25	1	25	170	4,250
Total .....	.....	.....	75	.....	21,250

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Our estimated burden for the information collection reflects an overall increase of 8,500 hours, which results from an increase in the estimated number of GRAS submissions for human food from 50 to 100 per year. We attribute this adjustment to an increase in the number of submissions we received over the last 2 years.

Dated: March 6, 2019.

Lowell J. Schiller,

Acting Associate Commissioner for Policy.

[FR Doc. 2019-04449 Filed 3-11-19; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2013-N-0093]

Agency Information Collection Activities; Proposed Collection; Comment Request; Review Transparency and Communication in Reviews of 351(k) Biologics License Applications in Biosimilars User Fee Act

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each

proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection involving interviews of pharmaceutical manufacturers who submit 351(k) biologics license applications (BLAs) to FDA under the Program for Enhanced Review Transparency and Communication (the Program) during FYs 2018 through 2021.

DATES: Submit either electronic or written comments on the collection of information by May 13, 2019.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before May 13, 2019. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 13, 2019. Comments

received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

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- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2013-N-0093 for "Agency Information Collection Activities; Proposed Collection; Comment Request; Evaluation of the Program for Enhanced Review Transparency and Communication for New Molecular Entity New Drug Applications and Original Biologics License Applications in Prescription Drug User Fee Acts and 351(k) Biologics License Applications in Biosimilars User Fee Act." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed

in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

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Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-5733, PRASStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: 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. "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 (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (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 on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Evaluation of the Program for Enhanced Review Transparency and Communication for New Molecular Entity New Drug Applications and Original Biologics License Applications in Prescription Drug User Fee Acts and 351(k) Biologics License Applications in Biosimilars User Fee Act

OMB Control Number 0910-0746—*Extension*

This information collection supports the above captioned review program ("the Program"). The Program is part of our performance commitment under the fifth and sixth authorizations of the Prescription Drug User Fee Act (PDUFA), which allows us to collect user fees for the review of human drug and biologics applications for FYs 2013 through 2021, and the second authorization of the Biosimilars User Fee Act (BsUFA II), which applies to 351(k) BLAs for FYs 2018 through 2021. The Program is described in detail in FDA's Commitment Letters for PDUFA VI and BsUFA II, available at <https://www.fda.gov/downloads/ForIndustry/UserFees/PrescriptionDrugUserFee/UCM511438.pdf> and

UserFees/BiosimilarUserFeeActBsUFA/UCM521121.pdf.

The Program goals are to increase the efficiency and effectiveness of the first review cycle and decrease the number of review cycles necessary for approval so that patients have timely access to safe, effective, and high-quality new drugs and biologics. A key aspect of the extension of the Program to BsUFA II is to conduct an interim and final assessment that will evaluate how well the parameters of the Program have achieved the intended goals. The

BsUFA II Commitment Letter specifies that an independent contractor can conduct the assessments and specifies that they include interviews of sponsors who submit 351(k) BLAs to the Program in BsUFA II. In accordance with the PDUFA V and BsUFA II Commitment Letters, we contracted Eastern Research Group, Inc. (ERG) to conduct independent interviews of applicants after FDA issues a first-cycle action for applications reviewed under the Program. The purpose of these interviews is to collect feedback from

applicants on the success of the Program in increasing transparency and communication of reviews during the review process. ERG will anonymize and aggregate sponsor responses before inclusion in the assessments and presentation materials at public meetings. We will publish in the **Federal Register** for public comment ERG's assessments with interview results and findings.

We estimate the burden of the information collection as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

Portion of study	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Pre-test	5	1	5	1.5	7.5
Interviews	75	1	75	1.5	112.5
Total					120

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Since last OMB approval of the information collection, we have adjusted our estimate downward by 60 survey respondents. We base our estimate on the most recent number of annual surveys. ERG interviews between one and three sponsor representatives for each 351(k) BLA first-cycle action issued for applications reviewed under the Program. ERG also conducts a pretest of the interview protocol with five respondents. Assuming it will take 1.0 to 1.5 hours to complete the pretest, we calculate a total of 7.5 annual burden hours. We estimate that up to 75 respondents will take part in the post-action interviews each year. Assuming each interview will last 1.0 to 1.5 hours, we calculate a total of 112.5 annual burden hours.

Dated: March 6, 2019.

Lowell J. Schiller,

Acting Associate Commissioner for Policy.

[FR Doc. 2019-04429 Filed 3-11-19; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

[CFDA NUMBER: 93.164]

Loan Repayment Program for Repayment of Health Professions Educational Loans; Announcement Type: Initial

Key Dates: March 15, 2019, first award cycle deadline date; August 15, 2019, last award cycle deadline date;

September 15, 2019, last award cycle deadline date for supplemental loan repayment program funds; September 30, 2019, entry on duty deadline date.

I. Funding Opportunity Description

The Indian Health Service (IHS) estimated budget for fiscal year (FY) 2019 includes \$27,500,000 for the IHS Loan Repayment Program (LRP) for health professional educational loans (undergraduate and graduate) in return for full-time clinical service as defined in the IHS LRP policy at <https://www.ihs.gov/loanrepayment/policiesandprocedures/> in Indian health programs.

This notice is being published early to coincide with the recruitment activity of the IHS which competes with other Government and private health management organizations to employ qualified health professionals.

This program is authorized by the Indian Health Care Improvement Act (IHCIA) Section 108, codified at 25 U.S.C. 1616a.

II. Award Information

The estimated amount available is approximately \$17,750,000 to support approximately 384 competing awards averaging \$46,205 per award for a two-year contract. The estimated amount available is approximately \$9,750,000 to support approximately 392 competing awards averaging \$24,840 per award for a one-year extension. One-year contract extensions will receive priority consideration in any award cycle. Applicants selected for participation in the FY 2019 program cycle will be

expected to begin their service period no later than September 30, 2019.

III. Eligibility Information

A. Eligible Applicants

Pursuant to 25 U.S.C. 1616a(b), to be eligible to participate in the LRP, an individual must:

- (1)(A) Be enrolled—
 - (i) In a course of study or program in an accredited institution, as determined by the Secretary, within any State and be scheduled to complete such course of study in the same year such individual applies to participate in such program; or
 - (ii) In an approved graduate training program in a health profession; or
- (B) Have a degree in a health profession and a license to practice in a State; and
- (2)(A) Be eligible for, or hold an appointment as a commissioned officer in the Regular Corps of the Public Health Service (PHS); or
- (B) Be eligible for selection for service in the Regular Corps of the PHS; or
- (C) Meet the professional standards for civil service employment in the IHS; or
- (D) Be employed in an Indian health program without service obligation; and
- (3) Submit to the Secretary an application for a contract to the LRP. The Secretary must approve the contract before the disbursement of loan repayments can be made to the participant. Participants will be required to fulfill their contract service agreements through full-time clinical practice at an Indian health program site

determined by the Secretary. Loan repayment sites are characterized by physical, cultural, and professional isolation, and have histories of frequent staff turnover. Indian health program sites are annually prioritized within the Agency by discipline, based on need or vacancy. The IHS LRP's ranking system gives high site scores to those sites that are most in need of specific health professions. Awards are given to the applications that match the highest priorities until funds are no longer available.

Any individual who owes an obligation for health professional service to the Federal Government, a State, or other entity, is not eligible for the LRP unless the obligation will be completely satisfied before they begin service under this program.

25 U.S.C. 1616a authorizes the IHS LRP and provides in pertinent part as follows:

(a)(1) The Secretary, acting through the Service, shall establish a program to be known as the Indian Health Service Loan Repayment Program (hereinafter referred to as the Loan Repayment Program) in order to assure an adequate supply of trained health professionals necessary to maintain accreditation of, and provide health care services to Indians through, Indian health programs.

For the purposes of this program, the term "Indian health program" is defined in 25 U.S.C. 1616a(a)(2)(A), as follows:

(A) The term Indian health program means any health program or facility funded, in whole or in part, by the Service for the benefit of Indians and administered—

- (i) Directly by the Service;
- (ii) By any Indian Tribe or Tribal or Indian organization pursuant to a contract under—
 - (I) The Indian Self-Determination Act, or
 - (II) Section 23 of the Act of April 30, 1908, (25 U.S.C. 47), popularly known as the Buy Indian Act; or
 - (iii) By an urban Indian organization pursuant to Title V of [the Indian Health Care Improvement Act].

25 U.S.C. 1616a, authorizes the IHS to determine specific health professions for which IHS LRP contracts will be awarded. Annually, the Director, Division of Health Professions Support, sends a letter to the Director, Office of Clinical and Preventive Services, IHS Area Directors, Tribal health officials, and Urban Indian health programs directors to request a list of positions for which there is a need or vacancy. The list of priority health professions that follows is based upon the needs of the IHS as well as upon the needs of American Indians and Alaska Natives.

(a) Medicine—Allopathic and Osteopathic doctorate degrees.

(b) Nursing—Associate Degree in Nursing (ADN) (Clinical nurses only).

(c) Nursing—Bachelor of Science (BSN) (Clinical nurses only).

(d) Nursing (NP, DNP)—Nurse Practitioner/Advanced Practice Nurse in Family Practice, Psychiatry, Geriatric, Women's Health, Pediatric Nursing.

(e) Nursing—Certified Nurse Midwife (CNM).

(f) Certified Registered Nurse Anesthetist (CRNA).

(g) Physician Assistant (Certified).

(h) Dentistry—DDS or DMD degrees.

(i) Dental Hygiene.

(j) Social Work—Independent Licensed Master's degree.

(k) Counseling—Master's degree.

(l) Clinical Psychology—Ph.D. or PsyD.

(m) Counseling Psychology—Ph.D.

(n) Optometry—OD.

(o) Pharmacy—PharmD.

(p) Podiatry—DPM.

(q) Physical/Occupational/Speech Language Therapy or Audiology—MS, Doctoral.

(r) Registered Dietician—BS.

(s) Clinical Laboratory Science—BS.

(t) Environmental Health (Sanitarian): BS and Master's level.

(u) Engineering (Environmental): BS and MS (Engineers must provide environmental engineering services to be eligible.).

B. Cost Sharing or Matching

Not applicable.

C. Other Requirements

Interested individuals are reminded that the list of eligible health and allied health professions is effective for applicants for FY 2019. These priorities will remain in effect until superseded.

IV. Application and Submission Information

A. Content and Form of Application Submission

Each applicant will be responsible for submitting a complete application. Go to <http://www.ihs.gov/loanrepayment> for more information on how to apply electronically. The application will be considered complete if the following documents are included:

- Employment Verification—Documentation of your employment with an Indian health program as applicable:
 - Commissioned Corps orders, Tribal employment documentation or offer letter, or Notification of Personnel Action (SF-50)—For current Federal employees.

• License to Practice—A photocopy of your current, non-temporary, full and unrestricted license to practice (issued by any State, Washington, DC, or Puerto Rico).

• *Loan Documentation*—A copy of all current statements related to the loans submitted as part of the LRP application.

• Transcripts—Transcripts do not need to be official.

• If applicable, if you are a member of a federally recognized Tribe or an Alaska Native (recognized by the Secretary of the Interior), provide a certification of Tribal enrollment by the Secretary of the Interior, acting through the Bureau of Indian Affairs (BIA) (Certification: Form BIA-4432 Category A—Members of federally Recognized Indian Tribes, Bands or Communities or Category D—Alaska Native).

B. Submission Dates and Address

Applications for the FY 2019 LRP will be accepted and evaluated monthly beginning March 15, 2019, and will continue to be accepted each month thereafter until all funds are exhausted for FY 2019 awards. Subsequent monthly deadline dates are scheduled for the fifteenth of each month until August 15, 2019.

Applications shall be considered as meeting the deadline if they are either:

(1) Received on or before the deadline date; or

(2) Received after the deadline date, but with a legible postmark dated on or before the deadline date. (Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks are not acceptable as proof of timely mailing).

Applications submitted after the monthly closing date will be held for consideration in the next monthly funding cycle. Applicants who do not receive funding by September 30, 2019, will be notified in writing.

Application documents should be sent to: IHS Loan Repayment Program, 5600 Fishers Lane, Mail Stop: OHR (11E53A), Rockville, Maryland 20857.

C. Intergovernmental Review

This program is not subject to review under Executive Order 12372.

D. Funding Restrictions

Not applicable.

E. Other Submission Requirements

New applicants are responsible for using the online application. Applicants requesting a contract extension must do so in writing by March 15, 2019, to ensure the highest possibility of being funded a contract extension.

V. Application Review Information

A. Criteria

The IHS will utilize the Health Professional Shortage Area (HPSA) score developed by the Health Resources and Services Administration for each Indian health program for which there is a need or vacancy. At each Indian health facility, the HPSA score for mental health will be utilized for all behavioral health professions, the HPSA score for dental health will be utilized for all dentistry and dental hygiene health professions, and the HPSA score for primary care will be used for all other approved health professions.

In determining applications to be approved and contracts to accept, the IHS will give priority to applications made by American Indians and Alaska Natives and to individuals recruited through the efforts of Indian Tribes or Tribal or Indian organizations.

B. Review and Selection Process

Loan repayment awards will be made only to those individuals serving at facilities with have a site score of 17 or above through March 1, 2019, if funding is available.

One or all of the following factors may be applicable to an applicant, and the applicant who has the most of these factors, all other criteria being equal, will be selected.

(1) An applicant's length of current employment in the IHS, Tribal, or Urban program.

(2) Availability for service earlier than other applicants (first come, first served).

(3) Date the individual's application was received.

C. Anticipated Announcement and Award Dates

Not applicable.

VI. Award Administration Information

A. Award Notices

Notice of awards will be mailed on the last working day of each month. Once the applicant is approved for participation in the LRP, the applicant will receive confirmation of his/her loan repayment award and the duty site at which he/she will serve his/her loan repayment obligation.

B. Administrative and National Policy Requirements

Applicants may sign contractual agreements with the Secretary for two years. The IHS may repay all, or a portion, of the applicant's health profession educational loans (undergraduate and graduate) for tuition

expenses and reasonable educational and living expenses in amounts up to \$20,000 per year for each year of contracted service. Payments will be made annually to the participant for the purpose of repaying his/her outstanding health profession educational loans. Payment of health profession education loans will be made to the participant within 120 days, from the date the contract becomes effective. The effective date of the contract is calculated from the date it is signed by the Secretary or his/her delegate, or the IHS, Tribal, Urban, or Buy Indian health center entry-on-duty date, whichever is more recent.

In addition to the loan payment, participants are provided tax assistance payments in an amount not less than 20 percent and not more than 39 percent of the participant's total amount of loan repayments made for the taxable year involved. The loan repayments and the tax assistance payments are taxable income and will be reported to the Internal Revenue Service (IRS). The tax assistance payment will be paid to the IRS directly on the participant's behalf. LRP award recipients should be aware that the IRS may place them in a higher tax bracket than they would otherwise have been prior to their award.

C. Contract Extensions

Any individual who enters this program and satisfactorily completes his or her obligated period of service may apply to extend his/her contract on a year-by-year basis, as determined by the IHS. Participants extending their contracts may receive up to the maximum amount of \$20,000 per year plus an additional 20 percent for Federal withholding.

VII. Agency Contact

Please address inquiries to Ms. Jacqueline K. Santiago, Chief, IHS Loan Repayment Program, 5600 Fishers Lane, Mail Stop: OHR (11E53A), Rockville, Maryland 20857, Telephone: 301/443-3396 [between 8:00 a.m. and 5:00 p.m. (Eastern Standard Time) Monday through Friday, except Federal holidays].

VIII. Other Information

Indian Health Service area offices and service units that are financially able are authorized to provide additional funding to make awards to applicants in the LRP, but not to exceed the maximum allowable amount authorized by statute per year, plus tax assistance. All additional funding must be made in accordance with the priority system outlined below. Health professions given priority for selection above the

\$20,000 threshold are those identified as meeting the criteria in 25 U.S.C. 1616a(g)(2)(A), which provides that the Secretary shall consider the extent to which each such determination:

(i) Affects the ability of the Secretary to maximize the number of contracts that can be provided under the LRP from the amounts appropriated for such contracts;

(ii) Provides an incentive to serve in Indian health programs with the greatest shortages of health professionals; and

(iii) Provides an incentive with respect to the health professional involved remaining in an Indian health program with such a health professional shortage, and continuing to provide primary health services, after the completion of the period of obligated service under the LRP.

Contracts may be awarded to those who are available for service no later than September 30, 2019, and must be in compliance with 25 U.S.C. 1616a. In order to ensure compliance with the statutes, area offices or service units providing additional funding under this section are responsible for notifying the LRP of such payments before funding is offered to the LRP participant.

Should an IHS area office contribute to the LRP, those funds will be used for only those sites located in that area. Those sites will retain their relative ranking from their Health Professions Shortage Areas (HPSA) scores. For example, the Albuquerque Area Office identifies supplemental monies for dentists. Only the dental positions within the Albuquerque Area will be funded with the supplemental monies consistent with the HPSA scores within that area.

Should an IHS service unit contribute to the LRP, those funds will be used for only those sites located in that service unit. Those sites will retain their relative ranking from their HPSA scores.

Chris Buchanan,

RADM, Assistant Surgeon General, U.S. Public Health Service, Deputy Director, Indian Health Service.

[FR Doc. 2019-04396 Filed 3-11-19; 8:45 am]

BILLING CODE 4165-16-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; National Institute on Drug Abuse Summer Research Internship Program

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Institute on Drug Abuse (NIDA) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Dr. Albert Avila, Director, National Institute on Drug Abuse, Office of Diversity and Health Disparity, Neuroscience Center, Building 6001, Room 3106, Rockville, Maryland 20852 or call non-toll-free number (301) 496-8804 or Email your request, including your address, to: aavila@nida.nih.gov. Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) 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) 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 on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed Collection Title: NIDA Summer Research Internship Program, 0925-0738, Expiration 03/31/2019, REINSTATEMENT WITH CHANGE, National Institute on Drug Abuse (NIDA), National Institutes of Health (NIH).

Need and Use of Information Collection: The purpose of the proposed

information is for the selection of interns for the continuing NIDA Summer Research Internship Program. This request is to allow NIDA to collect information from applicants in order to meet the goals of the program and IC mission. Applicant eligibility for this program was 17 years, but is now open to those 18 and over in the year of application per NIH policy document.

2019 High School Summer Internship Program (HS-SIP) Policy. NIDA will request clearance for any additional forms should new programs be introduced in the future. The information ensures that students applying to this program meet basic eligibility requirements; indicates their interest in substance abuse research, future career goals, and, if selected for the program, what research they prefer to conduct. The information also enables decision-making regarding which applicants will be selected for internships. In each case, completing the application is voluntary, but in order to receive due consideration, the prospective applicant must complete all fields required by the program. OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 250.

ESTIMATED ANNUALIZED BURDEN HOURS

Form	Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Estimated total annual burden hours
Summer Internship	Individuals-household	250	1	1	250
Total .....	.....	250	250	.....	250

Dated: February 28, 2019.

Emily Jones,

Project Clearance Liaison, National Institute on Drug Abuse, National Institutes of Health.

[FR Doc. 2019-04483 Filed 3-11-19; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60 Day Comment Request; Generic Clearance for Conferences, Meetings, Workshops, Poster Sessions and Registration (OD)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of

the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institutes of Health (NIH), Office of the Director (OD), will publish periodic summaries of proposed projects to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Ms. Mikia P. Currie, Chief, Project Clearance Branch (PCB), Office of Policy for Extramural Research

Administration, 6705 Rockledge Drive, Suite 350, Bethesda, Maryland 20892, or call a non-toll-free number 301-435-0941 or Email your request, including your address to curriem@mail.nih.gov. Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) 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) 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 on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed collection Title: Generic Clearance for Conferences, Meetings, Workshops, Poster Sessions and Registration (OD), EXTENSION, 0925–0740, Expiration Date: 05/2019, National Institutes of Health (NIH), Office of the Director (OD).

Need and Use of Information Collection: This information collection will continue to allow NIH to select the most appropriate participants for non-

grantee activities sponsored, organized, and run by NIH staff, according to the type and purpose of the activity. For example, NIH may develop an application process or information collection to select a limited number of researchers to participate in a poster session, identify speakers and panelists with desired expertise on a specific topic to be covered at a meeting, or determine which researchers would most likely benefit from a training course or other opportunity. For NIH to plan and conduct activities that are timely for participants and their fields of research, it is often necessary for such information to be collected with a relatively short turnaround time. In general, submitted abstracts or other application materials will be reviewed by an internal NIH committee responsible for planning the activities.

This committee will be responsible for selecting and notifying participants.

The information collected for these activities generally includes title, author(s), institution/organization, poster size, character limitations along with other requirements. This information is necessary to identify attendees as eligible for poster presentations, to present their research, speak on panels, and discuss innovative approaches to science and technology to their peers. The registration form collects information from interested parties necessary to register them for a workshop.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 8,875.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of form	Number of respondents	Number of responses per respondent	Average burden (in hours) per response	Total burden hours
Conferences	2,500	1	1	2,500
Meetings	2,500	1	45/60	1,875
Workshops	2,500	1	30/60	1,250
Poster Session	1,000	1	1	1,000
Panels	1,500	1	30/60	750
Presentations	1,500	1	1	1,500
Total	11,500	11,500	.....	8,875

Dated: March 6, 2019.

Lawrence A. Tabak,

Principal Deputy Director, National Institutes of Health.

[FR Doc. 2019–04484 Filed 3–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request: Hazardous Waste Worker Training Grantee Data Collection—42 CFR part 65 (NIEHS)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, to provide opportunity for public comment on proposed data collection projects, the National Institute of Environmental Health Sciences (NIEHS), will publish periodic summaries of proposed projects to be submitted to the Office of

Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Joseph T. Hughes, Jr., Director, Worker Training Program (WTP), Division of Extramural Research and Training (DERT), NIEHS, P.O. Box 12233 MD: K3–14, Research Triangle Park, NC 27709 or call non-toll-free number (984) 287–3271 or Email your request, including your address to: hughes3@niehs.nih.gov. Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: Written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following

points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) 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) 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 on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed Collection Title: Hazardous Waste Worker Training Grantee Data Collection—42 CFR part 65, 0925–0348, Expiration Date 03/31/2019 REINSTATEMENT WITH CHANGE, National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health (NIH).

Need and Use of Information Collection: This request for OMB review

and approval of the information collection is required by regulation 42 CFR part 65(a)(6). The National Institute of Environmental Health Sciences (NIEHS) was given major responsibility for initiating a worker safety and health training program under Section 126 of the Superfund Amendments and Reauthorization Act of 1986 (SARA) for hazardous waste workers and emergency responders.

A network of non-profit organizations that are committed to protecting workers and their communities by delivering high-quality, peer-reviewed safety and health curricula to target populations of hazardous waste workers and emergency responders has been developed. In thirty-one years (FY 1987–2018), the NIEHS WTP has successfully supported 20 primary grantees that have trained more than 4.1 million workers across the country and

presented over 245,830 classroom and hands-on training courses, which have accounted for over 50 million contact hours of actual training. Generally, the grant will initially be for one year, and subsequent continuation awards are also for one year at a time. Grantees must submit a separate application to have the support continued for each subsequent year. Grantees are to provide information in accordance with S65.4(a), (b), (c) and 65.6(a) on the nature, duration, and purpose of the training, selection criteria for trainees' qualifications and competency of the project director and staff, cooperative agreements in the case of joint applications, the adequacy of training plans and resources, including budget and curriculum, and response to meeting training criteria in OSHA's Hazardous Waste Operations and Emergency Response Regulations (29

CFR 1910.120). As a cooperative agreement, there are additional requirements for the progress report section of the application. Grantees are to upload their information into the WTP Grantee Data Management System. The information collected is used by the Director through officers, employees, experts, and consultants to evaluate applications based on technical merit to determine whether to make awards and whether appropriate training is being conducted to support continuation of the grant into subsequent years. The annualized cost to respondent's time is estimated at: \$19,867.86. There are no Capital Costs, Operating Costs and/or Maintenance Costs to report.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 616.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hour
Information Collection Questionnaire (Data Management System).	Grantee	22	2	14	616
Total .....	.....	22	2	.....	616

Dated: March 7, 2019.

Jane M. Lambert,

Project Clearance Liaison, NIEHS, NIH.

[FR Doc. 2019-04472 Filed 3-11-19; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[Docket No. USCBP-2018-0045]

Announcing the Re-Opening of the Public Comment Period for 21st Century Customs Framework

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security (DHS).

ACTION: Re-opening of comment period.

SUMMARY: U.S. Customs and Border Protection (CBP) is announcing the re-opening of the public comment period on the six key themes identified by “The 21st Century Customs Framework” initiative.

DATES: Comments must be received on or before April 11, 2019.

ADDRESSES:

Submission of comments: To facilitate public participation, we are inviting public comment on the six themes described below. Comments must be submitted in writing no later than April 11, 2019, must be identified by Docket No. USCBP-2018-0045, and may be submitted by *one* (1) of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.
- **Mail:** Mr. Brandon Lord, Office of Trade, U.S. Customs and Border Protection, 1331 Pennsylvania Avenue NW, Suite 950N, Washington, DC 20229.

Instructions: All submissions received must include the words “Department of Homeland Security” and the docket number (USCBP-2018-0045) for this action. Please do not submit personal information to the Federal eRulemaking portal.

Docket: For access to the docket or to read background documents or comments, go to <http://www.regulations.gov> and search for Docket Number USCBP-2018-0045.

FOR FURTHER INFORMATION CONTACT: Mr. Brandon Lord, Office of Trade, U.S. Customs and Border Protection, 1331

Pennsylvania Avenue NW, Suite 950N, Washington, DC 20229; telephone (202) 325-6432 or email 21CCF@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

Extension of Comment Period

On December 21, 2018, CBP published a notice in the **Federal Register** (83 FR 65703) announcing “The 21st Century Customs Framework” initiative and public meeting. This document announces that the public comment period that previously closed on February 4, 2019, will be re-opened for a period of 30 days. To allow for the submission of comments following the March 1, 2019 public meeting, and to maximize public participation and input on the key themes described below, CBP has decided to allow additional time for the public to submit comments. Accordingly, the comment period is re-opened until April 11, 2019, and comments must be received by CBP on or before that date.

21st Century Customs Framework Initiative Overview

CBP is cognizant of the need to stay modern in order to meet the challenges of an evolving trade landscape. New

actors, industries, and modes of conducting business have emerged, disrupting the traditional global supply chain. To continue to effectively fulfill CBP's mission, CBP is pursuing an initiative titled "The 21st Century Customs Framework." "The 21st Century Customs Framework" will seek to address and enhance numerous aspects of CBP's trade mission to better position the agency to operate in the 21st century trade environment.

Through preliminary efforts, CBP has identified key themes for which CBP seeks public input: (1) Emerging Roles in the Global Supply Chain; (2) Intelligent Enforcement; (3) Cutting-Edge Technology; (4) Data Access and Sharing; (5) 21st Century Processes; and (6) Self-Funded Customs Infrastructure. Brief descriptions of each theme are provided below along with the request for public comments on questions posed by CBP related to each theme.

(1) Emerging Roles in the Global Supply Chain

Due to technological advances and new modes of conducting business, the modern international trade environment is marked by emerging actors and dynamic supply chains. CBP's traditional legal frameworks were developed to primarily reflect containerized shipments and the supply chain to support such shipments, as opposed to small packages and business models built around e-commerce. CBP is seeking to ensure that all parties in the modern supply chain are aware of their responsibilities to promote safety and compliance, while still enabling legitimate trade and economic prosperity.

Public Comment Questions

- What new roles in the global supply chain are unaccounted for in CBP's current legal framework? How should the agency account for these roles?
- How can CBP work with e-commerce platforms and carriers to identify and deter illicit shipments?
- How can new actors in the global supply chain work with CBP to improve trade security?

(2) Intelligent Enforcement

CBP's efforts on intelligent enforcement are anchored on further improving risk management and the impact of efforts to detect high-risk activity, deter non-compliance and disrupt fraudulent behavior—all in the interest of enforcing U.S. trade laws to protect America's economic security. CBP's intelligent enforcement efforts include exploring how to better utilize

technology, big data, and predictive analytics to drive decision-making.

Public Comment Questions

- What technologies are useful in predicting violative activities and an entity's potential for violations?
- What tools or sources of information regarding CBP's compliance requirements have you found the most useful? What other resources can CBP provide to ensure that trade stakeholders understand CBP requirements?
- How can CBP improve violation referral systems and allegation processing?

(3) Cutting-Edge Technology

One of the defining features of the modern trade environment is the rapid emergence of new technology. CBP is exploring the use of new technologies to improve trade facilitation and trade enforcement activities.

Public Comment Questions

- What emerging technologies are most important for CBP to monitor or adopt?
- What technologies are being adopted by the private sector that are incompatible with CBP's current legal or policy frameworks?
- What technologies on the horizon have the potential to be a disruptive force (enabling or challenging) within the trade ecosystem?

(4) Data Access and Sharing

The volume and types of data and the speed at which the data can be transmitted create a valuable opportunity for CBP and trade stakeholders. CBP is examining how more efficient data sharing can improve trade facilitation and trade enforcement. At the same time, CBP is looking at ways to reduce the duplication or unnecessary capture of data.

Public Comment Questions

- What data would you like CBP to share with importers, and vice versa, to improve trade facilitation and enforcement?
- How can CBP's overall data sharing with trade stakeholders be improved?

(5) 21st Century Trade Processes

CBP will be refining certain import processes to reflect the modern trade environment, improve the experience of importers, brokers, and other important actors in the supply chain, and increase overall efficiency. CBP is placing a focus on processes that may be overly burdensome or outdated.

Public Comment Questions

- What specific import procedures or requirements can be improved or refined, and how?
- What are some international best practices (*i.e.*, processes used by other customs agencies) that CBP should examine?

(6) Self-Funded Customs Infrastructure

New requirements affecting CBP, Partner Government Agencies (PGA), and trade industry will necessitate updates to the Automated Commercial Environment (ACE) outside of reoccurring maintenance. CBP is examining avenues to ensure that the ACE has a consistent stream of funding for enhancements and new functionalities.

Public Comment Questions

- Outside of the annual Congressional appropriations cycle, what mechanisms should CBP explore for consistent and timely funding for ACE enhancements?
- How could the fee collection process be streamlined, improved, or redesigned to more directly fund ACE enhancements?

Dated: March 6, 2019.

Cynthia F. Whittenburg,
Deputy Executive Assistant Commissioner,
Office of Trade.

[FR Doc. 2019-04433 Filed 3-11-19; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7011-N-04]

30-Day Notice of Proposed Information Collection: Public/Private Partnerships for the Mixed-Finance Development of Public Housing Units

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD submitted the proposed information collection below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* April 11, 2019.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing

and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at Colette.Pollard@hud.gov for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT:

Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW, Room 3178, Washington, DC 20410; telephone (202) 402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Proposal: Public/Private Partnerships for the Mixed-Finance Development of Public Housing Units.

OMB Control Number: 2577–0275.

Type of Request: Extension of a currently approved collection.

Form Number: HUD–50156; HUD–50157, HUD–50158, HUD–50159, HUD–50160, HUD–50161.

Description of the need for the information and proposed use: The Quality Housing and Work Responsibility Act of 1998 (P.L. 195–276, approved October 21, 1998), also known as the Public Housing Reform Act, created Section 35 of the U.S. Housing Act of 1937, 42 U.S.C. 1437. Section 35 allows PHAs to own, operate, assist or otherwise participate in the development and operation of mixed-finance projects. Mixed-finance development refers to the development or rehabilitation of Public Housing, where the public housing units are owned in whole or in part by an entity other than a PHA. Prior to this, all Public Housing had to be developed and owned by a Public Housing Authority (PHA). However, Section 35 allowed PHAs to provide Section 9 capital and operating assistance to mixed-finance projects, which are also financially assisted by private and other resources. Private and other resources include tax credit equity, private mortgages and other federal, state or local funds.

Section 35 also allows non-PHA owner entities to own and operate mixed-finance projects that contain both Public Housing and non-Public Housing units, or only Public Housing units. Along with Public Housing unit development, mixed-finance real estate development or rehabilitation transactions are used to extend Public Housing appropriations in housing development and to develop mixed-income housing, where Public Housing residents are anonymously mixed in with affordable and market rate housing residents.

In order to approve the development of mixed-finance projects, HUD collects certain information from each PHA/Ownership Entity. Under current regulations, HUD collects and reviews the essential documents included in this ICR in order to determine whether or not approval should be given. After approval is given and the documents are recorded by the associated county, HUD collects the recorded versions of the documents in this ICR, along with all financing and legal agreements that the PHA/owner entity has with HUD and with third-parties in connection with that mixed-finance project. This includes unique legal documents along with standardized forms and “Certifications and Assurances,” which are not exempted under PRA. Regulations for the processing of mixed-finance Public Housing projects are at 24 CFR part 905 subpart F (§ 905). This information is collected to ensure that the mixed-finance development effort has sufficient funds to reach completion, remain financially viable, and follow HUD legal and programmatic guidelines for housing project development or rehabilitation, ownership and use restrictions, as well as preserving HUD’s rights to the project. PHAs must provide information to HUD before a proposal can be approved for mixed-finance development. Information on HUD-prescribed forms and in HUD-prescribed contracts and agreements provides HUD with sufficient information to enable a determination that funds should or should not be reserved or a contractual commitment made. Regulations at 24 CFR part 905.606, “Development Proposal” states that a Mixed-finance Development Proposal (Proposal) must be submitted to HUD in order to facilitate approval of the development of Public Housing. The subpart also lists the information that is required in the Proposal. The documentation required is submitted using the collection documents (ICs) in this ICR.

Members of affected public: Public Housing Agencies, Developers
Estimation of the total number of hours

needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

Estimated Number of Respondents: 130.

Estimated Number of Responses: 920.4.

Frequency of Response: 7.08.

Average Hours per Response: 18.456521.

Total Estimated Burdens: 16,987.38.

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) 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) The accuracy of the agency’s estimate of the burden of the proposed collection of information;

(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 on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: March 1, 2019.

Colette Pollard,

*Department Reports Management Officer,
Office of the Chief Information Officer.*

[FR Doc. 2019–04493 Filed 3–11–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7011–N–02]

30-Day Notice of Proposed Information Collection: Application for FHA Insured Mortgages

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* April 11, 2019.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5806, Email: OIRA_Submission@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette.Pollard@hud.gov, or telephone 202-402-3400. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on August 28, 2018 at 83 FR 42312.

A. Overview of Information Collection

Title of Information Collection: Application for FHA Insured Mortgages.
OMB Approval Number: 2502-0059.
Type of Request: Extension and Revision of currently approved collection.

Form Number: HUD-92900-A, HUD-92900-B, HUD-92900-LT, HUD-92561, Model Notice for Informed Consumer Choice Disclosure, Model Pre-Insurance Review/Checklist, Settlement Certification (previously known as Addendum to HUD-1) and HUD-92544.

Description of the need for the information and proposed use: Specific forms and related documents are needed to determine the eligibility of the borrower and proposed mortgage transaction for FHA's insurance endorsement. Form HUD-92544 has been revised. Lenders seeking FHA's insurance prepare certain forms to collect data.

Respondents (i.e. affected public): Individuals (loan applicants) and Business or other for-profit (lenders).
Estimated Number of Respondents: 15,871.

Estimated Number of Responses: 5,830,999.

Frequency of Response: 367.3996.

Average Hours per Response:

0.1183322.

Total Estimated Burdens: 689,995.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) 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) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(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 on those who are to respond: Including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: February 28, 2019.

Colette Pollard,

*Department Reports Management Officer,
Office of the Chief Information Officer.*

[FR Doc. 2019-04497 Filed 3-11-19; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7011-N-03]

30-Day Notice of Proposed Information Collection: Rural Capacity Building

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* April 11, 2019.

ADDRESSES: Interested persons are invited to submit comments regarding

this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5806, Email: OIRA_Submission@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT:

Anna P. Guido, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna P. Guido at Anna.P.Guido@hud.gov or telephone 202-402-5535. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on November 9, 2018 at 83 FR 56094.

A. Overview of Information Collection

Title of Information Collection: Rural Capacity Building.

OMB Approval Number: 2506-0195.

Type of Request: Revision of a currently approved collection.

Form Number: SF-424, SF-424B, SF-LLL, HUD-2880, Multi-Year Budget Form (approval number pending this review).

Description of the need for the information and proposed use: The Rural Capacity Building for Community Development and Affordable Housing (RCB) program and the funding made available have been authorized by the Annual Appropriations Acts each year since FY 2012. The RCB program enhances the capacity and ability of rural housing development organizations, Community Development Corporations (CDCs), Community Housing Development Organizations (CHDOs), local governments, and Indian tribes (eligible beneficiaries) to carry out affordable housing and community development activities in rural areas for the benefit of low- and moderate-income families and persons. The RCB program achieves this by funding National Organizations with expertise in rural housing and rural community development who work directly to build the capacity of eligible beneficiaries. Applicants to the RCB program are

required to submit certain information as part of their application for

assistance, and as part of the requirements as a grantee.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Total annual burden hours	Hourly cost per response	Annual cost
<i>Application:</i>							
SF 424	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0.00
SF 424B	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Multi-Year Budget	20.00	1.00	20.00	3.00	60.00	45.00	2,700.00
SF LLL	0.00	0.00	0.00	0.00	0.00	0.00	0.00
HUD 2880	20.00	1.00	20.00	0.25	5.00	45.00	225.00
Rating Factor 1	20.00	1.00	20.00	8.00	160.00	45.00	7,200.00
Rating Factor 2	20.00	1.00	20.00	8.00	160.00	45.00	7,200.00
Rating Factor 3	20.00	1.00	20.00	12.00	240.00	45.00	10,800.00
Rating Factor 4	20.00	1.00	20.00	8.00	160.00	45.00	7,200.00
Rating Factor 5	20.00	1.00	20.00	5.00	100.00	45.00	4,500.00
<i>Reporting:</i>							
SF-425	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Totals	20.00	.....	.....	44.25	885.00	.....	39,825.00

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) 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) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(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 on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: February 28, 2019.

Anna P. Guido,

*Department Reports Management Officer,
Office of the Chief Information Officer.*

[FR Doc. 2019-04496 Filed 3-11-19; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7014-N-03]

60-Day Notice of Proposed Information Collection: FHA Lender Approval, Annual Renewal, Periodic Updates and Required Reports by FHA-Approved Lenders

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* May 13, 2019.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at Colette.Pollard@hud.gov for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

FOR FURTHER INFORMATION CONTACT:

Volky Garcia, Director, Lender Approval and Recertification Division, Office of Lender Activities and Program Compliance, Office of Single Family Housing, U.S. Department of Housing and Urban Development, 490 L'Enfant Plaza East SW, Room P3214, Washington, DC 20024-8000; email Volky.a.garcia@hud.gov, or telephone 202-402-8229. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: FHA Lender Approval, Annual Renewal, Periodic Updates and Required Reports by FHA-Approved Lenders.

OMB Approval Number: 2502-0005.

Type of Request: Extension.

Form Number: Online Application for Lender Approval (previously HUD-92001-A) and Annual Certification.

Description of the need for the information and proposed use: Title II of the National Housing Act, as amended, 12 U.S.C. 1703, 1709, and 1715b, 42 U.S.C. 1436(a) 3535(d), authorizes the Secretary of the Department of Housing and Urban Development to prescribe terms and conditions with respect to mortgage insurance under the above act. Criteria for approval to become a Title I lender and/or Title II mortgagee, as well as

requirements to maintain that approval, are specified in 24 CFR 202, 24 CFR 203.433, 24 CFR 203.434 and Handbook HUD 4000.1, which became effective on September 14, 2015. The requirements in Handbook HUD 4000.1 represent the consolidation of those previously set forth in Handbooks HUD 4700.2 & 4060.1 and various Title I Letters and Mortgage Letters.

31 U.S.C. 7701, the Debt Collection Improvement Act of 1986, authorizes “the head of an agency administering an included Federal loan program” to collect taxpayer identifying numbers for “a lender or servicer in a Federal guaranteed or insured loan program administered by the agency.” Executive Order 9397, as amended by E.O. 13478, also authorizes federal departments and agencies to use Social Security Numbers “as a system to organize and identify individual persons.”

The information is used by FHA to verify that lenders meet all approval, renewal and compliance requirements at all times. It is also used to assist FHA in managing its financial risks and to protect consumers from lender noncompliance with FHA regulations.

Respondents (i.e. affected public): Regulatory or compliance.

Estimated Number of Respondents: 3,140.

Estimated Number of Responses: 19,796.

Frequency of Response: Annual/Periodic.

Average Hours per Response: 1 hour.

Total Estimated Burdens: 19,796 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) 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) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(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 on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: February 28, 2019.

Vance T. Morris,

Special Assistant to the Assistant Secretary for Housing—Federal Housing Commissioner, H.

[FR Doc. 2019–04492 Filed 3–11–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–SERO–RTCA–26991; PPMSPD1T.Y00000; PPSESERO10]

Wekiva River System Advisory Management Committee Notice of 2019 Public Meetings

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972, the National Park Service (NPS) is hereby giving notice that the Wekiva River System Advisory Management Committee (Committee) will meet as indicated below.

DATES: The Committee will meet on: Wednesday, March 27, 2019; Wednesday, May 8, 2019; Wednesday, July 10, 2019; Wednesday, September 18, 2019; and Wednesday, November 13, 2019. All scheduled meetings will begin at 2 p.m. and will end by 4 p.m. (EASTERN).

ADDRESSES: The July 10, 2019, meeting will be held in the city administration conference room at 120 E. Main Street, Apopka, Florida 32703. All other meetings will be held in the recreation hall at 1800 Wekiwa Circle, Wekiwa Springs State Park, Apopka, Florida 32712.

FOR FURTHER INFORMATION CONTACT: Jaime Doubek-Racine, Community Planner and Designated Federal Officer, Rivers, Trails, and Conservation Assistance Program, Florida Field Office, Southeast Region, 5342 Clark Road, PMB #123, Sarasota, Florida 34233, telephone (941) 321–1810 or email jaimie_doubek_rancine@nps.gov.

SUPPLEMENTARY INFORMATION: The Committee was established under section 5 of Public Law 106–299 to assist in the development of the comprehensive management plan for the Wekiva River System and provide advice to the Secretary of the Interior in

carrying out management responsibilities of the Secretary under the Wild and Scenic Rivers Act (16 U.S.C. 1271 *et seq.*).

Purpose of the Meeting: Each meeting will result in decisions and steps that advance the Committee towards its objective of managing and implementing projects developed from the comprehensive management plan for the Wekiva Wild and Scenic River. Topics will include the development of the Paddle Wekiva Guide and Map Edition II, and the implementation of a new access and launch point, specifically at Lake Norris, a tributary to the Wekiva Wild and Scenic River System. All meetings are open to the public. Detailed agendas for each meeting will be made available one week in advance of each meeting at the Committee's website: <http://www.wekivawildandscenicriversystem.com/wekiva-river-system-management-advisory-committee/>.

Each meeting has time allocated for hearing public comments. Depending on the number of people wishing to comment and the time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation should contact the NPS as provided above.

Any member of the public may file with the Committee a written statement concerning any issues relating to the development of the comprehensive management plan for the Wekiva Wild and Scenic River. The statement should be addressed to the Wekiva River System Advisory Management Committee, National Park Service, 5342 Clark Road, PMB #123, Sarasota, Florida 34233, or email jaimie_doubek_rancine@nps.gov.

Public Disclosure of Comments: Before including your address, telephone number, email address, or other personal identifying information in your comments, 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.

Authority: 5 U.S.C. Appendix 2.

Alma Rippis,

Chief, Office of Policy.

[FR Doc. 2019–04442 Filed 3–11–19; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–620 and 731–TA–1445 (Preliminary)]

Wooden Cabinets and Vanities From China; Institution of Anti-Dumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–620 and 731–TA–1445 (Preliminary) pursuant to the Tariff Act of 1930 (“the Act”) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of wooden cabinets and vanities from China, provided for in subheadings 9403.40.90, 9403.60.80, and 9403.90.70 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Government of China. Unless the Department of Commerce (“Commerce”) extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by April 22, 2019. The Commission’s views must be transmitted to Commerce within five business days thereafter, or by April 29, 2019.

DATES: March 6, 2019.

FOR FURTHER INFORMATION CONTACT: Calvin Chang ((202) 205–3062), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission’s TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these investigations may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to petitions filed on March 6, 2019, by the American Kitchen Cabinet Alliance.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission’s Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission’s rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission’s rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission’s Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on Wednesday, March 27, 2019, at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. Requests to appear at the conference should be emailed to preliminaryconferences@usitc.gov (DO NOT FILE ON EDIS) on or before March 25, 2019. Parties in support of the imposition of countervailing and

antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission’s deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission’s rules, any person may submit to the Commission on or before April 1, 2019, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference. All written submissions must conform with the provisions of section 201.8 of the Commission’s rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission’s rules. The Commission’s Handbook on E-Filing, available on the Commission’s website at <https://edis.usitc.gov>, elaborates upon the Commission’s rules with respect to electronic filing.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to section 207.3 of the Commission’s rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter’s knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations 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 these or related investigations or reviews, 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, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: March 7, 2019.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2019-04474 Filed 3-11-19; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1099]

Certain Graphics Processors and Products Containing the Same; Notice of Commission Determination Not To Review an Initial Determination Terminating the Investigation in Its Entirety Based on Settlement; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") (Order No. 49) terminating the investigation in its entirety based on settlement. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT:

Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-5468. Copies of non-confidential documents filed in connection with this investigation are or 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 (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (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 instituted this investigation on February 5, 2018, based on a complaint filed by ZiiLabs Inc., Ltd. of Hamilton, Bermuda ("ZiiLabs"). 83 FR

5141-42. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 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 graphics processors and products containing the same that infringe certain claims of U.S. Patent Nos. 6,181,355; 6,900,800; 8,144,156; and 8,643,659. *Id.* at 5141. The Commission's notice of investigation named as respondents ASUSTeK Computer Inc. of Taipei, Taiwan; ASUS Computer International of Fremont, California; EVGA Corporation of Brea, California; Gigabyte Technology Co., Ltd. of New Taipei City, Taiwan; G.B.T. Inc. of City of Industry, California; Micro-Star International Co., Ltd. of New Taipei City, Taiwan; MSI Computer Corp. of City of Industry, California; Nintendo Co., Ltd. of Kyoto, Japan; Nintendo of America, Inc. of Redmond, Washington; Nvidia Corporation of Santa Clara, California ("Nvidia"); PNY Technologies Inc. of Parsippany, New Jersey; Zotac International (MCO) Ltd. of Macau, China; and Zotac USA Inc. of Duarte, California. *Id.* at 5142. The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

On February 8, 2019, ZiiLabs filed an unopposed motion to terminate the investigation in its entirety based on several settlement agreements among ZiiLabs, Nvidia, and non-party RPX Corporation. The motion indicated that the agreements included a release for all respondents in the investigation.

On February 12, 2019, the presiding administrative law judge issued the subject ID, granting the motion and terminating the investigation. No party petitioned for review of the ID.

The Commission has determined not to review the subject ID. The investigation is terminated.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 6, 2019.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2019-04405 Filed 3-11-19; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-1147]

Certain Blood Separation and Cell Preparation Devices; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 30, 2019, under section 337 of the Tariff Act of 1930, as amended, on behalf of RegenLab USA LLC of New York, New York. An amended complaint was filed on February 15, 2019. The amended complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain blood separation and cell preparation devices by reason of infringement of certain claims of U.S. Patent No. 10,064,894 ("the '894 patent"). The amended complaint further alleges that an industry in the United States exists or in the process of being established as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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, Room 112, Washington, DC 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2017).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on March 6, 2019, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–24 of the '894 patent, and whether an industry in the United States exists or in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “blood separation and cell preparation devices that allow clinicians to collect a patient's blood and separate platelet rich plasma from the blood, which is then used to treat the patient”;

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

RegenLab USA LLC, 575 Madison Avenue, Suite 1006, New York, NY 10022.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served: Estar Technologies, Ltd., 15 Hamerkava Street, Holon 5885111, Israel.

Eclipse MedCorp, LLC, 5916 Stone Creek Drive, Suite 120, The Colony, TX 75056.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be

submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: March 7, 2019.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2019–04475 Filed 3–11–19; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–595–596 and 731–TA–1401, 1403, 1405–1406 (Final)]

Large Diameter Welded Pipe From Canada, Greece, Korea, and Turkey; Scheduling of the Final Phase of Antidumping and Countervailing Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: March 6 2019.

FOR FURTHER INFORMATION CONTACT: Lawrence Jones (202) 205–3358, Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office

of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION: Effective August 27, 2018, the Commission established a general schedule for the conduct of the final phase of its investigations on large diameter welded (LDW) pipe from Canada, China, Greece, India, Korea, and Turkey,¹ following preliminary determinations by the U.S. Department of Commerce (“Commerce”) that certain benefits which constitute subsidies within the meaning of section 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in China, India, Korea, and Turkey of large diameter welded (LDW) pipe, and that such products from Canada, China, Greece, India, Korea, and Turkey are being sold in the United States at less than fair value (LTFV) within the meaning of section 733 of the Act (19 U.S.C. 1673b).² Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on September 6, 2018 (83 FR 45279). The hearing was held in Washington, DC, on November 6, 2018, and all persons who requested the opportunity were permitted to appear in person or by counsel. Following affirmative final determinations by Commerce regarding LTFV and subsidized imports of LDW pipe from China and India, the Commission issued its final determinations that an industry in the United States was materially injured by reason of LTFV and subsidized imports of LDW line pipe from India; that an industry in the United States is materially injured by reason of LTFV and subsidized imports of LDW structural pipe from China; and that an industry in the United States is threatened with material injury by reason of LTFV imports of LDW line pipe from China. Further, the Commission has terminated the countervailing duty investigation on

¹ *Large Diameter Welded Pipe From Canada, China, Greece, India, Korea, and Turkey; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations*, 83 FR 45279, September 6, 2018.

² See generally 83 FR 30690–30699, June 29, 2018, and 83 FR 43640–43656, August 27, 2018.

LDW line pipe from China and the antidumping and countervailing duty investigations on LDW structural pipe from India. Finally, the Commission has determined that an industry in the United States is not materially injured or threatened with material injury by reason of LTFV and subsidized imports of stainless steel LDW pipe from China and India.

Commerce has issued final affirmative determinations with respect to LTFV imports of LDW pipe from Canada,³ Greece,⁴ Korea,⁵ and Turkey,⁶ and imports of LDW pipe subsidized by the governments of Korea⁷ and Turkey.⁸ Accordingly, the Commission currently is issuing a supplemental schedule for its investigations on LTFV imports of LDW pipe from Canada, Greece, Korea, and Turkey, and on imports of LDW pipe subsidized by the governments of Korea and Turkey. This supplemental schedule is as follows: the deadline for filing supplemental party comments on Commerce's final antidumping and countervailing duty determinations is March 11, 2019. Supplemental party comments may address only Commerce's final determinations regarding LTFV imports of LDW pipe from Canada, Greece, Korea, and Turkey and imports of LDW pipe subsidized by the governments of Korea and Turkey. These supplemental final comments may not contain new factual information and may not exceed five (5) pages in length. The supplemental staff report in the final phase of these investigations regarding subject imports from Canada, Greece, Korea, and Turkey will be placed in the nonpublic record on March 21, 2019; and a public version will be issued thereafter.

For further information concerning these investigations see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

³ *Large Diameter Welded Pipe From Canada: Final Affirmative Determination of Sales at Less Than Fair Value*, 84 FR 6378, February 27, 2019.

⁴ *Large Diameter Welded Pipe From Greece: Final Affirmative Determination of Sales at Less Than Fair Value*, 84 FR 6364, February 27, 2019.

⁵ *Large Diameter Welded Pipe From the Republic of Korea: Final Affirmative Determination of Sales at Less Than Fair Value*, 84 FR 6374, February 27, 2019.

⁶ *Large Diameter Welded Pipe From the Republic of Turkey: Final Affirmative Determination of Sales at Less Than Fair Value*, 84 FR 6367, February 27, 2019.

⁷ *Large Diameter Welded Pipe From the Republic of Korea: Final Affirmative Countervailing Duty Determination*, 84 FR 6369, February 27, 2019.

⁸ *Large Diameter Welded Pipe From the Republic of Turkey: Final Affirmative Countervailing Duty Determination*, 84 FR 6367, February 27, 2019.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: March 7, 2019.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2019-04476 Filed 3-11-19; 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 Child Carriers and Components Thereof, DN 3373*; 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 LILLEbaby, LLC on March 6, 2019. 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 child carriers and components thereof. The complaint names as respondents: BabyBjorn AB of Sweden; BabyBjorn Inc. of New York, NY; BabySwede LLC of Cleveland, OH; Baby Tula LLC a/k/a New Baby Carrier of Boulder, CO; Boba Inc. d/b/a Beco Baby Carrier of Boulder, CO; ByKay BV of The Netherlands; Artsana USA, Inc. f/k/a Chicco USA Inc. of Lancaster, PA; Cybex GmbH of Germany; Columbus Trading Partners USA, Inc. of Boston, MA; The Ergo Baby Carrier Inc. of Los Angeles, CA; Blue Box OpCo LLC d/b/a Infantino of San Diego, CA; Isara, Deneris Trade SRL of Romania; Jonobaby Babytragen of Germany; Kokadi GmbH & Co. KG of Germany; Lenny Lamb Sp. z o.o Sp.K of Poland; Minimonkey BV of The Netherlands; Mountain Buggy USA a/k/a Phil & Teds USA Inc. of Fort Collins, CO; Soul US Inc. of India; Stokke AS of Norway; Stokke LLC of Stamford, CT; Tingtao Sunveno Co., Ltd. of China; Wuxi Kangarouse Trading Co. Ltd. Enterprises d/b/a Kangarouse of China; Nantong Shi Keen Home Textile of China; Jing Jiang Dimarco Packaging & Gifts Co. of China; Jiangsu Matrix Textile Co., Ltd. of China; Quanzhou Mingrui Bags Co. Ltd. of China; You + Me of Boulder, CO; L'Echarpe Porte Bonheur, Inc. d/b/a Chimparoo of Canada; and Britax Child Safety, Inc. of Fort Mill, SC. The complainant requests that the Commission issue a general exclusion order, limited exclusion orders, and cease and desist orders.

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. 3373") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic 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 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: March 7, 2019.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2019-04477 Filed 3-11-19; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

[OMB Number 1140-0025]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Limited Permittee Transaction Report—ATF F 5400.4

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit 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. The proposed collection OMB 1140-0025 (Limited Permittee Transaction Report—ATF F 5400.4) is being revised due to a change in the public cost burden, because of a postage rate increase since the last renewal in 2016.

DATES: Comments are encouraged and will be accepted for 60 days until May 13, 2019.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, regarding 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: Anita Scheddel, Program Analyst, Explosives Industry Programs Branch, either by mail at 99 New York Ave. NE, Washington, DC 20226, by email at eipb-informationcollection@atf.gov or by telephone at 202-648-7158.

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 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;
- 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* (check justification or form 83):

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Limited Permittee Transaction Report.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF F 5400.4.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other (if applicable): Business or other for-profit.

Abstract: The purpose of this collection is to enable ATF to determine if limited permittees have exceeded the number of receipts of explosives materials they are allowed, as well as the eligibility of such persons to purchase explosive materials.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 125 respondents will utilize the form approximately six (6) times annually, and it will take each respondent approximately 20 minutes to complete each form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 750 hours, which is equal to 125 (# of respondents) * 6 (number of responses per respondent) * .333333 (20 mins).

7. *An Explanation of the Change in Estimates:* The public cost burden for this information collection increased by a total \$45 from \$368 since the last renewal in 2016 to \$413 in 2019, due to a postage rate from 49 cents to 55 cents.

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: March 7, 2019.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2019-04443 Filed 3-11-19; 8:45 am]

BILLING CODE 4410-FY-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under The Clean Air Act

On March 6, 2019, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Eastern District of Texas in the lawsuit entitled *United States of America v. ExxonMobil Oil Corporation*, Civil Action No. 1:19-cv-121.

The United States has also filed a Complaint, concurrently with the proposed Consent Decree, alleging ExxonMobil Oil Corporation ("ExxonMobil") violated Sections 112(r)(1) and 112(r)(7) of the Clean Air Act ("CAA"), 42 U.S.C. 7412(r)(1) and (r)(7), which requires measures to prevent accidental releases of extremely hazardous substances that can have serious public health and environmental consequences. The Consent Decree and Complaint address CAA claims arising from an April 17, 2013 fire at ExxonMobil's oil refinery in Beaumont, Texas, that killed two workers and injured ten others.

Under the proposed Consent Decree, ExxonMobil will pay a \$616,000 civil penalty, hire an independent third party auditor, and perform a supplemental environmental project ("SEP"). The auditor will conduct a compliance audit of ExxonMobil's procedures for opening process equipment at ten different process units at the refinery and also evaluate the company's procedures for conducting risk-based mechanical integrity inspections. The SEP requires ExxonMobil to purchase a hazardous materials Incident Command Vehicle, valued at \$730,000, for the Beaumont Fire & Rescue Service.

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 of America v. ExxonMobil Oil Corporation*, D.J. Ref. No. 90-5-2-1-11637. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted by either email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
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 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 \$7.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Thomas Carroll,

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

[FR Doc. 2019-04495 Filed 3-11-19; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

[OMB Number 1140-0075]

Agency Information Collection Activities; Proposed eCollection Activities Requested; Extension Without Change of a Currently Approved Collection Transactions Among Licensees/Permittees, Limited

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit 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.

DATES: Comments are encouraged and will be accepted for 60 days until May 13, 2019.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, regarding 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: Anita Scheddel, Program Analyst, ATF Explosives Industry Programs Branch, either by mail at 99 New York Ave. NE, Washington, DC 20226, or by email at eipb-informationcollection@atf.gov or by telephone at 202-648-7158.

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 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;
- 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 (check justification or form 83):*

Extension, of a currently approved collection.

2. *The Title of the Form/Collection:* Transactions Among Licensees/Permittees, Limited.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number (if applicable): None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other (if applicable): None.

Abstract: Specific requirements for licensees and permittees regarding limited explosive permits are outlined in this information collection. This information will be used by ATF to implement the provisions of the Safe Explosives Act.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 125 respondents will utilize this information collection, and it will take each respondent approximately 30 minutes to provide their responses.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is

63 hours, which is equal to 125 (# of respondents) * 1 (# of responses per respondent) * .5 (30 minutes).

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: March 7, 2019.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2019-04447 Filed 3-11-19; 8:45 am]

BILLING CODE 4410-FY-P

DEPARTMENT OF JUSTICE

[OMB Number 1140-0081]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change of a Currently Approved Collection; Appeals of Background Checks

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit 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.

DATES: Comments are encouraged and will be accepted for 60 days until May 13, 2019.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, regarding 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: Shawn Stevens, Federal Explosives Licensing Center, either by mail at 244 Needy Road, Martinsburg, WV 25405, by email at Shawn.Stevens@atf.gov, or by telephone at 304-616-4400.

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 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;
- 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 (check justification or form 83):*

Extension, without change, of a currently approved collection.

2. *The Title of the Form/Collection:* Appeals of Background Checks.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other (if applicable): Business or other for-profit.

Abstract: 18 U.S.C. Section 843(h) requires the Attorney General to conduct background checks on the persons whose names and descriptions accompany the Federal explosives license or permit applications. This section further obligates the Attorney General to provide notification of disability to anyone who is determined to be so under Section 842(i) of this Chapter, as well as information about how such individuals can apply for relief from a disability determination. 27 CFR, Section 555.33 also state that anyone who wishes to challenge a disability determination may direct their appeal to the Director.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 500 respondents will respond once to this information collection, and it will take each respondent approximately 2 hours to complete their responses.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 1,000 hours, which is equal to 500 (# of respondents) * 1 (# of responses per respondents) * 2 (# of hours to complete each response).

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: March 7, 2019.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2019-04448 Filed 3-11-19; 8:45 am]

BILLING CODE 4410-FY-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Affirmative Decisions on Petitions for Modification Granted in Whole or in Part

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice.

SUMMARY: The Federal Mine Safety and Health Act of 1977 and the Code of Federal Regulations govern the application, processing, and disposition of petitions for modification. This **Federal Register** notice notifies the public that MSHA has investigated and issued a final decision on certain mine operator petitions to modify a safety standard.

ADDRESSES: Copies of the final decisions are posted on MSHA's website at <https://www.msha.gov/regulations/rulemaking/petitions-modification>. The public may inspect the petitions and final decisions during normal business hours in MSHA's Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202. All visitors are required to check in at the receptionist's desk in Suite 4E401.

FOR FURTHER INFORMATION CONTACT: Barbara Barron at 202-693-9447 (voice), barron.barbara@dol.gov (email), or 202-693-9441 (fax). [These are not toll-free numbers].

SUPPLEMENTARY INFORMATION:

I. Introduction

Under section 101 of the Federal Mine Safety and Health Act of 1977, a mine

operator may petition and the Secretary of Labor (Secretary) may modify the application of a mandatory safety standard to that mine if the Secretary determines that: (1) An alternative method exists that will guarantee no less protection for the miners affected than that provided by the standard; or (2) the application of the standard will result in a diminution of safety to the affected miners.

MSHA bases the final decision on the petitioner's statements, any comments and information submitted by interested persons, and a field investigation of the conditions at the mine. In some instances, MSHA may approve a petition for modification on the condition that the mine operator complies with other requirements noted in the decision.

II. Granted Petitions for Modification

On the basis of the findings of MSHA's investigation, and as designee of the Secretary, MSHA has granted or partially granted the following petitions for modification:

- **Docket Number:** M-2012-131-C.
FR Notice: 77 FR 42005 (7/17/2012).

Petitioner: Buchanan Minerals, LLC (formerly Blue Diamond Coal Company of Virginia), Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

Mine: Laurel Fork Mine (formerly Mine No. 1), MSHA I.D. No. 46-09084, located in McDowell County, West Virginia.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

- **Docket Number:** M-2012-132-C.
FR Notice: 77 FR 42006 (7/17/2012).

Petitioner: Buchanan Minerals, LLC (formerly Blue Diamond Coal Company of Virginia), Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

Mine: Laurel Fork Mine (formerly Mine No. 1), MSHA I.D. No. 46-09084, located in McDowell County, West Virginia.

Regulation Affected: 30 CFR 75.507-1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

- **Docket Number:** M-2012-133-C.
FR Notice: 77 FR 42006 (7/17/2012).

Petitioner: Buchanan Minerals, LLC (formerly Blue Diamond Coal Company of Virginia), Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

Mine: Laurel Fork Mine (formerly Mine No. 1), MSHA I.D. No. 46-09084, located in McDowell County, West Virginia.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

- **Docket Number:** M-2012-139-C.
FR Notice: 77 FR 42010 (7/17/2012).

Petitioner: The Monongalia County Coal Company (formerly Consolidation Coal Company), Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

Mine: Monongalia County Mine (formerly Blacksville No. 2 Mine), MSHA I.D. No. 46-01968, located in Monongalia County, West Virginia.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

- **Docket Number:** M-2012-144-C.
FR Notice: 77 FR 42013 (7/17/2012).

Petitioner: Marion County Coal Company (formerly Consolidation Coal Company), Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

Mine: Marion County Mine (formerly Loveridge No. 22 Mine), MSHA I.D. 46-01433, located in Marion County, West Virginia.

Regulation Affected: 30 CFR 75.507-1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

- **Docket Number:** M-2012-146-C.
FR Notice: 77 FR 42014 (7/17/2012).

Petitioner: The Marshall County Coal Company (formerly McElroy Coal Company), Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

Mine: Marshall County Mine (formerly McElroy Mine), MSHA I.D. No. 46-01437, located in Marshall County, West Virginia.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

- **Docket Number:** M-2012-148-C.
FR Notice: 77 FR 42016 (7/17/2012).

Petitioner: The Marshall County Coal Company (formerly McElroy Coal Company), Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

Mine: Marshall County Mine (formerly McElroy Mine), MSHA I.D. No. 46-01437, located in Marshall County, West Virginia.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

- **Docket Number:** M-2013-011-C.
FR Notice: 78 FR 13092 (2/26/2013).

Petitioner: Peabody Midwest Mining, LLC, Three Gateway Center, Suite 1500,

401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

Mine: Wildcat Hills Underground Mine, MSHA I.D. No. 11-03156, located in Saline County, Illinois.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

- *Docket Number:* M-2014-002-C.
FR Notice: 79 FR 11137 (2/27/2014).

Petitioner: Consol Pennsylvania Coal Company, LLC, Three Gateway Center, Suite 1500, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

Mine: Harvey Mine (formerly BMX Mine, MSHA I.D. No. 36-10045, located in Greene County, Pennsylvania.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

- *Docket Number:* M-2014-003-C.
FR Notice: 79 FR 11138 (2/27/2014).

Petitioner: Consol Pennsylvania Coal Company, LLC, Three Gateway Center, Suite 1500, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

Mine: Harvey Mine (formerly BMX Mine), MSHA I.D. No. 36-10045, located in Greene County, Pennsylvania.

Regulation Affected: 30 CFR 75.507-1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

- *Docket Number:* M-2014-004-C.
FR Notice: 79 FR 11138 (2/27/2014).

Petitioner: Consol Pennsylvania Coal Company, LLC, Three Gateway Center, Suite 1500, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

Mine: Harvey Mine (formerly BMX Mine), MSHA I.D. No. 36-10045, located in Greene County, Pennsylvania.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

- *Docket Number:* M-2017-040-C.
FR Notice: 83 FR 3030 (1/22/2018).

Petitioner: Mountain Coal Company, LLC, 5174 Hwy. 133 Somerset, Colorado 81434.

Mine: West Elk Mine, MSHA I.D. No. 05-03672, located in Gunnison County, Colorado.

Regulation Affected: 30 CFR 75.364(b)(2) (Weekly examination).

- *Docket Number:* M-2018-017-C.
FR Notice: 83 FR 48457 (9/25/2018).

Petitioner: Raw Coal Mining Company, Inc., 356 South College Avenue, Bluefield, Virginia 24605.

Mine: EDM No. 1 Mine, MSHA I.D. No. 46-09507, located in McDowell County, West Virginia.

Regulation Affected: 30 CFR 75.1101-1(b) (Deluge-type water spray systems).

- *Docket Number:* M-2016-002-M.
FR Notice: 81 FR 55487 (8/19/2016).

Petitioner: United Salt Hockley, LLC, 14002 Warren Ranch Road, Hockley, Texas 77447.

Mine: Hockley Mine, MSHA I.D. No. 41-02478, located in Harris County, Texas.

Regulation Affected: 30 CFR 57.4131 (Surface fan installations and mine openings).

- *Docket Number:* M-2016-003-M.
FR Notice: 81 FR 55488 (8/19/2016).

Petitioner: United Salt Hockley, LLC, 14002 Warren Ranch Road, Hockley, Texas 77447.

Mine: Hockley Mine, MSHA I.D. No. 41-02478, located in Harris County, Texas.

Regulation Affected: 30 CFR 57.4560 (Mine entrances).

- *Docket Number:* M-2016-004-M.
FR Notice: 81 FR 55488 (8/19/2016).

Petitioner: United Salt Hockley, LLC, 14002 Warren Ranch Road, Hockley, Texas 77447.

Mine: Hockley Mine, MSHA I.D. No. 41-02478, located in Harris County, Texas.

Regulation Affected: 30 CFR 57.4533 (Mine opening vicinity).

Sheila McConnell,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2019-04436 Filed 3-11-19; 8:45 am]

BILLING CODE 4520-43-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standard

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before April 11, 2019.

ADDRESSES: You may submit your comments, identified by "docket number" on the subject line, by any of the following methods:

1. *Email:* zzMSHA-comments@dol.gov. Include the docket number of the petition in the subject line of the message.
2. *Facsimile:* 202-693-9441.
3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards,

Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202-5452, Attention: Sheila McConnell, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect a copy of the petition and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations, and Variances at 202-693-9447 (voice), barron.barbara@dol.gov (email), or 202-693-9441 (fax). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations Part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor (Secretary) determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M-2019-001-C.

Petitioner: Rockwell Mining, LLC, 300 Kanawha Boulevard, East (ZIP 25301), Post Office Box 273, Charleston, West Virginia 25321-0273.

Mine: Matewan Tunnel Mine, MSHA I.D. No. 46-08610, located in Boone County, West Virginia.

Regulation Affected: 30 CFR

75.1108(c) (Approved conveyor belts).

Modification Request: The petitioner requests a modification of the existing standard to its overland coal belt that travels, in part, through the Matewan

Tunnel Mine ("Tunnel Mine"). The petitioner submits that a modification of the Part 14 belt standard is warranted because the unique layout of the mine and additional safety measures the petitioner will put in place will make the conveyor belt in the Tunnel Mine at least as safe as compliance with Part 14.

The petitioner states that:

(1) The Tunnel Mine is a straight, three-entry tunnel mine developed in 1998. The Tunnel Mine has been non-producing since 1998. At the time of development, the purpose was to provide an excavation to install a conveyor system to transport raw coal from Harris No. 1 Mine (Harris) to the Rocklick Preparation Plant (Rocklick) and transport clean coal back to the Norfolk Southern Railroad loadout at Harris. The Matewan Coal Seam was chosen due to its contiguous vertical position to each operation (Harris and Rocklick). The Matewan Seam has no previous mining history in this area due to poor quality and its low average seam height that is 33 inches thick requires 48 inches of outseam excavation to facilitate the conveyor system. The Tunnel Mine does not liberate any methane.

(2) The Tunnel Mine consists of three entries developed on a straight course of 10,500 feet from outcrop to outcrop. The roof in the belt entry (center entry) is supported with 6-foot fully grouted bolts with T5 steel channel every row. Steel straps and 4-foot conventional bolts support the ribs. The final conveyor structure is offset in the entry to provide complete access along its entire length. Thus, the ventilation system will not likely be compromised by roof or rib integrity.

(3) The 42-inch conveyor is 12,445 feet long and is powered by two separate drive installations on the surface at each end of the underground excavation (500 HP and 1,000 HP). The conveyor is designed to turn over on each end to maintain the material handling surface in an upward facing position. Both the top and bottom structure are troughed 35 degrees to provide simultaneous transportation capacity on the top and return portions of the belt. The conveyor uses special belt with steel cable carcass related at 1,900 pounds per inch of width (PIW). Traveling 680 feet per minute (FPM), the belt system has a carrying capacity of 1,000 tons per hour (TPH) on each belt (top and bottom) totaling 2,000 TPH. The installation was completed and commissioned for service in February 1999.

(4) The conveyor belt inside the Tunnel Mine originally handled the production from longwall mines from

Harris to Rocklick and back to the loadout. The Tunnel Mine currently only transports a fraction of its design capacity. The Tunnel Mine transports raw coal estimated at 4,000 raw tons daily from two continuous miner sections in the Black Oak Mine to Rocklick without utilizing the return belt capacity.

(a) The portal at the Preparation Plant side of the Tunnel Mine is known as the Rocklick Portal. The portal at the other end is known as the Harris Portal. The Tunnel Mine is ventilated from the Rocklick Portal with a 5.5-foot blowing fan with a 1,200 RPM speed, set to Blade Setting No. 5, producing 105,000 CFM of airflow.

(b) At the Rocklick Portal, fresh air enters in the No. 1 entry and travels to the No. 11 crosscut and splits. A small portion of the air goes to entry Nos. 2 and 3 from crosscut No. 11 back to the Rocklick Portal. The remaining air flows to the Harris Portal from crosscuts 11 to 75 in all three entries. The air in the Tunnel Mine is considered neutral.

(c) The existing belt, which was installed sometime between 2005 and 2007, is in excellent condition with little wear. There are no belt drives, tails, or dumping points on the underground portion of the belt flight. The belt runs one shift per day, for approximately 8 to 9 hours. At the Harris Portal, an additional 1,250 feet of conveyor takes the belt to the Black Oak Mine surface loading point. At the Rocklick Portal, about 500 feet of conveyor belt takes the coal to the raw coal pile.

(d) The Tunnel Mine has numerous safety features including:

(i) The belt entry is separated by stopping lines on each side.

(ii) Mandoors every 300 feet on each stopping line.

(iii) Carbon Monoxide (CO) monitors every 1,000 feet.

(iv) Conveyor belt alignment rollers every 1,000 feet.

(v) Fire taps and hoses located every 300 feet.

(vi) The belt is x-rayed annually to ensure the integrity of the existing belt.

(vii) Two-way communications (pager phones) are located underground starting every 7 breaks throughout the mine. The control room operator at Rocklick monitors the communication system. Two-way wireless radios worn by the surface employee can communicate with the examiner underground.

(viii) Graveled roadways.

(ix) Emergency belt stop switches every 7 breaks.

(x) No issued violations on the conveyor belt since May 19, 1998.

(e) Certified examiners travel the belt entry on a 2-man ride to examine the belt once per shift and record those findings in required mine books.

(f) The Tunnel Mine normally operates with only one miner underground while the belt is running. The examiners of the Tunnel Mine are a certified foreman and electrician. Examinations take about 1 hour per shift. When necessary, a certified miner helps with maintenance and other tasks in the mine.

(g) There are no belt drives, tailpieces, or electric motors inside the Tunnel Mine. The belt only runs through the mine on conveyor structure and rollers.

(h) The belt is approximately 1½ inches thick, 48 inches wide, and has steel cable imbedded in the belt. The belt at each end is turned over so that the coal side is always facing up on transport and return. This design greatly reduces any spillage and accumulations in the Tunnel Mine.

(i) Self-Contained Self-Rescuer Caches are stored at breaks 14, 28, 37, 42, 56, and 70. There are also emergency barricade materials kept in the No. 3 entry.

(j) The Tunnel Mine has emergency lifelines throughout. Further, it has significant fire detection and firefighting devices in the mine that include:

- A waterline with fire hoses and nozzles every 300 feet.
- A beltline that has 13 smoke detection and carbon monoxide (CO) sensors approximately every 5 to 6 breaks. The CO sensors are currently set to 'low alarm' at 5 ppm and 'high alarm' at 10 ppm, far below levels that present any danger to miners. The CO monitoring system will be programmed to shut off the belt at 'high alarm'.
- A 2-man ride used to examine the belt that has self-rescuers and separate fire extinguishers.

(k) The alternative to using the Tunnel Mine belt will be to truck Black Oak Mine's coal to Rocklick. This will significantly increase the number of trucks on Route 85 in Boone County between Black Oak and the Rocklick Preparation Plant. The increase in trucks going in and out of the Rocklick Preparation Plant will also add congestion to the load-out traffic flow.

(l) Rockwell has not experienced any safety issues with the conveyor belt in the Tunnel Mine. Rockwell mining has never experienced any fire related issues on the conveyor belt at the Tunnel Mine or experienced any significant issues with rollers on the belt in the Tunnel Mine beyond routine maintenance.

(m) Based on chemical laboratory analysis, the belt has been confirmed to be Part 18 compliant. The belt, however, has not been tested for Part 14 compliance due to Rockwell Mining's difficulty in finding an appropriate testing facility.

(5) Rockwell Mining has investigated and determined an alternative method of achieving the desired result of Part 14, which is the reduction of potential belt fires and exposure to fire hazards.

The petitioner proposes the following alternative method:

- Prior to a qualified person entering the mine, the CO system will be monitored for two hours for any sign of combustion. At the end of coal transport each day, the CO system will be monitored for 4 hours for any signs of combustion (e.g., CO or smoke detection by CO monitors on the belt).
- A daily functional (bump) test of at least one sensor will be conducted for CO in addition to the weekly functional test required under 30 CFR 75.1103–8. A different sensor will be bump tested each day. In addition, CO monitors will be installed every 300 feet, instead of the 1,000 feet required by current law.
- Training for miners on location of Part 18 belt and interim safety measures being taken herein and revised training on the requirements of 30 CFR 75.1502, as appropriate.
- An immediate functional test of the fire suppression system along with additional tests conducted weekly. A daily visual inspection of all fire suppression systems will be conducted by a qualified person.
- Install a “waterwall system” every 900 feet, which will be tapped into the CO monitoring system. The waterwall will activate at 50 ppm of CO. The waterwall will provide 50 psi and 45 GPM of water curtain from roof to floor and rib to rib.
- Cameras will be installed every 1,000 feet to allow continuous visual monitoring of the belt configuration including before examiners enter the mine.
- Existing heat sensors will be utilized every 125 feet to continually monitor the beltline to detect potential heat sources.
- The belt will be cleared of coal and during examination will run empty. Examinations generally take less than 1 hour with the belt running approximately 8 to 9 hours a day.
- All examiners are trained and will continue to be trained monthly on the locations and use of escapeways, mandos, SCSR caches, lifelines, and

fire suppression and fire-fighting equipment in the mine.

- No motors or electrical equipment will be added and no changes will be made to the belt configuration or layout that would add motors or belt drives underground while this petition for modification is in effect.
- The examiner will enter the mine from the Harris Portal, the downwind side so that the examiner is traveling towards the fan. From entries 75 to 11, the examiner will be traveling into fresh air. From crosscut No. 11 to the Rocklick Portal, fresh air will come from behind the examiner for those 11 breaks.
- The examiners will be trained to immediately notify the dispatcher in the event of CO detection. Radio contact is established throughout the Tunnel Mine. Should a fire be encountered and not extinguished according to applicable law, the examiner will withdraw from the Tunnel Mine and notify MSHA as required under applicable law.
- If the CO system is down, the belt will not operate until necessary repairs have been made to the CO system.
- As the belt is repaired and sections replaced, Part 14 belt will be used. In 2019, about 2,000 feet of the belt are expected to be replaced.
- While rock-dusting and most maintenance is conducted on the beltline, the belt will not be in operation.
- Petitioner will continue annual x-ray examinations.
- All necessary repair and replacement belt will be Part 14 compliant.

The petitioner asserts that these alternative methods will guarantee no less than the same measure of protection from the potential hazards for which 30 CFR 75.1108(c) was intended to guard against.

Sheila McConnell,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2019–04434 Filed 3–11–19; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0028]

MET Laboratories, Inc.: Application for Expansion of Recognition and Proposed Modification to the NRTL Program's List of Appropriate Test Standards

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of MET Laboratories, Inc., for expansion of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application. Additionally, OSHA proposes to add one additional test standard to the NRTL Program's List of Appropriate Test Standards.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before March 27, 2019.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at: <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2006–0028, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., ET.

Instructions: All submissions must include the agency name and OSHA docket number (OSHA–2006–0028). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at <http://www.regulations.gov>.

Docket: To read or download comments or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the above address. All documents in the docket (including this **Federal Register** notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

Extension of comment period: Submit requests for an extension of the comment period on or before March 27, 2019 to the Office of Technical

Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N-3653, Washington, DC 20210, or by fax to (202) 693-1644.

FOR FURTHER INFORMATION CONTACT:

Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, phone: (202) 693-1999; email: meilinger.francis2@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, phone: (202) 693-2110 or email: robinson.kevin@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

The Occupational Safety and Health Administration is providing notice that MET Laboratories, Inc. (MET), is applying for expansion to the current recognition as a NRTL. MET requests the addition of one test standard to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR

1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within a scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides a final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including MET, which details the NRTL's scope of recognition. These pages are available from the OSHA website at <http://www.osha.gov/dts/otpcanrtl/index.html>.

MET currently has one facility (site) recognized by OSHA for product testing and certification, with headquarters located at: MET Laboratories, Inc., 914 West Patapsco Avenue, Baltimore, Maryland 21230. A complete list of MET's scope of recognition is available at <https://www.osha.gov/dts/otpcanrtl/met.html>.

II. General Background on the Application

MET submitted an application, dated November 8, 2016 (OSHA-2006-0028-0041), to expand recognition to include four additional test standards. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application. OSHA published a **Federal Register** notice (83 FR 5813) announcing this application, but referenced one standard as being recognized by OSHA when that standard is not currently included in the NRTL Program's List of Appropriate Test Standards. OSHA further published a **Federal Register** notice (83 FR 22291) granting recognition for the three additional standards requested in the application. This notice revises the previous **Federal Register** notice for the one remaining standard.

Table 1, below, lists the appropriate test standard found in MET's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN MET'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 61010-2-020 *	Safety Requirements for Electrical Equipment for Measurement, Control, and Laboratory Use—Part 2-020: Particular Requirements for Laboratory Centrifuges.

* Represents the standard that OSHA proposes to add to the NRTL Program's List of Appropriate Test Standards.

III. Proposal To Add New Test Standard to the NRTL Program's List of Appropriate Test Standards

Periodically, OSHA will propose to add new test standards to the NRTL list of appropriate test standards following an evaluation of the test standard document. To qualify as an appropriate test standard, the agency evaluates the document to (1) verify it represents a product category for which OSHA requires certification by a NRTL, (2) verify the document represents an end product and not a component, and (3) verify the document defines safety test specifications (not installation or operational performance specifications).

OSHA becomes aware of new test standards through various avenues. For example, OSHA may become aware of new test standards by: (1) Monitoring notifications issued by certain Standards Development Organizations; (2) reviewing applications by NRTLs or applicants seeking recognition to include new test standards in their scope of recognition; and (3) obtaining notification from manufacturers, manufacturing organizations, government agencies, or other parties. OSHA may determine to include a new test standard in the list, for example, if the test standard is for a particular type of product that another test standard

also covers or it covers a type of product that no standard previously covered.

In this notice, OSHA proposes to add one new test standard to the NRTL Program's List of Appropriate Test Standards. Table 2, below, lists the test standard that is new to the NRTL Program. OSHA preliminarily determined that this test standard is an appropriate test standard and proposes to include it in the NRTL Program's List of Appropriate Test Standards. OSHA seeks public comment on this preliminary determination.

TABLE 2—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN MET'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 61010–2–020	Safety Requirements for Electrical Equipment for Measurement, Control, and Laboratory Use—Part 2–020: Particular Requirements for Laboratory Centrifuges.

IV. Preliminary Findings on the Application

MET submitted an acceptable application for expansion of the scope of recognition. OSHA's review of the application file, and pertinent documentation, indicate that MET can meet the requirements prescribed by 29 CFR 1910.7 for expanding recognition to include the addition of the test standard for NRTL testing and certification listed above. This preliminary finding does not constitute an interim or temporary approval of MET's application.

OSHA welcomes public comment as to whether MET meets the requirements of 29 CFR 1910.7 for expansion of NRTL recognition. OSHA additionally welcomes comment on the proposal to add one additional test standard to the NRTL Program's List of Appropriate Test Standards. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request, by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if the request is not adequately justified. To obtain or review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, at the above address. These materials also are available online at <http://www.regulations.gov> under Docket No. OSHA–2006–0028.

OSHA staff will review all comments to the docket submitted in a timely manner. After addressing the issues raised by these comments, the agency will make a recommendation to the Assistant Secretary for Occupational Safety and Health regarding MET's application for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of the final decision in the **Federal Register**.

IV. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational

Safety and Health, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on March 4, 2019.

Loren Sweatt,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2019–04435 Filed 3–11–19; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Wage and Hour Division

Agency Information Collection Activities; Comment Request; Proposed Extension; Information Collections: Employment Information Form

AGENCY: Wage and Hour Division, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is soliciting comments concerning a proposed extension of the information collection request (ICR) titled, "Employment Information Form." This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

This program helps to 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. A copy of the proposed information request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before May 13, 2019.

ADDRESSES: You may submit comments identified by Control Number 1235–0021, by either one of the following methods: *Email:* WHDPRAComments@

dol.gov; Mail, Hand Delivery, Courier: Division of Regulations, Legislation, and Interpretation, Wage and Hour, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210.

Instructions: Please submit one copy of your comments by only one method. All submissions received must include the agency name and Control Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for Office of Management and Budget (OMB) approval of the information collection request.

FOR FURTHER INFORMATION CONTACT:

Robert Waterman, Compliance Specialist, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693–0406 (this is not a toll-free number). Copies of this notice may be obtained in alternative formats (Large Print, Braille, Audio Tape, or Disc), upon request, by calling (202) 693–0023 (not a toll-free number). TTY/TTD callers may dial toll-free (877) 889–5627 to obtain information or request materials in alternative formats.

SUPPLEMENTARY INFORMATION:

I. *Background:* The Wage and Hour Division (WHD) of the Department of Labor administers the Fair Labor Standards Act (FLSA), 29 U.S.C. 201, *et seq.*, which sets the Federal minimum wage, overtime pay, recordkeeping, and youth employment standards of most general application. See 29 U.S.C. 206; 207; 211; 212. FLSA requirements apply to employers of employees engaged in interstate commerce or in the production of goods for interstate commerce and of employees in certain enterprises, including employees of a public agency; however, the FLSA contains exemptions that apply to employees in certain types of employment. See 29 U.S.C. 213, *et al.* FLSA section 11(a) provides that the

Secretary of Labor may investigate and gather data regarding the wages, hours, or other conditions and practices of employment in any industry subject to the FLSA, and may enter and inspect such places and such records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters deemed necessary or appropriate to determine whether any person has violated any provision of the FLSA. 29 U.S.C. 211(a).

Other Federal laws the WHD administers provide similar authority. These Acts include the: Walsh-Healey Public Contracts Act (41 U.S.C. 38); McNamara-O'Hara Service Contract Act (41 U.S.C. 353(a)); Davis-Bacon Act (40 U.S.C. 3141 *et seq.*, pursuant to Reorganization Plan No. 14 of 1950, and Related Acts); Consumer Credit Protection Act (15 U.S.C. 1676); Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1862(a)); Employee Polygraph Protection Act (29 U.S.C. 2004(a)(3)); Family and Medical Leave Act (29 U.S.C. 2616(a)); Immigration and Nationality Act H-2A program (8 U.S.C. 1188(g)); the Immigration and Nationality Act H-2B program (8 U.S.C. 1184(c)(14)(B) and the Immigration and Nationality Act H-1C program (8 U.S.C. 1182(m)(2)(E)(ii)). The regulatory provisions authorizing the filing of complaints under these laws and how the agency acts upon the concerns can be found at 29 CFR 4.191, 5.6, 500.1(e), 501.1(c), 501.5, 801.7(a)(3), 825.401; 41 CFR 50-201.1202; and 20 CFR§ 655.1200(b).

WHD staff use Form WH-3 as a guide for obtaining optional information from complainants (*e.g.*, current and former employees, unions, and competitor employers, self-reporting employers) about alleged employer violations of the labor standards provisions of the above-cited Acts. Complainants generally provide the optional information requested on the form to WHD staff over the telephone or in-person. Where the information provided does not support a potential WHD enforcement action, complainants are advised and referred to the appropriate agency for further assistance. When the WHD schedules a complaint-based investigation, the agency makes the completed Form WH-3 part of the investigation case file. The form is printed in both English and Spanish.

The WHD uses this information to determine whether covered employers have complied with various legal requirements of the laws administered by the Wage and Hour Division. The WHD seeks an extension of this collection.

II. *Review Focus:* The Department of Labor is particularly interested in comments which:

- 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;
- Enhance the quality, utility, and clarity of the information to be collected;
- 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;
- 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.

III. *Current Actions:* The Department of Labor seeks an approval for the extension of this information collection in order to ensure effective administration of the government contract programs.

Type of Review: Extension.

Agency: Wage and Hour Division.

Title: Employment Information Form.

OMB Number: 1235-0021.

Affected Public: Business or other for-profit, Not-for-profit institutions, Farms, State, Local, or Tribal Government.

Total Respondents: 35,577.

Total Annual Responses: 35,577.

Estimated Total Burden Hours: 11,859.

Estimated Time per Response: 20 minutes.

Frequency: On occasion.

Total Burden Cost (capital/startup): \$0.

Total Burden Cost (operation/maintenance): \$0.

Dated: February 26, 2019.

Robert M. Waterman,

Division of Regulations, Legislation and Interpretation.

[FR Doc. 2019-04426 Filed 3-11-19; 8:45 am]

BILLING CODE 4510-27-P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Division of Federal Employees' Compensation Proposed Extension of Existing Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general 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 (PRA95). This program helps to 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 Office of Workers' Compensation Programs is soliciting comments concerning its proposal to extend OMB approval of the information collection: Representative Fee Request (CA-143/CA-155). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before May 13, 2019.

ADDRESSES: You may submit comments by mail, delivery service, or by hand to Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW, Room S-3323, Washington, DC 20210; by fax, (202) 354-9647, or email to ferguson.yoon@dol.gov. Please use only one method of transmission for comments (mail/delivery, fax, or email). Please note that comments submitted after comment period will not be considered.

SUPPLEMENTARY INFORMATION:

I. Background

Individuals filing for compensation benefits with the Office of Workers' Compensation Programs (OWCP) may be represented by an attorney or other representative. The representative is entitled to request a fee for services under the Federal Employees' Compensation Act (FECA) and under the Longshore and Harbor Workers' Compensation Act (LHWCA). The fee must be approved by the OWCP before any demand for payment can be made by the representative. This information collection request sets forth the criteria for the information, which must be presented by the respondent in order to have the fee approved by the OWCP. The information collection does not have a particular form or format; the respondent must present the information in any format which is

convenient and which meets all the required information criteria. This information collection is currently approved for use through May 31, 2019.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- * 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 submissions of responses.

III. Current Actions

The Department of Labor seeks the approval for the extension of this currently approved information collection in order to carry out its responsibility to approve representative fees under the two Acts.

Type of Review: Extension.

Agency: Office of Workers' Compensation Programs.

Title: Representative Fee Request.

OMB Number: 1240-0049.

Agency Number: CA-143/CA-155.

Affected Public: Business or other for-profit, individuals or households.

Total Respondents: 7,697.

Total Annual Responses: 7,697.

Average Time per Response: 30 minutes.

Estimated Total Burden Hours: 3,849.

Frequency: On occasion.

Total Burden Cost (capital/startup): \$0.

Total Burden Cost (operating/maintenance): \$2,307.

Comments submitted in response to this notice will be summarized and/or

included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 6, 2019.

Yoon Ferguson,

Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.

[FR Doc. 2019-04459 Filed 3-11-19; 8:45 am]

BILLING CODE 4510-CH-P

LEGAL SERVICES CORPORATION

Notice of Solicitation of Proposals for Calendar Year 2020 Basic Field Grant Awards

AGENCY: Legal Services Corporation.

ACTION: Solicitation for proposals for the Provision of Civil Legal Services.

SUMMARY: The Legal Services Corporation (LSC) is a federally established and funded organization that funds civil legal aid organizations across the country and in the U.S. territories. Its mission is to expand access to justice by funding high-quality legal representation for low-income people in civil matters.

In anticipation of a congressional appropriation to LSC for Fiscal Year 2020, LSC hereby announces the availability of funds for grants to be made in calendar year 2020 and is soliciting grant proposals from interested parties who are qualified to provide effective, efficient, and high-quality civil legal services to eligible clients in the service area(s) of the states and territories identified below. The availability and the exact amount of congressionally appropriated funds, as well as the date, terms, and conditions of funds available for grants for calendar year 2020, have not been determined.

DATES: SEE SUPPLEMENTARY INFORMATION section for grant application dates.

ADDRESSES: Legal Services Corporation—Notice of Funds Availability, 3333 K Street NW, Third Floor, Washington, DC 20007-3522.

FOR FURTHER INFORMATION CONTACT: Judith Kim, Office of Program Performance, at (202) 295-1518 or lscgrants@lsc.gov, or visit the LSC

website at <https://www.lsc.gov/grants-grantee-resources/our-grant-programs>.

SUPPLEMENTARY INFORMATION:

Applicants must file a Notice of Intent to Compete (NIC) to participate in the LSC grants process. Applicants must file the NIC by May 3, 2019, 5:00 p.m. E.D.T. The print version of the Request for Proposals (RFP), which contains the grant proposal guidelines, proposal content requirements, and selection criteria, and provides access to the NIC and the service area descriptions will be available at <https://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant> on or around the week of April 8, 2019.

In addition to submitting the grant proposal, applicants for basic field grant awards must also respond to the LSC Fiscal Grantee Funding Application (FGFA). The FGFA will be available on or around the week of April 8, 2019. Please access the FGFA and the online RFP application at <https://www.lsc.gov/grants-grantee-resources/grantee-login>.

The listing of all key dates in the LSC 2020 basic field grants process, including the deadlines for filing the grant proposals and the FGFA are at <http://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant/basic-field-grant-key-dates>.

LSC seeks proposals from: (1) Non-profit organizations that have as a purpose the provision of legal assistance to eligible clients; (2) private attorneys; (3) groups of private attorneys or law firms; (4) state or local governments; and (5) sub-state regional planning and coordination agencies that are composed of sub-state areas and whose governing boards are controlled by locally elected officials.

The service areas for which LSC is requesting grant proposals are listed below. Service area descriptions are available at <https://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant/lsc-service-areas>. LSC will post all updates and/or changes to this notice at <http://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant>. Interested parties are asked to visit <http://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant> regularly for updates on the LSC grants process.

State or Territory	Service Area(s).
Arizona	AZ-3, AZ-5, NAZ-6, MAZ.
Arkansas	AR-6, AR-7.
California	CA-1, CA-12, CA-27, CA-28, NCA-1.
Connecticut	CT-1.
District of Columbia	DC-1.
Illinois	IL-3, IL-7.
Kentucky	KY-2, KY-9, KY-10.

State or Territory	Service Area(s).
Louisiana	LA-13.
Massachusetts	MA-4, MA-10, MA-11.
Michigan	MI-9, MI-12, MI-15, MMI, NMI-1.
Minnesota	MN-4, MN-5, MN-6, MMN.
Missouri	MO-4, MO-5.
New Hampshire	NH-1.
New Mexico	NM-5, MNM, NNM-4.
New York	NY-9.
North Dakota	MND.
Ohio	OH-18, OH-20, OH-21, OH-23, MOH.
Oklahoma	OK-3, NOK-1, MOK.
Pennsylvania	PA-5, PA-24.
Puerto Rico	PR-2.
South Dakota	SD-2.
Tennessee	TN-4, TN-7, TN-9, TN-10.
Texas	TX-13, TX-15, NTX-1, MSX-2.
Virginia	VA-17, VA-19, VA-20.
West Virginia	WV-5.
Wisconsin	WI-5, MWI.

March 7, 2019.

Stefanie Davis,

Assistant General Counsel.

[FR Doc. 2019-04461 Filed 3-11-19; 8:45 am]

BILLING CODE 7050-01-P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request; Generic Clearance of the National Center for Science and Engineering Statistics Improvement Projects

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to renew this collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting Office of Management and Budget (OMB) clearance of this collection for no longer than 3 years.

DATES: Written comments on this notice must be received by May 13, 2019 to be assured consideration. Comments received after that date will be considered to the extent practicable. Send comments to address below.

FOR FURTHER INFORMATION CONTACT:

Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Suite W18200, Alexandria, Virginia 22314; telephone (703) 292-7556; or send email to splimpto@nsf.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339, which is accessible 24

hours a day, 7 days a week, 365 days a year (including Federal holidays).

SUPPLEMENTARY INFORMATION:

Title of Collection: Generic Clearance of the National Center for Science and Engineering Statistics Improvement Projects.

OMB Control Number: 3145-0174.

Expiration Date of Current Approval: July 31, 2019.

Type of Request: Intent to seek approval to extend an information collection for three years.

Abstract. Established within the National Science Foundation by the America COMPETES Reauthorization Act of 2010 § 505, codified in the National Science Foundation Act of 1950, as amended, the National Center for Science and Engineering Statistics (NCSES)—one of 13 principal federal statistical agencies—serves as a central Federal clearinghouse for the collection, interpretation, analysis, and dissemination of objective data on science, engineering, technology, research and development for use by practitioners, researchers, policymakers, and the public. NCSES conducts about a dozen nationally-representative surveys to obtain the data for these purposes. The Generic Clearance will be used to ensure that the highest quality data are obtained from these surveys. State of the art methodology will be used to develop, evaluate, and test questionnaires and survey concepts as well as to improve survey and statistical methodology. This may include field or pilot tests of questions for future large-scale surveys, as needed. The Generic Clearance will also be used to test and evaluate data dissemination tools and methods, in an effort to improve access for data users.

Use of the Information. The purpose of these studies is to use the latest and

most appropriate methodology to improve NCSES surveys, evaluate new data collection efforts, and evaluate data dissemination tools and mechanisms. Methodological findings may be presented externally in technical papers at conferences, published in the proceedings of conferences, or in journals. Improved NCSES surveys, data collections, and data dissemination will help policymakers in decisions on research and development funding, graduate education, and the scientific and engineering workforce, as well as contributing to reduced survey costs.

Expected Respondents. The respondents will be from industry, academia, nonprofit organizations, members of the public, and State, local, and Federal governments. Respondents will be either individuals or institutions, depending on the topic under investigation. Qualitative procedures will generally be conducted in person, online (using Skype, Webex, or other conferencing tools), or over the phone. Quantitative procedures may be conducted using mail, Web, email, or phone modes, depending on the topic under investigation. Up to 7,595 respondents will be contacted across all projects. No respondent will be contacted more than twice in one year under this generic clearance. Every effort will be made to use technology to limit the burden on respondents from small entities.

Both qualitative and quantitative methods will be used to improve NCSES's current data collection instruments and processes and to reduce respondent burden, as well as to develop new surveys and new or improved data dissemination tools. Qualitative and quantitative methods that may be used include, but are not limited, to the following: Behavior

coding, split panel tests, field tests, expert reviews, focus groups, respondent debriefings, exploratory interviews, cognitive interviews, and usability tests. Cognitive interviews and usability tests may include the use of

scenarios, paraphrasing, card sorts, vignette classifications, and rating tasks. NCSES may conduct these studies using interviewer-administered or self-administered methods, including online convenience samples.

Estimate of Burden. NCSES estimates that a total reporting and recordkeeping burden of 15,610 hours will result from activities to improve its surveys. The calculation is shown in Table 1.

TABLE 1—POTENTIAL SURVEYS FOR IMPROVEMENT PROJECTS, WITH THE NUMBER OF RESPONDENTS AND BURDEN HOURS.

	Number of respondents	Number of hours
Early Career Doctorate Survey	500	500
Survey of Earned Doctorates	1,200	600
Other surveys of the science and engineering workforce	1,600	450
Higher Education Research & Development Survey	300	500
Federally Funded Research & Development Centers (FFRDC) Survey	60	120
Federal Labs Survey (possible future survey)	275	525
State Government Research & Development Survey	150	225
Survey of Nonprofit Research Activities	225	550
Business Research & Development Survey	50	150
Annual Business Survey	300	450
Survey of Scientific & Engineering Facilities	300	300
Public Understanding of Science & Engineering Survey	550	125
Data dissemination tools and mechanisms	100	100
Other surveys and projects not specified	10,000	3,000
Total	15,610	7,595

Dated: March 7, 2019.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2019-04478 Filed 3-11-19; 8:45 am]

BILLING CODE 7555-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2019-0065]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued, from February 12, 2019 to February 25, 2019. The last biweekly notice was published on February 26, 2019.

DATES: Comments must be filed by April 11, 2019. A request for a hearing must be filed by May 13, 2019. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking Website:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2019-0065. Address questions about NRC Docket IDs in *Regulations.gov* to Krupskaya Castellon; telephone: 301-287-9221; email: Krupskaya.Castellon@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements and Editing Staff.

- For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Kay Goldstein, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: 301-415-1506; email: Kay.Goldstein@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2019-0065, facility name, unit number(s), plant docket number, application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2019-0065.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC's PDR*: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2019–0065, facility name, unit number(s), plant docket number, application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as enter the comment submissions into ADAMS.

The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

III. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance

with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville,

Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause

by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her

position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at <http://www.nrc.gov/site-help/e-submittals.html>. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at hearing.docket@nrc.gov, or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at <http://www.nrc.gov/site-help/e-submittals/>

[getting-started.html](http://www.nrc.gov/site-help/e-submittals/starting-started.html). Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at <http://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public website at <http://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention:

Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click "Cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the "Obtaining Information and Submitting Comments" section of this document.

Entergy Operations, Inc., Docket No. 50-368, Arkansas Nuclear One, Unit 2 (ANO-2), Pope County, Arkansas

Date of amendment request: December 19, 2018. A publicly-available version is in ADAMS under Accession No. ML18353B049.

Description of amendment request: The amendment would revise the ANO-

2 Technical Specifications by establishing Actions and Allowable Outage Times applicable to conditions where the ANO-2 containment building sump is inoperable. The proposed changes are intended to support the licensee's resolution of Generic Safety Issue (GSI)-191, "Assessment of Debris Accumulation on PWR [Pressurized-Water Reactor] Sump Performance."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change adds a new specification to the TS for the containment sump. An existing SR [surveillance requirement] on the containment sump is moved to the new specification. The new specification retains the existing requirements on the containment sump and the actions to be taken when the containment sump is inoperable with the exception of adding new actions to be taken when the containment sump is inoperable due to containment accident generated and transported debris exceeding the analyzed limits. The new action provides time to evaluate and correct the condition instead of requiring an immediate plant shutdown.

The containment sump is not an initiator of any accident previously evaluated. The containment sump is a passive component and the proposed change does not increase the likelihood of the malfunction. As a result, the probability of an accident is unaffected by the proposed change.

The containment sump is used to mitigate accidents previously evaluated by providing a borated water source for the Emergency Core Cooling System and Containment Spray System. The design of the containment sump and the capability of the containment sump assumed in the accident analysis are not changed. The proposed action requires implementation of mitigating actions while the containment sump is inoperable and more frequent monitoring of reactor coolant leakage to detect any increased potential for an accident that would require the containment sump. The consequences of an accident during the proposed action are no different than the current consequences of an accident if the containment sump is inoperable.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change adds a new specification to the TS for the containment

sump. An existing SR on the containment sump is moved to the new specification. The new specification retains the existing requirements on the containment sump and the actions to be taken when the containment sump is inoperable with the exception of adding new actions to be taken when the containment sump is inoperable due to containment accident generated and transported debris exceeding the analyzed limits. The new action provides time to evaluate and correct the condition instead of requiring an immediate plant shutdown.

The proposed change does not alter the design or design function of the containment sump or the plant. No new systems are installed or removed as part of the proposed change. The containment sump is a passive component and cannot initiate a malfunction or accident. No new credible accident is created that is not encompassed by the existing accident analyses that assume the function of the containment sump.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change adds a new specification to the TS for the containment sump. An existing SR on the containment sump is moved to the new specification. The new specification retains the existing requirements on the containment sump and the actions to be taken when the containment sump is inoperable with the exception of adding new actions to be taken when the containment sump is inoperable due to containment accident generated and transported debris exceeding the analyzed limits. The new action provides time to evaluate and correct the condition instead of requiring an immediate plant shutdown.

The proposed change does not affect the controlling values of parameters used to avoid exceeding regulatory or licensing limits. No Safety Limits are affected by the proposed change. The proposed change does not affect any assumptions in the accident analyses that demonstrate compliance with regulatory and licensing requirements.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Anna Vinson Jones, Senior Counsel, Entergy Services, Inc., 101 Constitution Avenue NW, Suite 200 East, L-ENT-WDC, Washington, DC 20001.

NRC Branch Chief: Robert J. Pascarelli.

Entergy Operations, Inc., System Energy Resources, Inc., Cooperative Energy, A Mississippi Electric Cooperative, and Entergy Mississippi, LLC, Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: January 23, 2019. A publicly-available version is in ADAMS under Accession No. ML19023A555.

Description of amendment request: The proposed amendment revises Technical Specification (TS) Table 3.3.1.1–1, “Reactor Protection System Instrumentation,” Function 9, “Turbine Stop Valve Closure, Trip Oil Pressure—Low,” and Function 10, “Turbine Control Valve Fast Closure, Trip Oil Pressure—Low,” and TS 3.3.4.1, “End of Cycle Recirculation Pump Trip (EOC–RPT) Instrumentation,” Surveillance Requirement (SR) 3.3.4.1.2 and SR 3.3.4.1.3. The proposed change revises the Allowable Value (AV) for the Turbine Stop Valve Closure Trip Oil Pressure Function and Turbine Control Valve Fast Closure Trip Oil Pressure Function. Additionally, the proposed amendment adds new Notes to assess channel performance during testing that verifies instrument channel setting values established by the Entergy setpoint methodology.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to the TS is due to the replacement of the pressure transmitters that sense Electrohydraulic Control (EHC) System pressure and provide signals to the Reactor Protection System (RPS). The turbine control valve fast closure signal is monitored by the turbine control fluid pressure transmitters and trip units which sense control fluid pressure decay which is indicative of fast control valve closure. The turbine stop valve closure signal originates from pressure transmitters and trip units which sense hydraulic trip fluid pressure decay which is indicative of stop valve motion away from fully open.

A change in the turbine stop valve closure trip oil pressure and turbine control valve fast closure trip oil pressure TS AVs does not introduce any mechanisms that would increase the probability of an accident previously analyzed. The reactor trip on turbine stop valve closure or turbine control valve fast closure is initiated by the same protective signals. There is no change in form or function of this signal and the probability

or consequences of previously analyzed accidents are not impacted.

The proposed change also adds test requirements to the turbine stop valve closure trip oil pressure and turbine control valve fast closure trip oil pressure instrument functions related to those variables to ensure that instruments will function as required to initiate protective systems or actuate mitigating systems at the point assumed in the applicable setpoint calculation. Surveillance tests are not an initiator to any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The systems and components required by these functions for which surveillance tests are added are still required to be operable, meet the acceptance criteria for the surveillance requirements, and be capable of performing any mitigation function.

The capacity and the characteristics of both the original and replacement equipment meet the original plant design criteria. The proposed TS changes will not prevent the capability of structures, systems, and components (SSCs) to perform their intended functions for mitigating the consequences of an accident and meeting applicable acceptance limits.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change involves a physical alteration of the plant, *i.e.*, a change in instrument setpoint. The proposed change reflects the higher pressure that will be sensed after the replacement of the pressure transmitters with changing of the EHC System from a low pressure system to a high pressure system. Failure of the new pressure transmitters would not result in a different outcome than is considered in the current design basis. The new hardware (*e.g.*, components, equipment, structure, etc.) serves (provides) the same purpose (*e.g.*, function, integrity, etc.) as the hardware it replaces. Further, the change does not alter assumptions made in the safety analysis but ensures that the instruments perform as assumed in the accident analysis.

Thus, the proposed amendment does not create the possibility of a new or different kind of accident from an accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The original pressure transmitter configuration and the new pressure transmitter configuration both generate the same reactor trip signal. The difference is that the initiation of the trip will now be adjusted to a system of higher pressure. This system function of sensing and transmitting a reactor trip signal on turbine stop valve closure or turbine control valve fast closure remains the same. Also, the proposed change adds test requirements that will assure that TS instrumentation AVs: (1) Will be limiting

settings for assessing instrument channel operability and; (2) will be conservatively determined so that evaluation of instrument performance history and the as-left tolerance requirements of the calibration procedures will not have an adverse effect on equipment operability. The testing methods and acceptance criteria for systems, structures, and components, specified in applicable codes and standards, or alternatives approved for use by the NRC, will continue to be met as described in the plant licensing basis including the Updated Final Safety Analysis Report. The safety function of the setpoint is not altered as a result of the setpoint change and uncertainties are adequately accounted for.

There will be no adverse effect on margins of safety since equal or more stringent design and surveillance requirements will be applied to the new component (*e.g.*, equipment, system, etc.).

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee’s analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Anna Vinson Jones, Senior Counsel/Legal Department, Entergy Services, Inc., 101 Constitution Avenue NW, Suite 200 East, Washington, DC 20001.

NRC Branch Chief: Robert J. Pascarelli.

FirstEnergy Nuclear Operating Company, et al., Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1 (DBNPS), Ottawa County, Ohio

Date of amendment request: February 5, 2019. A publicly-available version is in ADAMS under Accession No. ML19036A524.

Description of amendment request: The proposed amendment would revise the emergency plan for DBNPS following the permanent cessation of power operations to reflect the post-shutdown and permanently defueled condition. The proposed changes include revision of the emergency response organization (ERO) staffing and editorial changes.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to the DBNPS Emergency Plan do not impact the function of plant structures, systems, or components (SSCs). The proposed changes do not involve the modification of any plant equipment or affect plant operation. The proposed changes do not affect accident initiators or precursors, nor does it alter design assumptions. The proposed changes do not prevent the ability of the on-shift staff and augmented ERO to perform their intended functions to mitigate the consequences of any accident or event that will be credible in the permanently shutdown and defueled condition. The proposed changes only remove positions that will no longer be credited in the DBNPS Emergency Plan.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes reduce the number of on-shift and augmented ERO positions commensurate with the hazards associated with a permanently shutdown and defueled facility. The proposed changes do not involve installation of new equipment or modification of existing equipment, so that no new equipment failure modes are introduced. Also, the proposed changes do not result in a change to the way that the equipment or facility is operated so that no new accident initiators are created.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is associated with confidence in the ability of the fission product barriers (fuel cladding, reactor coolant system pressure boundary, and containment structure) to limit the level of radiation dose to the public. The proposed changes do not adversely affect existing plant safety analysis assumptions, safety limits, or limiting safety system settings that would adversely affect plant safety as a result of the proposed changes. The proposed changes are associated with the DBNPS Emergency Plan and do not impact operation of the plant or its response to transients or accidents. The change does not affect the Technical Specifications. The proposed changes do not involve a change in the method of plant operation, and no accident analyses will be affected by the proposed changes. Safety analysis acceptance criteria are not affected by the proposed changes. The revised DBNPS Emergency Plan will continue to provide the necessary response staff with the proposed changes.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three

standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Rick Giannantonio, General Counsel, FirstEnergy Corporation, Mail Stop A-GO-15, 76 South Main Street, Akron, OH 44308.

NRC Branch Chief: David J. Wrona.

Southern Nuclear Operating Company, Inc., Docket Nos. 50-424 and 50-425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request:

December 19, 2018. A publicly-available version is in ADAMS under Accession No. ML18353B056.

Description of amendment request:

The amendments would revise the Conditions, Required Actions, and Completion Times in the Technical Specifications (TSs) for the Condition where one steam supply to the turbine driven Auxiliary Feedwater (AFW) pump is inoperable concurrent with an inoperable motor driven AFW train. In addition, the amendments would change the TSs to establish specific Actions: (1) For when two motor-driven AFW trains are inoperable at the same time, and (2) for when the turbine-driven AFW train is inoperable either (a) due solely to one inoperable steam supply, or (b) due to reasons other than one inoperable steam supply. The proposed amendments are consistent with NRC-approved Technical Specification Task Force (TSTF) Traveler, TSTF-412, Revision 3, "Provide Actions for One Steam Supply to Turbine Driven AFW/EFW Pump Inoperable." The availability of the TSTF was announced in the **Federal Register** on July 17, 2007 as part of the consolidated line item improvement process.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of any accident previously evaluated?

Response: No.

The Auxiliary/Emergency Feedwater (AFW/EFW) System is not an initiator of any design basis accident or event, and therefore the proposed changes do not increase the probability of any accident previously evaluated. The proposed changes to address the condition of one or two motor driven AFW/EFW trains inoperable and the turbine driven AFW/EFW train inoperable due to one

steam supply inoperable do not change the response of the plant to any accidents.

The proposed changes do not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, and configuration of the facility or the manner in which the plant is operated and maintained. The proposed changes do not adversely affect the ability of structures, systems, and components (SSCs) to perform their intended safety function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed changes do not affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of any accident previously evaluated. Further, the proposed changes do not increase the types and amounts of radioactive effluent that may be released offsite, nor significantly increase individual or cumulative occupational/public radiation exposures.

Therefore, the changes do not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not result in a change in the manner in which the AFW/EFW System provides plant protection. The AFW/EFW System will continue to supply water to the steam generators to remove decay heat and other residual heat by delivering at least the minimum required flow rate to the steam generators. There are no design changes associated with the proposed changes. The changes to the Conditions and Required Actions do not change any existing accident scenarios, nor create any new or different accident scenarios. The changes do not involve a physical alteration of the plant (*i.e.*, no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the changes do not impose any new or different requirements or eliminate any existing requirements.

The changes do not alter assumptions made in the safety analysis. The proposed changes are consistent with the safety analysis assumptions and current plant operating practice.

Therefore, the changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed changes do not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined.

The safety analysis acceptance criteria are not impacted by these changes. The proposed changes will not result in plant operation in a configuration outside the design basis.

Therefore, it is concluded that the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Millicent Ronnlund, Vice President and General Counsel, Southern Nuclear Operating Co., Inc., P.O. Box 1295, Birmingham, AL 35201-1295.

NRC Branch Chief: Michael T. Markley.

IV. Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

V. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the "Obtaining Information and Submitting Comments" section of this document.

Entergy Operations, Inc., Docket No. 50-382, Waterford Steam Electric Station, Unit 3 (Waterford 3), St. Charles Parish, Louisiana

Date of amendment request: March 8, 2018, as supplemented by letter dated October 18, 2018.

Brief description of amendment: The amendment updated Section 15.4.3.1 of the Updated Final Safety Analysis Report for Waterford 3, which describes the dose consequence of the worst undetectable single fuel assembly misload. The updated analysis would reflect the use of Next Generation Fuel and integrated fuel burnable absorbers.

Date of issuance: February 13, 2019.

Effective date: As of the date of issuance and shall be implemented before the Waterford 3 restart following Refueling Outage 22.

Amendment No.: 253. A publicly-available version is in ADAMS under Accession No. ML19022A337; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF-38: The amendment revised the Updated Final Safety Analysis Report.

Date of initial notice in Federal Register: June 19, 2018 (83 FR 28459). The supplement dated October 18, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a

Safety Evaluation dated February 13, 2019.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50-373 and 50-374, LaSalle County Station (LSCS), Units 1 and 2, LaSalle County, Illinois

Date of amendment request: February 7, 2018.

Brief description of amendment: LSCS Surveillance Requirement (SR) 3.6.1.3.8 associated with Technical Specifications (TS) 3.6.1.3, "Primary Containment Isolation Valves (PCIVs)," currently requires testing of each excess flow check valve (EFCV) during each refueling outage. The amendments implemented Technical Specification Task Force (TSTF)-334, Revision 2, "Relaxed Surveillance Frequency for Excess Flow Check Valve Testing," by revising the number of EFCVs required to be tested by SR 3.6.1.3.8 from "each" to a "representative sample." The representative sample is approximately 20 percent of the reactor instrumentation line EFCVs such that each EFCV will be tested at least once every 10 years (nominal).

Date of issuance: February 14, 2019.

Effective date: As of the date of issuance and shall be implemented within 45 days of issuance.

Amendment No.: Unit 1-235; Unit 2-221. A publicly-available version is in ADAMS under Accession No. ML19025A288; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF-11 and NPF-18: The amendments revised the Renewed Facility Operating Licenses and Technical Specifications.

Date of initial notice in Federal Register: April 10, 2018 (83 FR 15415). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 14, 2019.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, Docket No. 50-440, Perry Nuclear Power Plant, Unit No. 1, Lake County, Ohio

Date of amendment request: March 7, 2018, as supplemented by letter dated October 26, 2018.

Brief description of amendment: The amendment revised Technical Specification 5.5.12 to replace the reference to Regulatory Guide 1.163, "Performance-Based Containment Leak-Test Program," with a reference to

Nuclear Energy Institute (NEI) 94–01, Revision 3–A, “Industry Guideline for Implementing Performance-Based Option of 10 CFR part 50, Appendix J,” and the conditions and limitations specified in NEI 94–01, Revision 2–A, of the same name, and deleted two of the four listed exceptions to program guidelines in TS 5.5.12.

Date of issuance: February 25, 2019.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 185. A publicly-available version is in ADAMS under Accession No. ML19022A324; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–58: Amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in Federal Register: June 19, 2018 (83 FR 28460). The supplemental letter dated October 26, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff’s original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission’s related evaluation of the amendment is contained in a Safety Evaluation dated February 25, 2019.

No significant hazards consideration comments received: No.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station (CNS), Nemaha County, Nebraska

Date of amendment request: June 11, 2018.

Brief description of amendment: The amendment revised CNS Technical Specification (TS) 3.8.3, “Diesel Fuel Oil, Lube Oil, and Starting Air,” by removing the current stored diesel fuel oil volume and lube oil inventory numerical requirements and replacing them with duration-based diesel operating time requirements. The changes are consistent with the Technical Specifications Task Force (TSTF) Traveler TSTF–501, Revision 1, “Relocate Stored Fuel Oil and Lube Oil Volume Values to Licensee Control.” The amendment also revised a surveillance requirement associated with TS 3.8.1, “AC [Alternating Current] Sources—Operating,” by replacing the day tank numerical volume requirement with a duration-based diesel operating time requirement.

Date of issuance: February 21, 2019.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment No.: 262. A publicly-available version is in ADAMS under Accession No. ML18348B103; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–46: The amendment revised the Renewed Facility Operating License and Technical Specifications.

Date of initial notice in Federal Register: August 28, 2018 (83 FR 43905).

The Commission’s related evaluation of the amendment is contained in a Safety Evaluation dated February 21, 2019.

No significant hazards consideration comments received: No.

VI. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Final Determination of No Significant Hazards Consideration and Opportunity for a Hearing (Exigent Public Announcement or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission’s rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission’s rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual notice of consideration of issuance of amendment, proposed no significant hazards consideration determination, and opportunity for a hearing.

For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee’s facility of the licensee’s application and of the Commission’s proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to

comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant’s licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License or Combined License, as applicable, and (3) the Commission’s related letter, Safety Evaluation and/or Environmental

Assessment, as indicated. All of these items can be accessed as described in the "Obtaining Information and Submitting Comments" section of this document.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1-F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its

position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition

should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at <http://www.nrc.gov/site-help/e-submittals.html>. Participants may not submit paper copies of their filings

unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at hearing.docket@nrc.gov, or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at <http://www.nrc.gov/site-help/e-submittals/getting-started.html>. Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at <http://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system

may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public website at <http://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click "Cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such

information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Northern States Power Company—Minnesota, Docket No. 50-306, Prairie Island Nuclear Generating Plant, Unit 2, Goodhue County, Minnesota

Date of amendment request: January 29, 2019.

Description of amendment: The amendment revised Technical Specification 3.8.1, Condition E, to allow a one-time extension to the completion time for two diesel generators out of service. This notice supplements the notice published February 26, 2019 (84 FR 6182).

Date of issuance: January 29, 2019.

Effective date: January 29, 2019.

Amendment No.: 213. A publicly-available version is in ADAMS under Accession No. ML19029A094; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR-60: The amendment revised the Renewed Facility Operating License and Technical Specifications.

Public comments requested as to proposed no significant hazards consideration (NSHC): No.

The Commission's related evaluation of the amendment, finding of emergency circumstances, state consultation, and final NSHC determination are contained in a Safety Evaluation dated January 29, 2019.

Attorney for licensee: Peter M. Glass, Assistant General Counsel, Xcel Energy Services, Inc., 414 Nicollet Mall, Minneapolis, MN 55401.

NRC Branch Chief: David J. Wrona.

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-321 and 50-366, Edwin I. Hatch Nuclear Plant, Unit Nos. 1 and 2, Appling County, Georgia

Date of amendment request: February 19, 2019, as supplemented by letter dated February 20, 2019.

Brief description of amendments: The amendments revise the Unit No. 1 and Unit No. 2 Technical Specifications (TS) requirements of TS 3.8.1, "AC Sources—Operating," to change

Surveillance Requirement 3.8.1.8 to increase the voltage limit for the emergency diesel generator full load rejection test for the Unit No. 2 diesel generators and the swing diesel generator.

Date of issuance: February 22, 2019.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: Unit 1–294, Unit 2–239. A publicly-available version is in ADAMS under Accession No. ML19053A093; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–57 and NPF–5: Amendments revised the Renewed Facility Operating Licenses and Technical Specifications.

Public comments requested as to proposed no significant hazards consideration (NSHC): No.

The Commission's related evaluation of the amendments, finding of emergency circumstances, state consultation, and final NSHC determination are contained in a Safety Evaluation dated February 22, 2019.

Attorney for licensee: Millicent Ronnlund, Vice President and General Counsel, Southern Nuclear Operating Co., Inc., P.O. Box 1295, Birmingham, AL 35201–1295.

NRC Branch Chief: Michael T. Markley.

Dated at Rockville, Maryland, this 28th day of February 2019.

For the Nuclear Regulatory Commission.

Kathryn M. Brock,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2019–03911 Filed 3–11–19; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

60-Day Notice of Proposed Information Collection: Federal Employees Dental and Vision Insurance Program (FEDVIP) Enrollment System

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on an existing information collection request (ICR) 3206–0272, Federal Employees Dental and Vision Insurance Program (FEDVIP)

Enrollment System. As required by the Paperwork Reduction Act of 1995, as amended by the Clinger-Cohen Act, OPM is soliciting comments for this collection. The Office of Management and Budget is particularly interested in comments that: Evaluate whether the proposed collection of information is necessary for the proper performance of 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 submissions of responses.

DATES: Comments are encouraged and will be accepted until May 13, 2019. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: You may submit comments, identified by docket number and title, by the following method:

- *Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments. All submissions received must include the agency name and docket number for this document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting Julia Elam, Office of Personnel Management, 1600 E St. NW, Rm. 4316–AL, Washington, DC 20415 Attention: Julia Elam, call (202) 606–2128, or send via electronic mail to FEDVIP@opm.gov.

SUPPLEMENTARY INFORMATION: The Federal Employees Dental and Vision Insurance Program Enrollment System uses BENEFEDS, which is the secure enrollment website sponsored by OPM that allows eligible individuals to enroll or change enrollment in a FEDVIP plan. Eligible individuals use the system to enroll or change enrollment during the annual Open Season or when experiencing a qualifying life event under 5 CFR 894.101. Federal Civilian and U.S. Postal Service (USPS)

employees, retirees (annuitants), survivor annuitants, compensationers, and their eligible family members can enroll and be enrolled in FEDVIP. In addition, most uniformed services retirees and their families are eligible to enroll in dental and vision insurance and most uniformed services active duty family members became eligible to enroll in vision insurance under FEDVIP during the 2018 Open Season for coverage effective January 1, 2019. OPM uses this enrollment system to carry out its responsibility to administer the FEDVIP in accordance with 5 U.S.C. chapters 89A and 89B and implementing regulations (5 CFR part 894) but has been doing so without an OMB control number.

As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) OPM is soliciting comments for this collection (OMB No. 3206–XXXX).

Agency: Office of Personnel Management.

Title: Federal Employees Dental and Vision Insurance Program (FEDVIP) Enrollment System.

OMB Number: 3206–0272.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 332,304.

Estimated Time per Respondent: 8 minutes.

Total Burden Hours: 44,307 hours.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2019–04398 Filed 3–11–19; 8:45 am]

BILLING CODE 6325–64–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Reemployment of Annuitants

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on an existing information collection request (ICR), Reemployment of Annuitants.

DATES: Comments are encouraged and will be accepted until May 13, 2019.

ADDRESSES: You may submit comments, identified by docket number and title, by the following method:

- *Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

All submissions received must include the agency name and docket number for this document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation may be obtained by contacting the Retirement Services Publications Team, U.S. Office of Personnel Management, 1900 E Street NW, Room 3316-L, Washington, DC 20415, Attention: Cyrus S. Benson, or you may obtain this information by emailing Cyrus.Benson@opm.gov, sending a fax to (202) 606-0910, or calling (202) 606-4808.

SUPPLEMENTARY INFORMATION: The regulations under 5 CFR 837.103 require agencies to collect certain information from retirees who become employed in Government positions and provide this information to OPM, such as the reemployed retiree's name, date of birth, Social Security number (if applicable), retirement claim number, a description of the kind of appointment, and whether the amount of annuity allocable to the period of reemployment will be withheld from the reemployed retiree's pay. Agencies need to collect timely information regarding the type and amount of annuity the reemployed retiree receives so the agency may determine the correct rate of the reemployed retiree's pay. Agencies provide this information to OPM so OPM may determine whether the reemployed retiree's annuity must be terminated.

As required by the Paperwork Reduction Act of 1995, Public Law 104-13, 94 Stat. 2812 (1980), and as amended by the Clinger-Cohen Act, Public Law 104-106, 110 Stat. 186 (1996), OPM is soliciting comments for this collection of information (OMB No. 3206-0211). The Office of Management and Budget is particularly interested in comments that consider the following:

1. Whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;

2. 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. Whether the quality, utility, and clarity of the information collected could be enhanced; and

4. Whether the burden of the collection of information could be minimized on those who are responsible for providing this information, 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).

Analysis:

Agency: Retirement Services, Office of Personnel Management.

Title: 5 CFR 837.103, Reemployment of Annuitants.

OMB Number: 3206-0211.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 3,000.

Estimated Time per Respondent: 5 minutes.

Total Burden Hours: 250.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2019-04400 Filed 3-11-19; 8:45 am]

BILLING CODE 6325-38-P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Rollover Election (RI 38-117), Rollover Information (RI 38-118) and Special Tax Notice Regarding Rollovers (RI 37-22)

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection, Rollover Election (RI 38-117), Rollover Information (RI 38-118), and Special Tax Notice Regarding Rollovers (RI 37-22).

DATES: Comments are encouraged and will be accepted until April 11, 2019.

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, 725 17th Street NW, Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to oir_submission@omb.eop.gov or faxed to (202) 395-6974.

FOR FURTHER INFORMATION CONTACT: A copy of this information collection, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316-L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to Cyrus.Benson@opm.gov or faxed to (202) 606-0910 or via telephone at (202) 606-4808.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 OPM is soliciting comments for this collection. The information collection (OMB No. 3206-0212) was previously published in the **Federal Register** on December 4, 2018 at 83 FR 62630, allowing for a 60-day public comment period. No comments were received for this collection. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of 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.

RI 38-117, Rollover Election, is used to collect information from each payee affected by a change in the tax code so that OPM can make payment in accordance with the wishes of the payee. RI 38-118, Rollover Information, explains the election. RI 37-22, Special Tax Notice Regarding Rollovers, provides more detailed information.

Analysis

Agency: Retirement Services, Office of Personnel Management.

Title: Rollover Election, Rollover Information, and Special Tax Notice Regarding Rollover.

OMB Number: 3206-0212.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 1,500.
Estimated Time per Respondent: 40 minutes.

Total Burden Hours: 1,000.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2019-04402 Filed 3-11-19; 8:45 am]

BILLING CODE 6325-38-P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Certification of Qualifying District of Columbia Service Under Section 1905

AGENCY: Office of Personnel
Management.

ACTION: 30-Day notice and request for
comments.

SUMMARY: Retirement Services, Office of
Personnel Management (OPM) offers the
general public and other federal
agencies the opportunity to comment on
the revision of a currently approved
information collection RI 20-126,
Certification of Qualifying District of
Columbia Service under Section 1905.

DATES: Comments are encouraged and
will be accepted until April 11, 2019.
This process is conducted in accordance
with 5 CFR 1320.1.

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, 725 17th Street NW,
Washington, DC 20503, Attention: Desk
Officer for the Office of Personnel
Management or sent via electronic mail
to oir_submission@omb.eop.gov or
faxed to (202) 395-6974.

FOR FURTHER INFORMATION CONTACT: A
copy of this ICR, with applicable
supporting documentation, may be
obtained by contacting the Retirement
Services Publications Team, Office of
Personnel Management, 1900 E Street
NW, Room 3316-L, Washington, DC
20415, Attention: Cyrus S. Benson, or
sent by email to Cyrus.Benson@opm.gov
or faxed to (202) 606-0910 or reached
via telephone at (202) 606-4808.

SUPPLEMENTARY INFORMATION: As
required by the Paperwork Reduction
Act of 1995, (Pub. L. 104-13, 44 U.S.C.
chapter 35) as amended by the Clinger-
Cohen Act (Pub. L. 104-106), OPM is
soliciting comments for this collection.
The information collection was
previously published in the **Federal
Register** on November 28, 2018 at
Volume 83 FR 61174 allowing for a 60-
day public comment period. No

comments were received for this
information collection. The purpose of
this notice is to allow an additional 30
days for public comments. The Office of
Management and Budget 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.

Form RI 20-126 is used to certify that
an employee performed certain service
with the District of Columbia (DC) that
qualifies under section 1905 of Public
Law 111-84 for determining retirement
eligibility. However, this service cannot
be used in the computation of a
retirement benefit.

Analysis

Agency: Retirement Services, Office of
Personnel Management.

Title: Certification of Qualifying
District of Columbia Service under
Section 1905 of Public Law 111-84.

OMB Number: 3206-0268.

Frequency: On occasion.

Affected Public: Individuals or
Households.

Number of Respondents: 1,000.

Estimated Time per Respondent: 30
minutes.

Total Burden Hours: 500.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2019-04401 Filed 3-11-19; 8:45 am]

BILLING CODE 6325-38-P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Combined Federal Campaign Charity

Applications, OPM Forms 1647-A, -B, and -E, 3206-0269

AGENCY: Office of Personnel
Management.

ACTION: 60-Day notice and request for
comments.

SUMMARY: The Office of Personnel
Management (OPM), Office of Combined
Federal Campaign (CFC), offers the
general public and other federal
agencies the opportunity to comment on
a revision to an existing information
collection request, CFC Applications
OMB Control No. 3206-0269, which
includes OPM Forms 1647-A, -B, and
-E. As required by the Paperwork
Reduction Act of 1995, as amended by
the Clinger-Cohen Act, OPM is
soliciting comments for this collection.

The OPM 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 submissions of responses.

DATES: Comments are encouraged and
will be accepted until May 13, 2019.
This process is conducted in accordance
with 5 CFR 1320.1.

ADDRESSES: You may submit comments,
identified by docket number and title,
by the following method:

- *Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the
instructions for submitting comments.

All submissions received must include
the agency name and docket number for
this document. The general policy for
comments and other submissions from
members of the public is to make these
submissions available for public
viewing at <http://www.regulations.gov>
as they are received without change,
including any personal identifiers or
contact information.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the U.S. Office of Personnel Management, Office of Combined Federal Campaign, 1900 E Street NW, Washington, DC 20415, Attention: Marcus Glasgow, by sending an email to cfc@opm.gov or calling (202) 606-2564.

SUPPLEMENTARY INFORMATION: The CFC is the world's largest and most successful annual workplace philanthropic giving campaign, with 36 CFC Zones throughout the country and overseas raising millions of dollars each year. The mission of the CFC is to promote and support philanthropy through a program that is employee focused, cost-efficient, and effective in providing all federal employees the opportunity to improve the quality of life for all.

The CFC Eligibility Applications are used to review the eligibility of national, international, and local charitable organizations that wish to participate in the CFC.

Analysis

Agency: Combined Federal Campaign, Office of Personnel Management.

Title: OPM Forms 1647-A, -B, and -E.

OMB Number: OMB Control No. 3206-0269,

Frequency: Annually.

Affected Public: Individuals or Households.

Number of Respondents: 10,000.

Estimated Time per Respondent: 2 hours.

Total Burden Hours: 20,000 hours.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2019-04397 Filed 3-11-19; 8:45 am]

BILLING CODE 6325-46-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-85252; File No. SR-NYSE-2019-04]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adjust Its Annual Fee Requirements for Listed Companies for Any Calendar Year in Which a Listed Company Consummates a Reverse Stock Split

March 6, 2019.

Pursuant to Section 19(b)(1) ¹ of the Securities Exchange Act of 1934 (the

“Act”) ² and Rule 19b-4 thereunder, ³ notice is hereby given that, on February 22, 2019, New York Stock Exchange LLC (“NYSE” or the “Exchange”) 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 self-regulatory organization. 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 adjust its annual fee requirements for listed companies for any calendar year in which a listed company consummates a reverse stock split. 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.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adjust its annual fee requirements for listed companies for any calendar year in which a listed company consummates a reverse stock split.

Sections 902.02 and 902.03 of the Manual set forth the Exchange's requirements with respect to the payment of annual fees by listed companies. Listed companies are billed annual fees on a per share basis (currently at a rate of \$0.0011 per share) based on the number of shares issued and outstanding (including treasury shares) on December 31 of the prior

calendar year. ⁴ The Exchange believes this is generally an appropriate approach, as it is unusual for listed companies to significantly reduce the number of shares outstanding during the course of the year and, in fact, companies often issue significant additional shares during the course of a year and they are not charged annual fees for those shares in the first partial year after their issuance (although companies are charged initial listing fees on any additional shares issued during the course of the year).

However, there may be a small number of listed companies each year that consummate reverse stock splits. A reverse stock split results in a significant reduction in the number of shares outstanding, usually resulting in the post-split shares outstanding representing a small percentage of the number of shares outstanding pre-split. One consequence of this is that the listed company's annual fees will reflect shares that are not outstanding for a portion of that year. The Exchange believes it is appropriate to address this anomaly, particularly in light of the fact that a listed company generally only consummates a reverse stock split to address a low trading price and, in many cases, may be required to take the action to bring the company into compliance with Exchange continued listing standards.

For the foregoing reasons, the Exchange proposes to amend Section 902.02 of the Manual to include a new subsection providing that, notwithstanding any other provision of Section 902.02 with respect to the calculation of annual fees, in any calendar year in which a listed company consummates a reverse stock split, such company will be charged prorated annual fees for the period prior to such consummation based on the shares outstanding on December 31 of the immediately preceding year (“Original Shares Outstanding”). With respect to the remainder of that year, such company will be charged annual fees on a prorated basis based on the Original Shares Outstanding as adjusted by the reverse split ratio. The Exchange will make any appropriate adjustments to its billing procedures to implement this provision.

The Exchange notes that there are typically only a small number of reverse stock splits consummated by listed companies in the course of a year. Consequently, the proposed rule change would not affect the Exchange's

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ At the beginning of each calendar year, the Exchange invoices issuers for annual fees applicable to that year.

¹ 15 U.S.C. 78s(b)(1).

commitment of resources to its regulatory oversight of the listing process or its regulatory programs.

The Exchange also proposes to remove from Section 902.03 several references to fee provisions that are no longer relevant, as those fee rates are no longer applicable.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁵ in general, and furthers the objectives of Section 6(b)(4)⁶ of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,⁷ in that it is designed 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 and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that it is not unfairly discriminatory and represents an equitable allocation of reasonable fees to adopt the proposed provision adjusting annual fees for companies that consummate reverse stock splits, as those companies would otherwise be paying annual fees on the basis of a far larger number of shares outstanding than is actually the case for a portion of the applicable calendar year. In addition, a listed company generally consummates a reverse stock split because it has a low stock price, including in many cases a stock price that is below Exchange continued listing requirements, so it is reasonable to encourage companies to take this action by reducing their fee burden. The Exchange will make any appropriate adjustments to its billing procedures to implement the proposed new provision.

The amendments to Section 902.03 simply remove outdated text and have no substantive effect.

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 proposed rule change is designed to ensure that the fees charged by the Exchange accurately reflect the services provided and benefits realized by listed companies. The market for listing services is extremely competitive. Each listing exchange has a different fee schedule that applies to issuers seeking to list securities on its exchange. Issuers have the option to list their securities on these alternative venues based on the fees charged and the value provided by each listing. Because issuers have a choice to list their securities on a different national securities exchange, the Exchange does not believe that the proposed fee changes impose a burden on competition.

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 foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)⁸ of the Act and subparagraph (f)(2) of Rule 19b-4⁹ thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

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)¹⁰ 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-2019-04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSE-2019-04. 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 a.m. and 3 p.m. Copies of such 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-2019-04, and should be submitted on or before April 2, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019-04424 Filed 3-11-19; 8:45 am]

BILLING CODE 8011-01-P

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(4).

⁷ 15 U.S.C. 78f(b)(5).

⁸ 15 U.S.C. 78s(b)(3)(A).

⁹ 17 CFR 240.19b-4(f)(2).

¹⁰ 15 U.S.C. 78s(b)(2)(B).

¹¹ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85253; File No. SR–CboeEDGX–2019–009]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Adopt Rule 21.21 (Solicitation Auction Mechanism)

March 6, 2019.

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 February 21, 2019, 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 the Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX”) proposes to adopt Rule 21.21. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange’s website (http://markets.cboe.com/us/options/regulation/rule_filings/edgx/), 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. (“Cboe Global”), which is the parent company of Cboe Exchange, Inc. (“Cboe Options”) and Cboe C2 Exchange, Inc. (“C2”), 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, the Exchange, 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. Cboe Options intends to migrate its technology to the same trading platform used by the Exchange, C2, and BZX Options in the fourth quarter of 2019. The proposal set forth below is intended to add certain functionality to the Exchange’s System that is available on 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 purpose of the proposed rule change is to adopt the Solicitation Auction Mechanism (“SAM”), which is a solicited order mechanism for larger-sized orders. SAM will provide an additional method for market participants to effect orders in a price improvement auction. The proposed rule change is similar to the solicited order mechanism of Cboe Options and other options exchanges. Many aspects of the proposed rule change are similar to the corresponding aspects of the Automated Improvement Mechanism (“AIM”), which is the Exchange’s current electronic crossing mechanism.³ The Exchange believes the similarity of SAM to the Exchange’s AIM mechanism and the mechanisms of other exchanges will allow the Exchange’s proposed price improvement functionality to fit seamlessly into the options market and benefit market participants who are already familiar with this similar functionality. The Exchange also

believes this will encourage Users to compete vigorously to provide the opportunity for price improvement for larger-sized customer orders in a competitive auction process.

An Options Member (the “Initiating Member”) may electronically submit for execution an order it represents as agent (“Agency Order”) against a solicited order(s)⁴ provided it submits the Agency Order for electronic execution into a SAM Auction pursuant to proposed Rule 21.21.⁵

The Initiating Member may initiate a SAM Auction if all of the following conditions are met:

- The Agency Order may be in any class traded on the Exchange.⁶
- The Initiating Member must mark an Agency Order for SAM Auction processing.⁷
- The Agency Order must be for at least the minimum size designated by the Exchange (which may not be less than 500 standard option contracts or 5,000 mini-option contracts). The Solicited Order must be for (or must total, if the Solicited Order is comprised of multiple solicited orders)⁸ the same size as the Agency Order. The Initiating Member must designate each of the Agency Order and Solicited Order as all-or-none (“AON”).⁹
- The price of the Agency Order and Solicited Order must be in an increment of \$0.01.¹⁰

⁴ The solicited order(s) cannot be for the same EFID as the Agency Order or for the account of any Options Market Maker registered in the applicable series on the Exchange. Cboe Options Rule 6.74B is silent on how it determines whether both orders submitted to a SAM Auction are solicited for different accounts. The Agency Order and Solicited Order cannot both be for the accounts of a customer. Cboe Options Rule 6.74B does not contain a similar prohibition. The Exchange believes it is appropriate for such customer-to-customer crosses to be submitted to an AIM Auction pursuant to Rule 6.74A, as that rule contains a provision for Customer-to-Customer Immediate AIM Crosses.

⁵ For purposes of proposed Rule 21.21, the term “NBBO” means the national best bid or national best offer at the particular point in time applicable to the reference, and the term “Initial NBBO” means the national best bid or national best offer at the time a SAM Auction is initiated.

⁶ See proposed Rule 21.21(a)(1). Cboe Options Rule 6.74B(a)(1) permits Cboe Options to make SAM available on a class-by-class basis. The Exchange does not believe it currently needs this flexibility.

⁷ See proposed Rule 21.21(a)(2); see also Cboe Options Rule 6.74B(b)(1)(A).

⁸ Cboe Options Rule 6.74B does not permit the solicited order to consist of multiple contras. See additional discussion below regarding the provision to permit multiple contra-parties to be solicited to trade against an Agency Order.

⁹ See proposed Rule 21.21(a)(3); see also Cboe Options Rule 6.74B(a)(1) and (2).

¹⁰ See proposed Rule 21.21(a)(4). Cboe Options Rule 6.74B(a)(3) permits Cboe Options to determine the minimum price increment for the Agency Order

Continued

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Rule 21.19; see also SR–CboeEDGX–2019–007 (February 19, 2019).

- An Initiating Member may not designate an Agency Order or Solicited Order as Post Only.¹¹

- An Initiating Member may only submit an Agency Order to a SAM Auction after the market open.¹²

- An Initiating Member may not submit an Agency Order if the NBBO is crossed (unless the Agency Order is a SAM ISO).¹³

The System rejects or cancels both an Agency Order and Solicited Order submitted to a SAM Auction that do not meet these conditions.¹⁴

As defined, the Solicited Order may be comprised of multiple solicited orders, in which case they must total the same size as the Agency Order (and thus be for a total of at least 500 contracts). This will accommodate multiple contra-parties and increase the opportunities for customer orders to be submitted into an AIM Auction with the potential for price improvement, since the Initiating Order must stop the full size of the Agency Order. This will have no impact on the execution of the Agency Order, which may trade against multiple contra-parties depending on the final auction price, as set forth in proposed paragraph (e). The Exchange notes that with regard to order entry, the first order submitted into the system is marked as the initiating/agency side and the second order is marked as the contra-side. Additionally, the Solicited Order

and Solicited Order, which may not be smaller than \$0.01. The Exchange does not believe it needs this flexibility, and thus the proposed rule change applies the \$0.01 increment to all classes.

¹¹ See proposed Rule 21.21(a)(5). The Post Only designation is not available on Cboe Options. The Exchange believes this is appropriate, as the purpose of a Post Only order is to not execute upon entry and instead rest in the EDGX Options Book, while the purpose of a SAM Auction is to receive an execution following the auction but prior to entering the EDGX Options Book. See also Rule 21.19(a)(5).

¹² See proposed Rule 21.21(a)(6). Cboe Options Rule 6.74B is silent on when a SAM Auction may be initiated. However, the Exchange understands that the proposed rule change is consistent with Cboe Options functionality. See also Rule 21.19(a)(6).

¹³ See proposed Rule 21.21(a)(7). Cboe Options Rule 6.74B is silent on whether a SAM Auction may be initiated when the NBBO is crossed. However, the proposed rule change is consistent with the proposed requirement (and Cboe Options Rule 6.74B(b)(1)(A) and (2)(A)(1)) that the stop price and execution price be at or better than the initial NBBO (as discussed below), as well as linkage rules that do not permit executions at prices that trade through the NBBO (see Rule 27.2).

¹⁴ See proposed Rule 21.21(a). Cboe Options Rule 6.74B does not specify whether an Agency Order and Solicited Order will be rejected or cancelled if they do not meet the SAM eligibility requirements. However, the Exchange understands that the proposed rule change is consistent with Cboe Options functionality. The proposed SAM Auction eligibility requirements (other than the minimum size) are the same as the AIM Auction eligibility requirements. See Rule 21.19(a).

will always be entered as a single order, even if that order consists of multiple contra-parties who are allocated their portion of the trade in a post-trade allocation.¹⁵

The Solicited Order must stop the entire Agency Order at a price that satisfies the following conditions:

- The stop price for a buy (sell) Agency Order must be at or better than the then-current NBO (NBB).¹⁶

- If the Agency Order is to buy (sell) and the Exchange best bid (offer) represents (a) a Priority Customer order on the EDGX Options Book, the stop price must be at least \$0.01 better than the Exchange best bid (offer); or (b) a quote or order that is not a Priority Customer order on the EDGX Options Book, the auction price must be at least \$0.01 better than the Exchange best bid (offer) unless the agency Order is a Priority Customer order and the Exchange has applied the Customer Overlay set forth in Rule 21.8(d)(1), in which case the auction price must be at or better than the Exchange best bid (offer).¹⁷ The Exchange believes this condition protects orders resting on the EDGX Options Book, including Priority Customer orders.

- If the Agency Order is to buy (sell) and the Exchange best offer (bid) represents (a) a Priority Customer order on the EDGX Options Book, the auction price must be at least \$0.01 better than the Exchange best offer (bid); or (b) a quote or order that is not a Priority Customer order on the EDGX Options Book, the auction price must be at or better than the Exchange best offer (bid).¹⁸ The Exchange believes this

¹⁵ The Exchange notes that while other exchange rules do not specify whether the contra-side order in a solicitation auction mechanism may consist of multiple orders, the contra-side order for Qualified Contingent Cross Orders (see Rule 21.1(d)(10)), which similarly have a minimum quantity requirement and are fully crossed against an initiating order that must be for a minimum number of contracts, may consist of multiple contra-side orders. However, ISE Regulatory Information Circular 2014–013 states that the contra-side order submitted into a crossing mechanism (including the ISE solicited order mechanism) may consist of one or more parties.

¹⁶ See proposed Rule 21.21(b)(1); see also Cboe Options Rule 6.74B(b)(1)(A).

¹⁷ See proposed Rule 21.21(b)(2). These conditions regarding orders on the same side as the Agency Order are the same as those applicable to AIM for orders of 50 contracts or more. See Rule 21.19(b). Cboe Options Rule 6.74B is silent regarding whether the stop price must be at or better than the same-side Cboe Options best bid or offer; however, the execution price must be at or better than the Cboe Options best bid or offer.

¹⁸ See proposed Rule 21.21(b)(3). Cboe Options Rule 6.74B is silent regarding whether the auction price must be at or better than the opposite-side Cboe Options best bid or offer; however, the execution price may not be at the same price as priority customer orders resting on the book on the

condition protects orders resting on the EDGX Options Book, including Priority Customer orders.

- If the Initiating Member submits a SAM sweep order to a SAM Auction, the stop price, SAM responses, and executions are permitted at a price inferior to the Initial NBBO. A “SAM sweep order” or “SAM ISO” is the submission of two orders for crossing in a SAM Auction without regard for better-priced Protected Quotes (as defined in Rule 27.1) because the submitting Options Member routed an ISO(s) simultaneously with the routing of the SAM ISO to execute against the full displayed size of any Protected Quote that is better than the stop price and has swept all interest in the EDGX Options Book with a price better than the stop price. Any execution(s) resulting from these sweeps accrue to the AIM Agency Order.¹⁹

The System rejects or cancels both an Agency Order and Solicited Order submitted to a SAM Auction that do not meet these conditions.²⁰

Upon receipt of an Agency Order that meets the above conditions, the SAM Auction process commences. One or more SAM Auctions in the same series may occur at the same time. To the extent there is more than one SAM Auction in a series underway at a time, the SAM Auctions conclude sequentially based on the exact time each SAM Auction commenced, unless terminated early pursuant to proposed paragraph (d). At the time each SAM Auction concludes, the System allocates the Agency Order pursuant to proposed paragraph (e) and takes into account all SAM Auction responses and unrelated orders in place at the exact time of conclusion. In the event there are multiple SAM Auctions underway that are each terminated early pursuant to proposed paragraph (d), the System processes the SAM Auctions sequentially based on the exact time each SAM Auction commenced.²¹

The Exchange notes it is also possible for various types of auctions (such as an AIM Auction or a complex order

opposite side of the Agency Order (unless the priority customer orders execute against the Agency Order).

¹⁹ See proposed Rule 21.21(b)(4). Cboe Options Rule 6.74B is silent on whether ISOs are permitted with respect to SAM auctions. However, ISOs are similarly permitted for AIM Auctions, and the proposed definition of a SAM ISO is consistent with linkage rules. See Rules 21.19(b)(3)(A) and 27.1.

²⁰ See proposed Rule 21.21(b).

²¹ See proposed Rule 21.21(c)(1). This provision regarding concurrent SAM Auctions is similar to the AIM provision that permits concurrent AIM Auctions for Agency Orders of 50 contracts or more. See Rule 21.19(c)(1). The Cboe Options rule does not permit concurrent SAM Auctions.

auction (“COA”)) to occur concurrently in the same series, and at the end of each auction, it is possible for interest resting in the EDGX Options Book to trade against any of the auctioned orders in the series. While these auctions may be occurring at the same time, they will be processed in the order in which they are terminated (similar to how the System processes SAM Auctions as discussed above). In other words, suppose there is an AIM Auction, a SAM Auction, and a COA all occurring in the same series, which began and will terminate in that order, and each of which last 100 milliseconds. While it is possible for all three auctions to terminate nearly simultaneously, the System will still process them in the order in which they terminate. When the AIM Auction terminates, the System will process it in accordance with Rule 21.19, and the auctioned order may trade against any resting interest (in addition to the contra-side order and responses submitted to that AIM Auction, which may only trade against the order auctioned in that AIM pursuant to Rule 21.19). The System will then process the SAM Auction when it terminates, and the auctioned order may trade against any resting interest that did not execute against the AIM order (in addition to the contra-side order and responses submitted to that SAM Auction, which may only trade against the order auctioned in that SAM pursuant to proposed Rule 21.21). Finally, the System will then process the COA Auction when it terminates, and the COA order may leg into the EDGX Options Book and trade against any resting interest that did not execute against the AIM order or SAM order (in addition to any interest resting on the complex order book and COA responses pursuant to Rule 21.20).

The Exchange System initiates the SAM Auction process by sending a SAM Auction notification message detailing the side, size, auction price, Auction ID, and options series of the Agency Order to all Options Members that elect to receive SAM Auction notification messages. SAM Auction notification messages are not included in the disseminated BBO or OPRA.²² The SAM Auction lasts for a period of time determined by the Exchange, which may be no less than 100 milliseconds and no more than one second (the Exchange will announce this time period to Options Members via Exchange Notice and/or technical

specifications).²³ An Initiating Member may not modify or cancel an Agency Order or Solicited Order after submission to a SAM Auction.²⁴

Any User other than the Initiating Member (determined by EFID) may submit responses to a SAM Auction that are properly marked specifying size, side of the market, and the Auction ID for the SAM Auction to which the User is submitting the response. A SAM response may specify a limit price or be treated as market. A SAM response may only participate in the SAM Auction with the Auction ID specified in the response.²⁵

- The minimum price increment for SAM responses is \$0.01. The System rejects a SAM response that is not in a \$0.01 increment.²⁶

- SAM responses that cross the Initial NBBO are capped at the Initial NBBO on the same side as the Agency Order and \$0.01 better than the EDGX BBO on the same side as the Agency Order if the EDGX BBO is represented by a Priority Customer on the EDGX Options Book (unless the Agency Order is a SAM ISO). The System executes SAM responses, if possible, at the most aggressive permissible price not outside the Initial NBBO.²⁷ This will ensure the execution price does not cross the Initial NBBO in accordance with linkage rules.

- A User may submit multiple SAM response at the same or multiple prices to a SAM Auction. The System aggregates all of a User's SAM response and orders and quotes on the EDGX Options Book for the same EFID at the same price.²⁸ The Exchange believes this is appropriate since all interest at a single price is considered for execution

against the Agency Order at that price, and can then together be subject to the size cap, as discussed below. This (combined with the proposed size cap) will prevent an Options Member from submitting multiple orders, quotes, or responses at the same price to obtain a larger pro-rata share of the Agency Order.

- SAM responses, or the aggregate size of a User's orders, quotes, and SAM responses for the same EFID at the same price, that exceed the size of the Agency Order are capped at the size of the Agency Order.²⁹ This Exchange believes this is responsible to prevent an Options Member from submitting an order, quote, or response with an extremely large size in order to obtain a larger pro-rata share of the Agency Order.

- SAM responses must be on the opposite side of the market as the Agency Order. The System rejects a SAM response on the same side of the market as the Agency Order.³⁰

- SAM responses are not visible to SAM Auction participants or disseminated to OPRA.³¹

- A User may modify or cancel its SAM responses during the SAM Auction.³²

A SAM Auction concludes at the earliest to occur of the following times:

- The end of the SAM Auction period;
- upon receipt by the System of a Priority Customer order on the same side of the market with a price the same as or better than the stop price that would post to the EDGX Options Book;
- upon receipt by the System of an unrelated, nonmarketable order or quote that is not a Priority Customer order on the same side of the market as the

²³ See proposed Rule 21.21(c)(3); see also Cboe Options Rule 6.74B(b)(1)(C).

²⁴ See proposed Rule 21.21(c)(4); see also Rule 21.19(c)(4) (corresponding provision in AIM). Cboe Options Rule 6.74B does not contain this detail; however, the Exchange understands this is consistent with current Cboe Options functionality.

²⁵ See proposed Rule 21.21(c)(5); see also Rule 21.19(c)(5) (corresponding provision in AIM). Cboe Options Rule 6.74B does not specify that a response may be market as well as limit or that a response may only participate in the auction specific in the response.

²⁶ See proposed Rule 21.21(c)(5)(A). Cboe Options permits it to determine the minimum increment of SAM responses, which may not be less than \$0.01. See Cboe Options Rule 6.74B(b)(1)(E). The Exchange does not believe it needs that flexibility.

²⁷ See proposed Rule 21.21(c)(5)(B). Cboe Options does not have a corresponding provision; however, this is the same as the corresponding provision for the Exchange's AIM Auction. See Rule 21.19(c)(5)(B).

²⁸ See proposed Rule 21.21(c)(5)(C). Cboe Options does not specify whether a participant may submit multiple responses at the same price or whether the size of all of a participant's interest at the same price will be aggregated; however, this is the same as the corresponding provision for the Exchange's AIM Auction. See Rule 21.19(c)(5)(C).

²⁹ See proposed Rule 21.21(c)(5)(D). This is in contrast to Cboe Options, which requires responses to not exceed the size of the Agency Order. See Cboe Options Rule 6.74B(b)(1)(F). However, this is the same as the corresponding provision for the Exchange's AIM Auction. See Rule 21.19(c)(5)(D).

³⁰ See proposed Rule 21.21(c)(5)(E). Cboe Options does not specify whether a response will be rejected if it is not on the opposite side of the Agency Order; however, the Exchange understands this is consistent with Cboe Options functionality and the same as the corresponding provision for the Exchange's AIM Auction. Additionally, it is reasonable given that the purpose of a response is to trade against the Agency Order. See Rule 21.19(c)(5)(E).

³¹ See proposed Rule 21.21(c)(5)(F); see also Cboe Options Rule 6.74B(b)(1)(D).

³² See proposed Rule 21.21(c)(5)(G). Cboe Options does not specify whether responses may be cancelled during the auction; however, this is the same as the corresponding provision for the Exchange's AIM Auction. See Rule 21.19(c)(5)(I). Unlike Cboe Options Rule 6.74B, the proposed rule change permits responses for the account of an options market-maker from another options exchange. Other options exchanges similarly permit such responses in solicited auction mechanisms. See, e.g., ISE Rule 716(e); and MIAX Rule 515A(b).

²² See proposed Rule 21.21(c)(2); see also Cboe Options Rule 6.74B(b)(1)(B).

Agency Order that would cause the stop price to be outside of the EDGX BBO;

- the market close; and
- any time the Exchange halts trading in the affected series, provided, however, that in such instance the SAM Auction concludes without execution.

An unrelated market or marketable limit order (against the EDGX BBO), including a Post Only Order, on the opposite side of the Agency Order received during the SAM Auction does not cause the SAM Auction to end early and executes against interest outside of the SAM Auction. If contracts remain from such unrelated order at the time the SAM Auction ends, they may be allocated for execution against the Agency Order pursuant to proposed paragraph (e).³³ Because these orders may have the opportunity to trade against the Agency Order following the conclusion of the SAM Auction, which execution must still be at or better than the NBBO and EDGX Options BBO, the Exchange does not believe it is necessary to cause a SAM Auction to conclude early in the event the Exchange receives such orders. This will provide more time for potential price improvement, and the unrelated order will have the opportunity to trade against the Agency Order in the same manner as all other contra-side interest.

At the conclusion of the SAM Auction, the System executes the Agency Order against the Solicited Order or contra-side interest (which includes SAM responses and orders and quotes resting in the EDGX Options Book) at the best price(s) as follows, which price(s) must be at or between the Initial NBBO and at or between the EDGX BBO at the conclusion of the SAM Auction:³⁴

- The System executes the Agency Order against the Solicited Order at the stop price if (a) there is insufficient size among contra-side trading interest at a price(s) better than the stop price to satisfy the Agency Order, and (b) there are no displayed Priority Customer Orders on the opposite side of the Agency Order resting in the EDGX Options Book at the auction price.

- The System executes the Agency Order against contra-side interest (and cancels the Solicited Order) if the aggregate size of (a) any contra-side interest at a price(s) better than the stop price and (b) any displayed Priority Customer Orders on the opposite side of the Agency Order resting on the EDGX Options Book at the stop price is sufficient to satisfy the Agency Order. Execution of the Agency Order against such contra-side interest occurs at each price level better than the stop price in the following order:

- Priority Customer orders on the EDGX Options Book (in time priority);
- remaining contra-side trading interest (including non-Priority Customer orders and quotes on the EDGX Options Book and SAM responses) pursuant to Rule 21.8(c); and
- any nondisplayed Reserve Quantity (Priority Customer before non-Priority Customer, each in time priority).

Execution of the Agency Order against Priority Customer orders on the opposite side of the Agency Order resting on the EDGX Options Book at the stop price execute at that price in time priority.

- The System cancels the Agency Order and Solicited Order with no execution if:

- Execution of the Agency Order against the Solicited Order at the stop price would not be at or between the EDGX BBO at the conclusion of the SAM Auction or at or between the Initial NBBO; or
- there is a Priority Customer Order(s) resting on the opposite side of the Agency Order at the stop price on the EDGX Options Book, and the aggregate size of that Priority Customer Order(s) at the stop price and any contra-side interest at a price(s) better than the stop price is insufficient to satisfy the Agency Order.³⁵

- The System cancels or rejects any unexecuted SAM responses (or unexecuted portions) at the conclusion of the SAM Auction.

The proposed provisions regarding the execution of the Agency Order at the conclusion of a SAM Auction is consistent with the corresponding

provisions for a Cboe Options SAM, except as proposed, if there is a Priority Customer order resting on the EDGX Options Book at the stop price and, with other contra-side interest at the stop price, there is sufficient size to satisfy the Agency Order, the Agency Order will be cancelled, while it would execute against such Priority Customer order and contra-side interest at the stop price on Cboe Options.³⁶ The Exchange believes the proposed rule change is consistent with the AON nature of solicitation mechanisms and the priority order applicable to executions following a SAM Auction at the stop price, as well as general priority provisions,³⁷ which is:

- Priority Customer orders resting on the EDGX Options Book;
 - Solicited Order;
 - non-Priority Customer orders and quotes resting on the EDGX Options Book and SAM responses; and
 - nondisplayed orders resting on the EDGX Options Book (Priority Customers ahead of non-Priority Customers).
- For example, pursuant to Cboe Options Rule 6.74B(b)(2) and proposed Rule 21.21(e), if there are no Priority Customer orders resting on the book at the stop price, if there is not sufficient contra-side interest to satisfy the Agency Order at a better price but there is sufficient non-Priority Customer contra-side interest at the stop price, the Solicited Order has priority and executes against the Agency Order at the stop price. The purpose of SAM is to provide a facility for Options Members that locate liquidity for their large customer orders to execute these orders (and potentially obtain better prices). Given the large size of these orders and

³⁶ See Cboe Options Rule 6.74B(b)(2)(A) (which states if there are priority customer orders and there is sufficient size (considering all resting orders, electronic quotes and responses) to execute the Agency Order, the Agency Order will be executed against these interests and the solicited order will be cancelled, and if there are priority customer orders and there is not sufficient size (considering all resting orders, electronic quotes and responses), both the Agency Order and the solicited order will be cancelled).

³⁷ See Rule 21.8, which provides that at a single price level: (a) Priority Customer orders have priority over non-Priority Customer orders, and Priority Customer orders at the same price are allocated in time priority; (b) non-customer orders have next priority and are allocated in a pro-rata manner; and (c) displayed orders have priority over nondisplayed orders, and nondisplayed portions of Reserve Orders are allocated in a pro-rata manner, except nondisplayed portions of Priority Customer Reserve Orders trade ahead of non-customer Reserve Orders. The Exchange notes it may apply an entitlement for Designated Primary Market Makers or Preferred market Makers, which entitlement would apply after Priority Customer orders. This entitlement is inapplicable in the setting of an auction; however, it is comparable to order when a Solicited Order receives priority.

³³ See proposed Rule 21.21(d). The proposed reasons why a SAM Auction may conclude early differ from the reasons why a Cboe Options SAM Auction may conclude early, but the proposed reasons are the same as those that will cause an AIM Auction to conclude early. See Rule 21.19(d). Similarly, a Cboe Options SAM Auction will conclude early for the same reasons that cause a Cboe Options AIM Auction to terminate early. See Cboe Options Rule 6.74B(b)(2).

³⁴ See proposed Rule 21.21(e); see also Cboe Options Rule 6.74B(b)(2)(A) (which provides the execution price must be at or better than the initial auction NBBO and that an execution will occur at prices equal to or better than the Cboe Options BBO).

³⁵ See proposed Rule 21.21(e). Cboe Rule 6.74B(b)(2) is silent regarding how the Agency Order will be allocated against contra-side interest. The proposed allocation of contra-side interest is consistent with current Exchange allocation rules. See Rule 21.8. This will ensure the Agency Order is allocated consistent with the standard priority of allocation on the Exchange rules that distinguish between Priority Customers and displayed and nondisplayed interest in a manner that will help ensure a fair and orderly market by maintaining priority of orders and quotes while still affording the opportunity for price improvement in each SAM Auction commenced on the Exchange.

the work involved to locate sufficient interest that will trade against these customers order completely at the best then available price, Options Members that solicit this interest in exchange receive priority to trade against the entire size of these customer orders at the stop price over non-Priority Customer orders. The Exchange believes this will protect Priority Customer orders resting on the EDGX Options Book while encouraging Options Members to continue to seek liquidity against which their customers may execute their large orders, as well as encourage non-Priority Customer orders to submit interest at improved prices if they seek to execute against Agency Orders. The Exchange does not believe it is fair for non-Priority Customer interest at the stop price to trade ahead of the Solicited Order because there happens to be a Priority Customer order at that price, when that interest would not otherwise trade ahead of the Solicited Order.

Proposed Rule 21.21, Interpretation and Policy .01 provides that prior to entering Agency Orders into a SAM Auction on behalf of customers, Initiating Members must deliver to the customer a written notification informing the customer that his order may be executed using the SAM Auction. The written notification must disclose the terms and conditions contained in this Rule 21.21 and be in a form approved by the Exchange.³⁸

Rule 22.12 prevents an Options Member from executing agency orders to increase its economic gain from trading against the order without first giving other trading interests on the Exchange an opportunity to either trade with the agency order or to trade at the execution price when the Options Member was already bidding or offering on the book. However, the Exchange recognizes that it may be possible for an Options Member to establish a relationship with a Priority Customer or other person to deny agency orders the opportunity to interact on the Exchange and to realize similar economic benefits as it would achieve by executing agency order as principal. Under Rule 21.21, Initiating Members may enter contra-side orders that are solicited. SAM provides a facility for Options Members that locate liquidity for their customer orders. Options Members may not use the SAM Auction to circumvent Rule 21.19 or 22.12 limiting principal transactions. This may include, but is not limited to, Options Members entering contra-side orders that are

solicited from (a) affiliated broker-dealers or (b) broker-dealers with which the Options Member has an arrangement that allows the Options Member to realize similar economic benefits from the solicited transaction as it would achieve by executing the customer order in whole or in part as principal.³⁹

The following examples demonstrate how orders will be executed in a SAM Auction:

Example #1

XYZ Jan 50 Calls
NBBO: 1.10–1.25
BBO: 1.10–1.30 (no Priority Customer orders included in the BBO)
Paired order to execute 2,000 contracts AON (Agency Order to sell) at 1.10

A SAM Auction notification message is sent to all Options Members that elect to receive SAM Auction notification messages, which shows the option, size, side, and price. The SAM Auction timer begins, and the System starts the SAM Auction to sell at 1.10.

During the SAM Auction, the System receives the following responses in the following order:

- Response 1 to buy 2,000 at 1.10
- Response 2 to buy 2,000 at 1.10
- Response 3 to buy 5,000 at 1.10
- Response 4 to buy 1,000 at 1.20

The aggregate responses did not improve the price of the entire Agency Order, and there are no displayed Priority Customer orders at the stop price, so at the conclusion of the SAM Auction, the System executes the Solicited Order against the Agency Order at a price of 1.10 and cancels the SAM responses.

Example #2

XYZ Jan 50 Calls
NBBO: 1.10–1.25
BBO: 1.10–1.30 (no Priority Customer orders included in the BBO)
Paired order to execute 2,000 contracts AON (Agency Order to sell) at 1.10

A SAM Auction notification message is sent to all Options Members that elect to receive SAM Auction notification messages, which shows the option, size, side, and price. The SAM Auction timer begins, and the System starts the SAM Auction to sell at 1.10.

During the SAM Auction, the System receives the following responses in the following order:

- Response 1 to buy 2,000 at 1.10
- Response 2 to buy 2,000 at 1.10
- Response 3 to buy 5,000 at 1.10
- Response 4 to buy 1,000 at 1.20
- Response 5 to buy 2,000 at 1.15

There is sufficient size among the SAM responses to improve the price of the entire Agency Order, so at the conclusion of the SAM Auction, the System executes 1,000 contracts of the Agency Order at a price of 1.20 against Response 4 and 1,000 contracts of the Agency Order at a price of 1.15 against Response 5, and cancels the Solicited Order and Responses 1, 2, 3, and 5 (the remaining 1,000).

Example #3

XYZ Jan 50 Calls
NBBO: 1.10–1.25
BBO: 1.10 (200)–1.30 (no Priority Customer orders included in the BBO)
Paired order to execute 2,000 contracts AON (Agency Order to sell) at 1.11

A SAM Auction notification message is sent to all Options members that elect to receive SAM Auction notification messages, which shows the option, size, side, and price. The SAM Auction timer begins, and the System starts the SAM Auction to sell at 1.11.

During the SAM Auction, the System receives the following responses in the following order:

- Response 1 to buy 2,000 at 1.11
- Response 2 to buy 2,000 at 1.11
- Response 3 to buy 5,000 at 1.11
- Response 4 to buy 1,000 at 1.12
- Unrelated Order A to sell 500 at 1.10

The SAM Auction terminates when the System receives Unrelated Order A, because it is marketable against the EDGX best bid of 1.10, and would cause the stop price to be outside of the EDGX BBO if it immediately executed. The aggregate responses did not improve the price of the entire Agency Order, and there are no displayed Priority Customer orders at the stop price, so at the conclusion of the SAM Auction, the System executes the Solicited Order against the Agency Order at a price of 1.11 and cancels the SAM responses. The System then executes 200 contracts of Unrelated Order A against the resting order at a 1.10 at that price, and then enters 300 contracts of Unrelated Order A onto the Book. The EDGX BBO then becomes 1.08–1.10 (which, as noted above, would have caused the stop price to be outside of the EDGX BBO).

Example #4

XYZ Jan 50 Calls
NBBO: 1.10–1.25
BBO: 1.10–1.30 (Priority Customer order for 20 included in the bid,

³⁸ See also Cboe Options Rule 6.74B, Interpretation and Policy .02.

³⁹ See proposed Interpretation and Policy .02; see also Cboe Options Rule 6.74B, Interpretation and Policy .03. The proposed rule change also amends Rule 22.12 to add a reference to SAM as an exception to the general restriction on the execution of orders as principal against orders they represent as agent. See proposed Rule 22.12(c); see also Cboe Options Rule 6.45, Interpretation and Policy .01.

and no Priority Customer order included in the offer)

Paired order to execute 2,000 contracts AON (Agency Order to sell) at 1.11 (one increment better than a resting Priority Customer order on the opposite side of the EDGX Options Book).

A SAM Auction notification message is sent to all Options Members that elect to receive SAM Auction notification messages, which shows the option, size, side, and price. The SAM Auction timer begins, and the System starts the SAM Auction to sell at 1.11.

During the SAM Auction, the System receives the following responses in the following order:

- Response 1 to buy 2,000 at 1.11
- Response 2 to buy 2,000 at 1.11
- Response 3 to buy 1,000 at 1.15
- Response 4 to buy 900 at 1.12
- Priority Customer order to buy 100 at 1.11

There is sufficient size among the SAM responses at prices better than the stop price and the Priority Customer order at the stop price, so at the conclusion of the SAM Auction, the System executes 1,000 contracts of the Agency Order at a price of 1.15 against Response 3, 900 contracts of the Agency Order at a price of 1.12 against Response 4, and 100 contracts of the Agency Order at a price of 1.11 against the Priority Customer order, and cancels the Solicited Order and Responses 1 and 2.

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.⁴⁰ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁴¹ 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)⁴² requirement that the rules of an exchange not be designed

to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed rule change is generally intended to add certain system functionality currently offered by Cboe Options to the Exchange’s System in order to provide a consistent technology offering for the Cboe Affiliated Exchanges. 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. This will provide Users with greater harmonization of price improvement auction mechanisms available among the Cboe Affiliated Exchanges.

The proposed rule change will provide market participants with an additional auction mechanism that will provide them with greater flexibility in pricing larger-sized orders and may provide more opportunities for price improvement.⁴³ SAM as proposed will function in a similar manner as AIM, the Exchange’s current price improvement mechanism—the differences relating primarily to the minimum size requirement and all-or-none nature of SAM. Additionally, the proposed auction mechanism provides equal access to the exposed Agency Orders for all market participants, as all Options Members that subscribe to the Exchange’s data feeds with the opportunity to interact with orders submitted into SAM Auctions.⁴⁴ SAM is intended to benefit investors, because it is designed to provide investors seeking to execute large option orders with opportunities to access additional liquidity and receive price improvement. It will provide Options Members that locate liquidity for their customers’ larger-sized orders a facility in which to execute those orders, potentially at improved prices. The proposed rule change may result in increased liquidity available at improved prices for larger-sized orders, with competitive final pricing out of the Initiating Member’s control. The Exchange believes SAM will promote and foster competition and provide more options contracts with the opportunity for price improvement.

The Exchange believes the proposed rule change will remove impediments to and perfect the mechanism of a free and

open market and a national market system, because the proposed SAM Auction is similar to other solicitation auction mechanisms currently available at other options exchanges.⁴⁵ The general framework of the proposed SAM Auction process (such as the eligibility requirements, the auction response period, the same-side stop price requirements, response requirements, and auction notification process),⁴⁶ is substantively the same as the framework for the AIM price improvement auction the Exchange’s current price improvement auction. The primary features of the proposed SAM Auction process are similar to the solicitation auction mechanisms of other options exchanges, including Cboe Options SAM, as discussed above and below. The clarity in how the proposed price improvement auction will function and its consistency with similar auctions at other exchanges will help promote a fair and orderly national options market system.

Further, the new functionality may lead to an increase in Exchange volume and should allow the Exchange to better compete against other markets that already offer an electronic solicitation mechanism, while providing an opportunity for price improvement for Agency Orders. The Exchange believes that its proposal will allow the Exchange to better compete for solicited transactions, while providing an opportunity for price improvement for Agency Orders and assuring that Priority Customers on the EDGX Options Book are protected. The new solicitation mechanism should promote and foster competition and provide more options contracts with the opportunity for price improvement, which should benefit market participants.

The Exchange believes the proposed rule change will result in efficient trading and reduce the risk for investors that seek access to additional liquidity and price improvement for larger-sized orders by providing additional opportunities to do so. The proposed priority and allocation rules in the SAM Auction are consistent with the Exchange’s current priority and allocation rules that give priority to displayed Priority Customer orders,⁴⁷ which will ensure a fair and orderly

⁴³ See Securities Exchange Act Release Nos. 49141 (January 28, 2004), 69 FR 5625 (February 5, 2004) (SR-ISE-2001-22); 57610 (April 3, 2008), 73 FR 19535 (April 10, 2008) (SR-CBOE-2008-14); and 72009 (April 23, 2014), 79 FR 24032 (April 29, 2014) (SR-MIAX-2014-09).

⁴⁴ Any Options Member can subscribe to the options data disseminated through the Exchange’s data feeds.

⁴⁵ See, e.g., Cboe Options Rule 6.74B; ISE Rule 716(e); and MIAX Rule 515A(b).

⁴⁶ See Rule 21.19.

⁴⁷ Pursuant to Rule 21.8, at a single price level, Priority Customer orders have priority over non-Priority Customer orders, which have priority over all nondisplayed orders (*i.e.*, the Reserve Portion of Priority Customer and non-Priority Customer Reserve Orders).

⁴⁰ 15 U.S.C. 78f(b).

⁴¹ 15 U.S.C. 78f(b)(5).

⁴² *Id.*

market by maintaining priority of orders and quotes while still affording the opportunity for price improvement during each SAM Auction commenced on the Exchange. The proposed allocation ensures that the Agency Order will be filled if there is a displayed Priority Customer order on the EDGX Options Book at the stop price that, when combined with price-improving interest that otherwise could not fill the Agency Order on its own (and thus providing price improvement for part of the Agency Order).

The proposed allocation is similar to the priority of orders in other options' solicitation auction mechanism rules, pursuant to which interest at improved prices have priority over the stop order (if there is sufficient size at improved prices to satisfy the entire Agency Order) and the Solicited Order has priority over non-Priority Customer interest at the stop price (e.g., if there is sufficient non-Priority Customer interest and no Priority Customer interest at the stop price). However, the proposed allocation rules differ in one circumstance. As proposed, if there is a Priority Customer order resting on the EDGX Options Book at the stop price and, with other contra-side interest at the stop price, there is sufficient size to satisfy the Agency Order, the Agency Order will be cancelled, while it would execute against such Priority Customer order and contra-side interest at the stop price on Cboe Options.⁴⁸ The Exchange believes the proposed rule change is consistent with the AON nature of solicitation mechanisms and the priority order applicable to executions following a SAM Auction at the stop price, as well as general priority provisions,⁴⁹ which is:

⁴⁸ See Cboe Options Rule 6.74B(b)(2)(A) (which states if there are priority customer orders and there is sufficient size (considering all resting orders, electronic quotes and responses) to execute the Agency Order, the Agency Order will be executed against these interests and the solicited order will be cancelled, and if there are priority customer orders and there is not sufficient size (considering all resting orders, electronic quotes and responses), both the Agency Order and the solicited order will be cancelled).

⁴⁹ See Rule 21.8, which provides that at a single price level: (a) Priority Customer orders have priority over non-Priority Customer orders, and Priority Customer orders at the same price are allocated in time priority; (b) non-customer orders have next priority and are allocated in a pro-rata manner; and (c) displayed orders have priority over nondisplayed orders, and nondisplayed portions of Reserve Orders are allocated in a pro-rata manner, except nondisplayed portions of Priority Customer Reserve Orders trade ahead of non-customer Reserve Orders. The Exchange notes it may apply an entitlement for DPMs and PMM receive this entitlement after Priority Customers and before all other interest as a benefit in exchange for the increased quoting they perform. Similarly, the Solicited Order receives priority after Priority

- Priority Customer orders resting on the EDGX Options Book;
- Solicited Order (which may only execute in its entirety or not at all);
- non-Priority Customer orders and quotes resting on the EDGX Options Book and SAM responses; and
- nondisplayed orders resting on the EDGX Options Book (Priority Customers ahead of non-Priority Customers).

For example, pursuant to Cboe Options Rule 6.74B(b)(2) and proposed Rule 21.21(e), if there are no Priority Customer orders resting on the book at the stop price, and there is not sufficient contra-side interest to satisfy the Agency Order at a better price but there is sufficient non-Priority Customer contra-side interest at the stop price, the Solicited Order has priority and executes against the entire Agency Order at the stop price. The Exchange does not believe it is fair for non-Priority Customer interest at the stop price to trade ahead of the Solicited Order because there happens to be a Priority Customer order at that price, when that interest would not otherwise trade ahead of the Solicited Order.

The purpose of SAM is to provide a facility for Options Members that locate liquidity for their large customer orders to execute these orders (and potentially obtain better prices). Given the large size of a customer order submitted into a SAM Auction, an Initiating Member that solicits and locates sufficient interest to execute against the entire order at the best then-available price (or better) receives in exchange for that effort execution priority over non-Priority Customers (who do not expend similar efforts to trade against the Agency Order and do not provide price improvement) to trade against the entire size of the customer order at the stop price.⁵⁰ The Exchange believes the proposed rule change promotes just and equitable principles of trade, because it will protect Priority Customer orders resting on the EDGX Options Book while encouraging Options Members to continue to seek liquidity against which their customers may execute their large orders. The Exchange believes this may also encourage non-Priority Customers to submit interest at improved prices if they seek to execute against Agency

Customers and before all other interest as a benefit in exchange for the work the Initiating Member performs to locate sufficient liquidity to execute against a large customer order

⁵⁰ The Exchange notes, as proposed in Interpretation and Policy .01, an Initiating Member must provide written notice to its customers that their orders may be submitted into a SAM Auction, which notice must disclose the terms and conditions of the auction, so customers will be aware of the priority provisions applicable to SAM.

Orders since they will not have the opportunity to trade against an Agency Order at the stop price. The Exchange believes any potential impact related to the elimination of the opportunity for non-Priority Customers to trade against Agency Orders at the stop price will be offset by the additional opportunities for price improvement that may result. Options Members will have additional incentive to submit customer orders into SAM Auctions, and other market participants will also have additional incentive to provide liquidity as part of the Solicited Order, because they will have more certainty and reduced market risk regarding execution of their orders against the Agency Order. This may result in additional SAM Auctions, and other participants will have additional incentive to submit interest at better prices. Any potential impact is further minimized because, as proposed, the stop price must be better than the EDGX BBO if there a Priority Customer order resting at the BBO (except if the Agency Order is for a Priority Customer), and as a result this situation would only occur if a Priority Customer order entered the EDGX Options Book at the stop price during the SAM Auction period and there is also sufficient other contra-side interest to satisfy the Agency Order.⁵¹ Non-Priority Customers will continue to have the opportunity to trade against Agency Orders at improved prices.

By keeping the priority and allocation rules for a SAM Auction similar to the standard allocation used on the Exchange and consistent across possible outcomes of a SAM Auction, the proposed rule change reduces the ability of market participants to misuse the SAM Auction to circumvent standard priority rules in a manner that is designed to prevent fraudulent and manipulative acts and practices, and to promote just and equitable principles of trade on the Exchange. The proposed execution and priority rules will allow orders to interact with interest in the EDGX Options Book, and will allow interest on the EDGX Options Book to interact with option orders in the price improvement mechanisms in an efficient and orderly manner. The Exchange believes this interaction of orders will benefit investors by increasing the opportunity for option orders to receive executions, while also enhancing the execution quality for orders resting on the Book.

The proposed SAM Auction eligibility requirements are reasonable and

⁵¹ As proposed, a Priority Customer order with a price at or better than the stop price entered during the SAM Auction period would terminate the Auction.

promote a fair and orderly market and national market system, because they are substantially similar to the eligibility requirements for other exchanges' solicited order mechanisms,⁵² and benefit investors by providing clarity regarding how they may initiate a SAM Auction. Additionally, other than the minimum size requirement and AON requirement (which are standard for solicited order mechanisms), the eligibility requirements are virtually the same as those for AIM, the Exchange's other price improvement mechanism.⁵³ This will further benefit investors by providing consistency across the Exchange's price improvement mechanisms.

The proposed rule that an Initiating Member may not designate an Agency Order or Initiating Order as Post Only protects investors, because it provides transparency regarding functionality that will not be available for SAM. The Exchange believes this is appropriate, as the purpose of a Post Only order is to not execute upon entry and instead rest in the EDGX Options Book, while the purpose of submitting orders to a SAM Auction is to receive an execution following the auction and not enter the EDGX Options Book. Pursuant to current and proposed Rule 21.21, an Agency Order will fully execute against contra-side interest (possibly against the Solicited Order, which must be for the same size as the Agency Order), or will be cancelled in the event there is no execution following a SAM Auction, and thus there cannot be remaining contracts in an Agency Order or Solicited Order to enter the EDGX Options Book.

The proposed rule change to state that the minimum size requirement of 500 or more standard option contracts applies to the equivalent number of mini-option contracts (*i.e.*, 5,000 mini-option contracts) promotes just and equitable principles of trade. Rule 19.6, Interpretation and Policy .07 permits the listing of mini-options, which is an option with a 10 share deliverable of the underlying security rather than 100 share deliverable of the underlying

security (which is the standard deliverable for a standard option contract). The proposed change to state that 500 standard option contracts is consistent with 5,000 mini-option contracts is consistent with this definition of mini-options. This provides transparency to investors that SAM functionality and the potential for price improvement is available to Agency Orders for large orders of mini-options as well as standard options.

The proposed rule change to prohibit an Agency Order and Solicited Order from both being for the accounts of Priority Customers is reasonable, because the Exchange believes it would be in the interests of such pairs of orders to be submitted to a Customer-to-Customer AIM Immediate Cross pursuant to Rule 21.19(f) pursuant to which they can be executed immediately. The Exchange believes there will be minimal demand to submit pairs of Priority Customer orders into SAM Auctions given its offering of immediate cross functionality via AIM.

The Exchange believes the proposed rule change to permit the Solicited Order to be comprised of multiple orders that total the size of the Agency Order may increase liquidity and opportunity for Agency Orders to participate in SAM Auctions, and therefore provide Agency Orders with additional opportunities for price improvement, which is consistent with the principles behind the SAM Auction. The Exchange believes that this will be beneficial to participants because allowing multiple contra-parties should foster competition for filling the contra-side order and thereby result in potentially better prices, as opposed to only allowing one contra-party and, thereby requiring that contra-party to do a larger size order which could result in a worse price for the trade. Another exchange permits the contra-side in a solicited auction mechanism to be comprised of multiple contra-parties.⁵⁴ The Exchange notes the contra-side of a Qualified Contingent Cross order may be comprised of multiple orders.⁵⁵

As discussed above, the Exchange has proposed to allow SAM Auctions to occur concurrently with other SAM Auctions. Although SAM Auctions for Agency Orders will be allowed to overlap, the Exchange does not believe this raises any issues that are not addressed through the proposed rule change described above. For example,

although overlapping, each SAM Auction will be started in a sequence and with a time that will determine its processing. Thus, even if there are two SAM Auctions that commence and conclude, at nearly the same time, each SAM Auction will have a distinct conclusion at which time the SAM Auction will be allocated. In turn, when the first Auction concludes, unrelated orders that then exist will be considered for participation in the SAM Auction. If unrelated orders are fully executed in such SAM Auction, then there will be no unrelated orders for consideration when the subsequent SAM Auction is processed (unless new unrelated order interest has arrived). If instead there is remaining unrelated order interest after the first SAM Auction has been allocated, then such unrelated order interest will be considered for allocation when the subsequent SAM Auction is processed. As another example, each SAM response is required to specifically identify the Auction for which it is targeted and if not fully executed will be cancelled back at the conclusion of the Auction. Thus, SAM responses will be specifically considered only in the specified SAM Auction.

The Exchange does not believe that allowing multiple auctions to overlap for Agency Orders presents any unique issues that differ from functionality already in place on the Exchange or other exchanges. Pursuant to Rule 21.19(c)(1), multiple AIM Auctions for Agency Orders for 50 or more contracts may overlap. Additionally, other options exchanges permit other auctions to overlap.⁵⁶

The proposed auction process will promote a free and open market, because it ensures equal access to information regarding SAM Auctions and the exposed Agency Orders for all market participants, as all Options Members that subscribe to the Exchange's data feeds with the opportunity to interact with orders submitted into SAM Auctions.⁵⁷ The Exchange has proposed a range between no less than 100 milliseconds and no more than one second for the duration of a SAM Auction.⁵⁸ This will provide investors with more timely execution of their options orders than a mechanism that has a one second auction, while

⁵² See Cboe Options Rule 6.74B(a) and (b)(1) and Interpretation and Policy .03; and MIAX Rule 515A(b)(1) and (2) and Interpretation and Policy .04 (which permit applicability to any class, prohibit appointed market-makers from being solicited, impose the same minimum size and all-or-none requirement, has the same minimum increment, and requires Agency Orders to be marked for SAM processing). The proposed rule change that states a SAM Auction may not commence until after the market open is reasonable, as execution following a SAM Auction would not be possible until after the market open and when there is a BBO and NBBO.

⁵³ See Rule 21.19(a).

⁵⁴ See ISE Rule 716(e) and ISE Regulatory Information Circular 2014-013.

⁵⁵ Unlike orders submitted to a SAM Auction, Qualified Contingent Cross orders may immediately execute and are not exposed to the market for possible price improvement.

⁵⁶ See, *e.g.*, ISE Rule 716(d), which governs ISE's facilitation mechanism and does not restrict such auctions to one auction at a time; and Boston Options Exchange ("BOX") Rule 7270.

⁵⁷ Any Options Member can subscribe to the options data disseminated through the Exchange's data feeds.

⁵⁸ See also Cboe Options Rule 6.74B(b)(1)(C); ISE Rule 716, Supplementary Material .04; and MIAX Rule 515A(b)(2)(1)(C).

ensuring there is an adequate exposure of orders in EDGX SAM. This proposed auction response time should provide investors with the opportunity to receive price improvement for larger-sized orders through SAM while reducing market risk. The Exchange believes a briefer time period reduces the market risk for the Initiating Member, versus an auction with a longer period, as well as for any Options Member providing responses to a broadcast. As such, the Exchange believes the proposed rule change would help perfect the mechanism for a free and open national market system, and generally help protect investors and the public interest. All Options Members will have an equal opportunity to respond with their best prices during the SAM Auction. Since the Exchange considers all interest present in the System, and not solely SAM response, for execution against the Agency Order, those participants who are not explicit responders to a SAM Auction may receive executions via SAM as well.

The proposed SAM Auction response requirements are reasonable and promote a fair and orderly market and national market system, because they are substantially similar to the response requirements for other exchanges' solicited order mechanisms,⁵⁹ and benefit investors by providing clarity regarding how they may respond to a SAM Auction. Additionally, other than not restricting Times in Force or MTP Modifiers available for responses (which restrictions the Exchange does not currently believe are necessary for SAM responses), the eligibility requirements are virtually the same as those for AIM responses, the Exchange's other price improvement mechanism.⁶⁰ This will further benefit investors by providing consistency across the Exchange's price improvement mechanisms.

The proposed rule change will also perfect the mechanism of a free and open market and a national market system, as it is consistent with linkage rules. Proposed Rule 21.21 does not permit Agency Orders to be submitted

when the NBBO is crossed and requires Agency Order execution prices at the end of SAM Auctions to be at or between the Initial NBBO and the EDGX BBO at the conclusion of the SAM Auction. The proposed stop price requirements and the events to terminate a SAM Auction early further ensure execution prices at or better than the NBBO and EDGX BBO. Additionally, the proposed SAM ISO order type (which is similar to current AIM ISO functionality) will provide Options Members with an efficient method to initiate a SAM Auction while preventing trade-throughs.

Unlike the rules of other exchanges, the Exchange will not conclude a SAM Auction early due to the receipt of an opposite side order. The Exchange believes this promotes just and equitable principles of trade, because these orders may have the opportunity to trade against the Agency Order following the conclusion of the SAM Auction, which execution must still be at or better than the NBBO and EDGX Options BBO. The Exchange believes this will protect investors, because it will provide more time for price improvement, and the unrelated order will have the opportunity to trade against the Agency Order in the same manner as all other contra-side interest.

With respect to trading halts, as described herein, in the case of a trading halt on the Exchange in the affected series, the Auction will be cancelled without execution. Cancelling Auctions without execution in this circumstance is consistent with Exchange handling of trading halts in the context of continuous trading on EDGX Options and promotes just and equitable principles of trade and, in general, protects investors and the public interest.⁶¹

The proposed rule change is also consistent with Section 11(a)(1) of the Act⁶² and the rules promulgated thereunder. Generally, Section 11(a)(1) of the Act restricts any member of a national securities exchange from effecting any transaction on such exchange for (i) the member's own account, (ii) the account of a person associated with the member, or (iii) an account over which the member or a person associated with the member

exercises discretion (collectively referred to as "covered accounts"), unless a specific exemption is available. Examples of common exemptions include the exemption for transactions by broker dealers acting in the capacity of a market maker under Section 11(a)(1)(A),⁶³ the "G" exemption for yielding priority to non-members under Section 11(a)(1)(G) of the Act and Rule 11a1-1(T) thereunder,⁶⁴ and "Effect vs. Execute" exemption under Rule 11a2-2(T) under the Act.⁶⁵ The "Effect vs. Execute" exemption permits an exchange member, subject to certain conditions, to effect transactions for covered accounts by arranging for an unaffiliated member to execute transactions on the exchange. To comply with Rule 11a2-2(T)'s conditions, a member: (i) Must transmit the order from off the exchange floor; (ii) may not participate in the execution of the transaction once it has been transmitted to the member performing the execution;⁶⁶ may not be affiliated with the executing member; and (iv) with respect to an account over which the member has investment discretion, neither the member nor its associated person may retain any compensation in connection with effecting the transaction except as provided in the Rule. For the reasons set forth below, the Exchange believes that Exchange Members entering orders into SAM would satisfy the requirements of Rule 11a2-2(T).

The Exchange does not operate a physical trading floor. In the context of automated trading systems, the Commission has found that the off-floor transmission requirement is met if a covered account order is transmitted from a remote location directly to an exchange's floor by electronic means.⁶⁷

⁵⁹ 15 U.S.C. 78k(a)(1)(A).

⁶⁴ 15 U.S.C. 78k(a)(1)(G) and 17 CFR 240.11a1-1(T).

⁶⁵ 17 CFR 240.11a2-2(T).

⁶⁶ The member may, however, participate in clearing and settling the transaction.

⁶⁷ See, e.g., Securities Exchange Act Release Nos. 61419 (January 26, 2010), 75 FR 5157 (February 1, 2010) (SR-BATS-2009-031) (approving BATS options trading); 59154 (December 23, 2008), 73 FR 80468 (December 31, 2008) (SRBSE-2008-48) (approving equity securities listing and trading on BSE); 57478 (March 12, 2008), 73 FR 14521 (March 18, 2008) (SR-NASDAQ-2007-004 and SR-NASDAQ-2007-080) (approving NOM options trading); 53128 (January 13, 2006), 71 FR 3550 (January 23, 2006) (File No. 10-131) (approving The Nasdaq Stock Market LLC); 44983 (October 25, 2001), 66 FR 55225 (November 1, 2001) (SR-PCX-00-25) (approving Archipelago Exchange); 29237 (May 24, 1991), 56 FR 24853 (May 31, 1991) (SR-NYSE-90-52 and SR-NYSE-90-53) (approving NYSE's Off-Hours Trading Facility); and 15533 (January 29, 1979), 44 FR 6084 (January 31, 1979) ("1979 Release").

⁵⁹ See Cboe Options Rule 6.74B(a) and (b)(1) and Interpretation and Policy .03; and MIAX Rule 515A(b)(1) and (2) and Interpretation and Policy .04 (which permit applicability to any class, prohibit appointed market-makers from being solicited, impose the same minimum size and all-or-none requirement, has the same minimum increment, and requires Agency Orders to be marked for SAM processing). The proposed rule change that states a SAM Auction may not commence until after the market open is reasonable, as execution following a SAM Auction would not be possible until after the market open and when there is a BBO and NBBO.

⁶⁰ See Rule 21.19(a).

⁶¹ The Exchange notes that trading on the Exchange in any option contract will be halted whenever trading in the underlying security has been paused or halted by the primary listing market and other circumstances. See Rule 20.3.

⁶² 15 U.S.C. 78k(a). Section 11(a)(1) prohibits a member of a national securities exchange from effecting transactions on that exchange for its own account, the account of an associated person, or an account over which it or its associated person exercises discretion unless an exception applies.

The Exchange represents that the System and the proposed SAM Auction receive all orders electronically through remote terminals or computer-to-computer interfaces. The Exchange represents that orders for covered accounts from Options Members will be transmitted from a remote location directly to the proposed SAM mechanism by electronic means.

The second condition of Rule 11a2-2(T) requires that neither a member nor an associated person participate in the execution of its order once the order is transmitted to the floor for execution. The Exchange represents that, upon submission to the SAM Auction, an order will be executed automatically pursuant to the rules set forth for SAM. In particular, execution of an order sent to the mechanism depends not on the Initiating Member entering the order, but rather on what other orders are present and the priority of those orders. Thus, at no time following the submission of an order is a Member able to acquire control or influence over the result or timing of order execution.⁶⁸ Once the Agency Order has been transmitted, the Initiating Member that transmitted the order will not participate in the execution of the Agency Order. Initiating Members submitting Agency Orders will relinquish control to modify their Agency Orders upon transmission to the System. Further, no Member, including the Initiating Member, will see a SAM response submitted into SAM and therefore will not be able to influence or guide the execution of their Agency Orders.

Rule 11a2-2(T)'s third condition requires that the order be executed by an exchange member who is unaffiliated with the member initiating the order. The Commission has stated that the requirement is satisfied when automated exchange facilities, such as the BAM Auction are used, as long as the design of these systems ensures that members do not possess any special or unique trading advantages in handling their orders after transmitting them to the exchange.⁶⁹ The Exchange

represents that the SAM Auction is designed so that no Options Member has any special or unique trading advantage in the handling of its orders after transmitting its orders to the mechanism.

Rule 11a2-2(T)'s fourth condition requires that, in the case of a transaction effected for an account with respect to which the initiating member or an associated person thereof exercises investment discretion, neither the initiating member nor any associated person thereof may retain any compensation in connection with effecting the transaction, unless the person authorized to transact business for the account has expressly provided otherwise by written contract referring to Section 11(a) of the Act and Rule 11a2-2(T) thereunder.⁷⁰ The Exchange recognizes that Options Members relying on Rule 11a2-2(T) for transactions effected through the SAM Auction must comply with this condition of the Rule and the Exchange will enforce this requirement pursuant to its obligations under Section 6(b)(1) of the Act to enforce compliance with federal securities laws.

The Exchange believes that the instant proposal is consistent with Rule 11a2-2(T), and that therefore the exception should apply in this case.

The Exchange also believes that the proposed rule changes would further the objectives of the Act to protect investors by promoting the intermarket price protection goals of the Options Intermarket Linkage Plan.⁷¹ The Exchange believes its proposal would help ensure inter-market competition across all exchanges and facilitate compliance with best execution practices.

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 proposed SAM Auction is voluntary for Options Members to use and will be available to all Options Members. As discussed above, the Exchange believes the proposed rule change should encourage Options Members to compete amongst each other by responding with their best price and size for a particular auction.

The Exchange does not believe the proposed rule change will impose any burden on intramarket competition, as the proposed rule change will apply in the same manner to all orders submitted to a SAM Auction. With respect to the restriction on appointed market-makers being solicited, the Exchange believes market-makers will still have opportunities to provide liquidity to trade against Agency Orders by submitting quotes to rest on the EDGX Options Book or responses to an Auction. With respect to the restriction on permitting a pair of Priority Customer orders to a SAM Auction, the Exchange believes this is appropriate given the immediate cross functionality available to pairs of Priority Customer orders. Options Members will continue to be able to immediately cross these pairs of orders via AIM.⁷²

The Exchange does not believe the proposed rule change will impose any burden on intermarket competition, because the proposed changes, as described above and below, are based on rules for similar price improvement auction mechanisms at other options exchanges.⁷³ The general framework and primary features of the proposed SAM Auction process (such as the eligibility requirements, auction response period, same-side stop price requirements, response requirements, and auction notification process),⁷⁴ are substantively the same as the framework for the AIM price improvement auction the Exchange's current price improvement auction.

The Exchange believes that the proposed rule change will relieve any burden on, or otherwise promote, competition. The Exchange believes this proposed rule change is necessary to permit fair competition among the options exchanges and to establish more uniform price improvement auction rules on the various options exchanges. The Exchange anticipates that this auction proposal will create new opportunities for the Exchange to attract

⁶⁸ The Exchange notes that an Options Member may not cancel or modify an order after it has been submitted into SAM.

⁶⁹ In considering the operation of automated execution systems operated by an exchange, the Commission noted that, while there is not an independent executing exchange member, the execution of an order is automatic once it has been transmitted into the system. Because the design of these systems ensures that members do not possess any special or unique trading advantages in handling their orders after transmitting them to the exchange, the Commission has stated that executions obtained through these systems satisfy the independent execution requirement of Rule 11a2-2(T). See 1979 Release.

⁷⁰ See 17 CFR 240.11a2-2(T)(a)(2)(iv). In addition, Rule 11a2-2(T)(d) requires a member or associated person authorized by written contract to retain compensation, in connection with effecting transactions for covered accounts over which such member or associated persons thereof exercises investment discretion, to furnish at least annually to the person authorized to transact business for the account a statement setting forth the total amount of compensation retained by the member in connection with effecting transactions for the account during the period covered by the statement which amount must be exclusive of all amounts paid to others during that period for services rendered to effect such transactions. See also 1979 Release (stating "[t]he contractual and disclosure requirements are designed to assure that accounts electing to permit transaction-related compensation do so only after deciding that such arrangements are suitable to their interests").

⁷¹ See Rule 27.3 regarding Locked and Crossed Markets.

⁷² See Rule 21.19(f).

⁷³ See, e.g., Cboe Options Rule 6.74B; ISE Rule 716(e); and MIAX Rule 515A(b).

⁷⁴ See Rule 21.19.

new business and compete on equal footing with those options exchanges with auctions and for this reason the proposal does not create an undue burden on intermarket competition. Rather, the Exchange believes that the proposed rule would bolster intermarket competition by promoting fair competition among individual markets, while at the same time assuring that market participants receive the benefits of markets that are linked together, through facilities and rules, in a unified system, which promotes interaction among the orders of buyers and sellers. The Exchange believes its proposal would help ensure inter-market competition across all exchanges and facilitate compliance with best execution practices. In addition, the Exchange believes that the proposed rule change would help promote fair and orderly markets by helping ensure compliance with Options Order Protection and Locked and Crossed Market Rules. Thus, the Exchange does not believe the proposal creates a significant impact on competition.

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-2019-009 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-2019-009. 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 such 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-2019-009, and should be submitted on or before April 2, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷⁵

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019-04421 Filed 3-11-19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-85251; File No. SR-EMERALD-2019-01]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Establish an Options Regulatory Fee

March 6, 2019.

Pursuant to the provisions of 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 February 27, 2019, MIAX Emerald, LLC ("MIAX Emerald" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a 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 is filing a proposal to amend the MIAX Emerald Fee Schedule (the "Fee Schedule") to establish an Options Regulatory Fee ("ORF").

While changes to the Fee Schedule pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative on March 1, 2019.

The text of the proposed rule change is available on the Exchange's website at <http://www.miaxoptions.com/rule-filings/emerald>, at MIAX's principal office, 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.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

⁷⁵ 17 CFR 200.30-3(a)(12).

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to establish an ORF in the amount of \$0.00060 per contract side. The amount of the proposed fee is based on historical industry volume, projected volumes on the Exchange, and projected Exchange regulatory costs. The Exchange's proposed ORF should balance the Exchange's regulatory revenue against the anticipated regulatory costs.

The per-contract ORF will be assessed by MIAX Emerald to each MIAX Emerald Member for all options transactions, including Mini Options, cleared or ultimately cleared by the Member which are cleared by the Options Clearing Corporation ("OCC") in the "customer" range, regardless of the exchange on which the transaction occurs. The ORF will be collected by OCC on behalf of MIAX Emerald from either (1) a Member that was the ultimate clearing firm for the transaction or (2) a non-Member that was the ultimate clearing firm where a Member was the executing clearing firm for the transaction. The Exchange will use reports from OCC to determine the identity of the executing clearing firm and ultimate clearing firm.

To illustrate how the ORF will be assessed and collected, the Exchange provides the following set of examples. If the transaction is executed on the Exchange and the ORF is assessed, if there is no change to the clearing account of the original transaction, then the ORF is collected from the Member that is the executing clearing firm for the transaction. (The Exchange notes that, for purposes of the Fee Schedule, when there is no change to the clearing account of the original transaction, the executing clearing firm is deemed to be the ultimate clearing firm.) If there is a change to the clearing account of the original transaction (*i.e.*, the executing clearing firm "gives-up" or "CMTAs" the transaction to another clearing firm), then the ORF is collected from the clearing firm that ultimately clears the transaction—the ultimate clearing firm. The ultimate clearing firm may be either a Member or non-Member of the Exchange. If the transaction is executed on an away exchange and the ORF is assessed, then the ORF is collected from the ultimate clearing firm for the transaction. Again, the ultimate clearing firm may be either a Member or non-Member of the Exchange. The Exchange notes, however, that when the

transaction is executed on an away exchange, the Exchange does not assess the ORF when neither the executing clearing firm nor the ultimate clearing firm is a Member (even if a Member is "given-up" or "CMTAed" and then such Member subsequently "gives-up" or "CMTAs" the transaction to another non-Member via a CMTA reversal). Finally, the Exchange will not assess the ORF on outbound linkage trades, whether executed at the Exchange or an away exchange. "Linkage trades" are tagged in the Exchange's system, so the Exchange can readily tell them apart from other trades. A customer order routed to another exchange results in two customer trades, one from the originating exchange and one from the recipient exchange. Charging ORF on both trades could result in double-billing of ORF for a single customer order, thus the Exchange will not assess ORF on outbound linkage trades in a linkage scenario. This assessment practice is identical to the assessment practice currently utilized by the Exchange's affiliates, Miami International Securities Exchange, LLC ("MIAX Options") and MIAX PEARL, LLC ("MIAX PEARL").³

As a practical matter, when a transaction that is subject to the ORF is not executed on the Exchange, the Exchange lacks the information necessary to identify the order entering member for that transaction. There are countless order entering market participants, and each day such participants can and often do drop their connection to one market center and establish themselves as participants on another. For these reasons, it is not possible for the Exchange to identify, and thus assess fees such as an ORF, on order entering participants on away markets on a given trading day.

Clearing members, however, are distinguished from order entering participants because they remain identified to the Exchange on information the Exchange receives from OCC regardless of the identity of the order entering participant, their location, and the market center on which they execute transactions. Therefore, the Exchange believes it is more efficient for the operation of the Exchange and for the marketplace as a whole to collect the ORF from clearing members.

The Exchange will monitor the amount of revenue collected from the ORF to ensure that it, in combination

with other regulatory fees and fines, does not exceed regulatory costs. In determining whether an expense is considered a regulatory cost, the Exchange will review all costs and makes determinations if there is a nexus between the expense and a regulatory function. The Exchange notes that fines collected by the Exchange in connection with a disciplinary matter offset ORF.

As discussed below, the Exchange believes it is appropriate to charge the ORF only to transactions that clear as customer at the OCC. The Exchange believes that its broad regulatory responsibilities with respect to a Member's activities supports applying the ORF to transactions cleared but not executed by a Member. The Exchange's regulatory responsibilities are the same regardless of whether a Member enters a transaction or clears a transaction executed on its behalf. The Exchange will regularly review all such activities, including performing surveillance for position limit violations, manipulation, front-running, contrary exercise advice violations and insider trading. These activities span across multiple exchanges.

The ORF is designed to recover a material portion of the costs to the Exchange of the supervision and regulation of Members' customer options business, including performing routine surveillances and investigations, as well as policy, rulemaking, interpretive and enforcement activities. The Exchange believes that revenue generated from the ORF, when combined with all of the Exchange's other regulatory fees and fines, will cover a material portion, but not all, of the Exchange's regulatory costs. The Exchange notes that its regulatory responsibilities with respect to Member compliance with options sales practice rules have been allocated to the Financial Industry Regulatory Authority ("FINRA") under a 17d-2 Agreement. The ORF is not designed to cover the cost of options sales practice regulation.

The Exchange will monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. The Exchange will monitor MIAX Emerald regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission. Going forward, the Exchange will notify Members of adjustments to the ORF via regulatory

³ See Securities Exchange Act Release Nos. 80875 (June 7, 2017), 82 FR 27096 (June 13, 2017) (SR-PEARL-2017-26); 81063 (June 30, 2017), 82 FR 31668 (July 7, 2017) (SR-MIAX-2017-31).

circular at least 30 days prior to the effective date of the change.

The Exchange believes it is reasonable and appropriate for the Exchange to charge the ORF for options transactions regardless of the exchange on which the transactions occur. The Exchange has a statutory obligation to enforce compliance by Members and their associated persons under the Act and the rules of the Exchange and to surveil for other manipulative conduct by market participants (including non-Members) trading on the Exchange. The Exchange cannot effectively surveil for such conduct without looking at and evaluating activity across all options markets. Many of the Exchange's market surveillance programs require the Exchange to look at and evaluate activity across all options markets, such as surveillance for position limit violations, manipulation, front-running and contrary exercise advice violations/expiring exercise declarations. While much of this activity relates to the execution of orders, the ORF is assessed on and collected from clearing firms. The Exchange, because it lacks access to information on the identity of the entering firm for executions that occur on away markets, believes it is appropriate to assess the ORF on its Members' clearing activity, based on information the Exchange receives from OCC, including for away market activity. Among other reasons, doing so better and more accurately captures activity that occurs away from the Exchange over which the Exchange has a degree of regulatory responsibility. In so doing, the Exchange believes that assessing ORF on Member clearing firms equitably distributes the collection of ORF in a fair and reasonable manner. Also, the Exchange and the other options exchanges are required to populate a consolidated options audit trail ("COATS")⁴ system in order to surveil a Member's activities across markets.

In addition to its own surveillance programs, the Exchange will work with other SROs and exchanges on intermarket surveillance related issues. Through its participation in the Intermarket Surveillance Group ("ISG"),⁵ the Exchange will share

information and coordinate inquiries and investigations with other exchanges designed to address potential intermarket manipulation and trading abuses. The Exchange's participation in ISG helps it to satisfy the requirement that it has coordinated surveillance with markets on which security futures are traded and markets on which any security underlying security futures are traded to detect manipulation and insider trading.⁶

The Exchange believes that charging the ORF across markets will avoid having Members direct their trades to other markets in order to avoid the fee and to thereby avoid paying for their fair share for regulation. If the ORF did not apply to activity across markets then a Member would send their orders to the least cost, least regulated exchange. Other exchanges do impose a similar fee on their member's activity, including the activity of those members on MIAx Emerald.⁷

The Exchange notes that there is established precedent for an SRO charging a fee across markets, namely, FINRA's Trading Activity Fee⁸ and the NYSE American LLC ("NYSE American"), NYSE Arca, Inc. ("NYSE Arca"), Cboe Exchange, Inc. ("CBOE"), Nasdaq PHLX LLC ("Phlx"), Nasdaq ISE, LLC ("ISE"), Nasdaq GEMX, LLC ("GEMX") and BOX Exchange LLC ("BOX") ORF. While the Exchange does not have all the same regulatory responsibilities as FINRA, the Exchange believes that, like other exchanges that have adopted an ORF, its broad regulatory responsibilities with respect to a Member's activities, irrespective of where their transactions take place, supports a regulatory fee applicable to transactions on other markets. Unlike FINRA's Trading Activity Fee, the ORF would apply only to a Member's customer options transactions.

The purpose of the proposed rule change is to establish an ORF in the amount of \$0.00060 per contract side. The amount of the proposed fee is based on historical industry volume, projected volumes on the Exchange, and projected Exchange regulatory costs. The

Exchange's proposed ORF should balance the Exchange's regulatory revenue against the anticipated regulatory costs.

Additionally, the Exchange proposes to specify in the Fee Schedule that the Exchange may only increase or decrease the ORF semi-annually, and any such fee change will be effective on the first business day of February or August. In addition to submitting a proposed rule change to the Commission as required by the Act to increase or decrease the ORF, the Exchange will notify participants via a Regulatory Circular of any anticipated change in the amount of the fee at least 30 calendar days prior to the effective date of the change. The Exchange believes that by providing guidance on the timing of any changes to the ORF, the Exchange would make it easier for participants to ensure their systems are configured to properly account for the ORF.

The Exchange is proposing to establish an ORF in the amount of \$0.00060 per contract side, to be operative on March 1, 2019. The amount of the proposed fee is based on historical industry volume, projected volumes on the Exchange, and projected Exchange regulatory costs. As noted above, the Exchange will regularly review its ORF to ensure that the ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs. The Exchange believes that this proposal will permit the Exchange to cover a material portion of its regulatory costs, while not exceeding regulatory costs.

The Exchange notified future Members via a Regulatory Circular of the proposed ORF at least thirty (30) calendar days prior to the proposed operative date, on December 31, 2018.⁹ The Exchange believes that the prior notification to future market participants will ensure that the future market participants are prepared to configure their systems to properly account for the proposed ORF.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act¹⁰ in general, and furthers the objectives of Section 6(b)(4) of the Act¹¹ in particular, in that it is an equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its

⁶ See Section 6(h)(3)(I) of the Act.

⁷ Similar regulatory fees have been instituted by Nasdaq PHLX LLC ("Phlx") (See Securities Exchange Act Release No. 61133 (December 9, 2009), 74 FR 66715 (December 16, 2009) (SR-Phlx-2009-100)); Nasdaq ISE, LLC ("ISE") (See Securities Exchange Act Release No. 61154 (December 11, 2009), 74 FR 67278 (December 18, 2009) (SR-ISE-2009-105)); and Nasdaq GEMX, LLC ("GEMX") (See Securities Exchange Act Release No. 70200 (August 14, 2013) 78 FR 51242 (August 20, 2013) (SR-Topaz-2013-01)).

⁸ See Securities Exchange Act Release No. 47946 (May 30, 2003), 68 FR 34021 (June 6, 2003) (SR-NASD-2002-148).

⁹ See MIAx Emerald Regulatory Circular 2019-01 available at https://www.miaxoptions.com/sites/default/files/circular-files/MIAx_Emerald_RC_2019_01.pdf.

¹⁰ 15 U.S.C. 78f(b).

¹¹ 15 U.S.C. 78f(b)(4).

⁴ COATS effectively enhances intermarket options surveillance by enabling the options exchanges to reconstruct the market promptly to effectively surveil certain rules.

⁵ ISG is an industry organization formed in 1983 to coordinate intermarket surveillance among the SROs by co-operatively sharing regulatory information pursuant to a written agreement between the parties. The goal of the ISG's information sharing is to coordinate regulatory efforts to address potential intermarket trading abuses and manipulations.

facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act¹² 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 and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Exchange believes that establishing an ORF in the amount of \$0.00060 is reasonable because the Exchange's collection of ORF needs to be balanced against the amount of regulatory costs incurred by the Exchange. The Exchange believes that the amount proposed herein will serve to balance the Exchange's regulatory revenue against the anticipated regulatory costs.

The Exchange believes the proposed ORF is equitable and not unfairly discriminatory because it is objectively allocated to Members in that it is charged to all Members on all their transactions that clear as customer at the OCC. Moreover, the Exchange believes the ORF ensures fairness by assessing fees to those Members that are directly based on the amount of customer options business they conduct. Regulating customer trading activity is much more labor intensive and requires greater expenditure of human and technical resources than regulating non-customer trading activity, which tends to be more automated and less labor-intensive. As a result, the costs associated with administering the customer component of the Exchange's overall regulatory program are materially higher than the costs associated with administering the non-customer component (e.g., Member proprietary transactions) of its regulatory program.

The ORF is designed to recover a material portion of the costs of supervising and regulating Members' customer options business including performing routine surveillances and investigations, as well as policy, rulemaking, interpretive, and enforcement activities. The Exchange will monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. The Exchange has designed the ORF to generate revenues that, when combined with all of the Exchange's other regulatory fees, will be less than or equal to the Exchange's regulatory costs,

which is consistent with the Commission's view that regulatory fees be used for regulatory purposes and not to support the Exchange's business side. In this regard, the Exchange believes that the amount of the fee is reasonable.

The Exchange believes that the proposal to limit changes to the ORF to twice a year on specific dates with advance notice is reasonable because it will give participants certainty on the timing of changes, if any, and better enable them to properly account for ORF charges among their customers. The Exchange believes that limiting changes to the ORF to twice a year on specific dates is equitable and not unfairly discriminatory because it will apply in the same manner to all Members that are subject to the ORF and provide them with additional advance notice of changes to that fee.

The Exchange believes that the proposal to collect the ORF from non-Members when such non-Members ultimately clear the transaction (that is, when the non-Member is the "ultimate clearing firm" for a transaction in which a Member was assessed the ORF) is an equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. The Exchange notes that there is a material distinction between "assessing" the ORF and "collecting" the ORF. The ORF is only assessed to a Member with respect to a particular transaction in which it is either the executing clearing firm or ultimate clearing firm. The Exchange does not assess the ORF to non-Members. Once, however, the ORF is assessed to a Member for a particular transaction, the ORF may be collected from the Member or a non-Member, depending on how the transaction is cleared at OCC. If there was no change to the clearing account of the original transaction, the ORF would be collected from the Member. If there was a change to the clearing account of the original transaction and a non-Member becomes the ultimate clearing firm for that transaction, then the ORF will be collected from that non-Member. The Exchange believes that this collection practice is reasonable and appropriate, and was originally instituted for the benefit of clearing firms that desired to have the ORF be collected from the clearing firm that ultimately clears the transaction.

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. This proposal will not create an unnecessary or inappropriate intra-market burden on competition because the ORF will apply to all customer activity, and is designed to enable the Exchange to recover a material portion of the Exchange's cost related to its regulatory activities. It will supplement the regulatory revenue derived from non-customer activity. This proposal will not create an unnecessary or inappropriate inter-market burden on competition because it will be a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of regulatory revenue collected from the ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs. Unilateral action by MIAX Emerald in establishing fees for services provided to its Members and others using its facilities will not have an impact on competition. As a new entrant in the highly competitive environment for equity options trading, MIAX Emerald does not have the market power necessary to set prices for services that are unreasonable or unfairly discriminatory in violation of the Act. MIAX Emerald's proposed ORF, as described herein, is comparable to fees charged by other options exchanges for the same or similar services. The proposal to limit the changes to the ORF to twice a year on specific dates with advance notice is not intended to address a competitive issue but rather to provide Members with better notice of any change that the Exchange may make to the ORF.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,¹³ and Rule 19b-4(f)(2)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. If the Commission

¹² 15 U.S.C. 78f(b)(5).

¹³ 15 U.S.C. 78s(b)(3)(A)(ii).

¹⁴ 17 CFR 240.19b-4(f)(2).

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 No. SR-EMERALD-2019-01 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 No. SR-EMERALD-2019-01. 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 No. SR-EMERALD-2019-01, and should be submitted on or before April 2, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁵

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019-04423 Filed 3-11-19; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-85260; File No. SR-IEX-2019-02]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Postpone Implementation of a Rule Change To Reject Market Orders With a Time-in-Force of DAY That are Entered in the Pre-Market Session for Non-IEX-Listed Securities

March 6, 2019.

Pursuant to Section 19(b)(1) ¹ of the Securities Exchange Act of 1934 (the "Act") ² and Rule 19b-4 thereunder, ³ notice is hereby given that, on February 27, 2019, the Investors Exchange LLC ("IEX" or the "Exchange") 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 self-regulatory organization. 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

Pursuant to the provisions of Section 19(b)(1) under the Securities Exchange Act of 1934 ("Act"), ⁴ and Rule 19b-4 thereunder, ⁵ IEX is filing with the Commission a proposed rule change to postpone implementation of a rule change to reject market orders with a time-in-force ⁶ of DAY that are entered in the Pre-Market Session ⁷ for non-IEX-listed securities, including for the Opening Process for non-IEX-listed securities pursuant to IEX Rule 11.231 (the "Opening Process"). The Exchange has designated this rule change as "non-controversial" under Section 19(b)(3)(A) of the Act. ⁸

¹⁵ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ 15 U.S.C. 78s(b)(1).

⁵ 17 CFR [sic] 240.19b-4.

⁶ See Rule 11.190(c).

⁷ See Rule 1.160(z).

⁸ 15 U.S.C. 78s(b)(3)(A).

The text of the proposed rule change is available at the Exchange's website at www.iextrading.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 the 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 these statements [sic] may be examined at the places specified in Item IV below. The self-regulatory organization 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

On January 28, 2019 the Exchange filed an immediately effective proposed rule change to amend Rules 11.190(a)(2)(E)(iii) and 11.220(a)(2)(A) to reject market orders with a time-in-force of DAY that are entered in the Pre-Market Session for non-IEX-listed securities, including for the Opening Process ("original rule change").⁹ The original rule change is subject to a 30-day operative delay ending on February 28, 2019.

The Exchange had anticipated that the technical changes necessary to implement the original rule change would be completed in time to enable implementation on February 28, 2019. However, due to unforeseen delays, the technical changes are not yet complete. As a result, the Exchange is now proposing to implement the original rule change within ninety (90) days of the filing of this rule change. The Exchange will notify market participants via a Trading Alert once a specific implementation date is determined and provide at least ten (10) days' notice thereof.

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of Section 6(b) ¹⁰ of the Act in general, and furthers the objectives of Section

⁹ See Securities Exchange Act Release No. 85036 (February 1, 2019), 84 FR 2596 (February 7, 2019).

¹⁰ 15 U.S.C. 78f.

6(b)(5) of the Act¹¹ 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. Specifically, the proposed rule change is consistent with the Act because it will allow the Exchange to complete technical changes necessary to implement the original rule change in a thorough and risk averse [sic] manner, thereby protecting investors. Further, the ten (10) days' notice to market participants of the implementation date for the original rule filing is consistent with the Act because it will provide appropriate transparency to market participants regarding the change.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Postponing implementation of the original rule change will allow the Exchange to implement the original rule change in a thorough and risk averse [sic] manner, and is not designed for any competitive purpose.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor 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) of the Act¹² and Rule 19b-4(f)(6) thereunder.¹³

A proposed rule change filed pursuant to Rule 19b-4(f)(6) under the Act¹⁴ normally does not become operative for 30 days after the date of its filing. However, Rule 19b-4(f)(6)(iii)¹⁵ 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. The Exchange believes that waiver of the operative delay is consistent with the protection of investors and the public interest because it would permit the Exchange to implement the proposed rule change to extend the implementation date on or prior to expiration of the operative delay to the original rule change, thereby avoiding any potential confusion on the part of market participants as to when the original rule change will be implemented. The Commission believes that waiver of the operative delay will allow the proposal to become operative without delay and thereby provide certainty to Exchange members as to the implementation of the prior proposed rule change. The Commission further notes that the proposal does not raise any new or novel issues. For these reasons, 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 operative delay and designates the proposal as operative upon filing.¹⁶

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 under Section 19(b)(2)(B)¹⁷ 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-IEX-2019-02 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-IEX-2019-02. 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; 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-IEX-2019-02 and should be submitted on or before April 2, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019-04422 Filed 3-11-19; 8:45 am]

BILLING CODE 8011-01-P

¹¹ 5 U.S.C. 78f(b)(5).

¹² 15 U.S.C. 78s(b)(3)(A).

¹³ 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.

¹⁴ 17 CFR 240.19b-4(f)(6).

¹⁵ 17 CFR 240.19b-4(f)(6)(iii).

¹⁶ For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁷ 15 U.S.C. 78s(b)(2)(B).

¹⁸ 17 CFR 200.30-3(a)(12).

**SECURITIES AND EXCHANGE
COMMISSION****Sunshine Act Meetings**

TIME AND DATE: 1:30 p.m. on Thursday, March 14, 2019.

PLACE: The meeting will be held at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Jackson, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matters of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Litigation matters;

Resolution of litigation claims; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

CONTACT PERSON FOR MORE INFORMATION:

For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551-5400.

Dated: March 7, 2019.

Brent J. Fields,
Secretary.

[FR Doc. 2019-04557 Filed 3-8-19; 11:15 am]

BILLING CODE 8011-01-P

**SECURITIES AND EXCHANGE
COMMISSION**

[Release No. 34-85254; File No. SR-C2-2019-005]

**Self-Regulatory Organizations; Cboe
C2 Exchange, Inc.; Notice of Filing and
Immediate Effectiveness of a Proposed
Rule Change To Modify its Provision
Related to its Risk Monitor Mechanism**

March 6, 2019.

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 February 25, 2019, 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 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 Act³ 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 C2 Exchange, Inc. (the "Exchange" or "C2") is filing with the Securities and Exchange Commission ("Commission") a proposed rule change to modify its provision related to its Risk Monitor Mechanism. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (http://markets.cboe.com/us/options/regulation/rule_filings/ctwo/), 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**

The Exchange proposes to amend its provision related to its Risk Monitor Mechanism to correct an inadvertent oversight to use a defined term per Rule 6.14(c)(5)(A). Specifically, on November 30, 2018, the Exchange filed a rule filing, SR-C2-2018-024, which proposed to make clarifying and miscellaneous non-substantive changes, provide the ability for Trading Permit Holders ("TPHs")⁵ to establish limits for a group of executing firm IDs ("EFIDs"), and adopt a new risk parameter.⁶ The Exchange notes that although it reflected the definition of a TPH-established time period as an "interval" time period in Rule 6.14(c)(5)(A), it mistakenly referred to such time period as a "specified" time period, instead of an "interval" time period, in then proposed Rule 6.14(c)(5)(D)(vi)(ii).⁷ The Exchange now proposes to update the reference to "specified time period" to "interval time period" to maintain consistency throughout the rule and alleviate potential confusion. No substantive changes are being made by the proposed rule change.

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.⁸ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁹ 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

⁵ See Securities and Exchange Act Release 34-84787 (December 11, 2018), 83 FR 64618 (December 17, 2018) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend Its Provision Related to Its Risk Monitor Mechanism) (SR-C2-2018-024), which proposed to replace references to "User" in Rule 6.14(c)(5) with "TPH".

⁶ *Id.*

⁷ *Id.*

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(5).

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).

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)¹⁰ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed rule change to update an inaccurate term under Rule 6.14(c)(5)(D)(vi)(ii) will alleviate potential confusion, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system and protecting investors and the public interest. As noted above, the proposed filing does not substantively change any TPH abilities or risk parameters under Rule 6.14, but merely corrects an inadvertent oversight from a previous rule filing.

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 proposed rule change does not address competitive issues, but rather, as discussed above, is merely intended to correct an inadvertent use of the wrong term relating to TPH-established time period made in a previous rule filing, which will alleviate potential confusion.

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 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 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 Act¹¹ and Rule 19b-4(f)(6)(iii) thereunder.¹²

A proposed rule change filed under Rule 19b-4(f)(6)¹³ normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b-4(f)(6)(iii)¹⁴ the Commission may 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 so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Exchange to update an inaccurate term in its rulebook and thereby avoid investor confusion. The Exchange has represented that no substantive changes are being made by the proposed rule change. For this reason, the Commission designates the proposed rule change to be operative upon filing.¹⁵

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-C2-2019-005 on the subject line.

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4(f)(6)(iii). 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 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.

¹³ 17 CFR 240.19b-4(f)(6).

¹⁴ 17 CFR 240.19b-4(f)(6)(iii).

¹⁵ 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).

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-C2-2019-005. 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 a.m. and 3 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-C2-2019-005 and should be submitted on or before April 2, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

Eduardo A. Aleman,
Deputy Secretary.

[FR Doc. 2019-04425 Filed 3-11-19; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

Seacoast Capital Partners IV, L.P., License No. 01/01-0434; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Seacoast Capital Partners IV, L.P., 555 Ferncroft Road, Danvers, MA 01923, a Federal Licensee under the Small Business

¹⁶ 17 CFR 200.30-3(a)(12).

¹⁰ *Id.*

Investment Act of 1958, as amended (“the Act”), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (“SBA”) Rules and Regulations (13 CFR 107.730). Seacoast Capital Partners IV, L.P., proposes to provide debt/equity security financing to Avenger Flight Group, LLC., 1450 Lee Wagener Blvd. Bldg. 300 Fort Lauderdale, FL 33315 (“AFG”).

The financing is brought within the purview of § 107.730(a)(1) and § 107.730(d) of the Regulations because Seacoast Capital Partners III, L.P. an Associate of Seacoast Capital Partners IV, L.P., owns more than five percent of AFG, and therefore this transaction is considered a financing of an Associate and with an Associate requiring prior SBA approval.

Notice is hereby given that any interested person may submit written comments on the transaction, within fifteen days of the date of this publication, to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416.

Dated: February 13, 2019.

A. Joseph Shepard,

Associate Administrator for Investment.

[FR Doc. 2019-04409 Filed 3-11-19; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice: 10691]

Updating the State Department’s List of Entities and Subentities Associated With Cuba (Cuba Restricted List)

AGENCY: Department of State.

ACTION: Updated publication of list of entities and subentities; notice.

SUMMARY: The Department of State is publishing an update to its List of Restricted Entities and Subentities Associated with Cuba (Cuba Restricted List) with which direct financial transactions are generally prohibited under the Cuban Assets Control Regulations (CACR). This Cuba Restricted List is also considered during review of license applications submitted to the Department of Commerce’s Bureau of Industry and Security (BIS) pursuant to the Export Administration Regulations (EAR).

DATES: The Cuba Restricted List is updated as of March 12, 2019.

FOR FURTHER INFORMATION CONTACT: Ericka Magallon tel: 202-453-8458; Office of Economic Sanctions Policy and Implementation, tel.: 202-647-7489; Office of the Coordinator for Cuban Affairs, tel.: 202-453-8456, Department of State, Washington, DC 20520.

SUPPLEMENTARY INFORMATION:

Background

On June 16, 2017, the President signed the National Security Presidential Memorandum-5 on Strengthening the Policy of the United States Toward Cuba (NSPM-5). As directed by NSPM-5, on November 9, 2017, the Department of the Treasury’s Office of Foreign Assets Control (OFAC) published a final rule in the **Federal Register** amending the CACR, 31 CFR part 515, and the Department of Commerce’s Bureau of Industry and Security (BIS) published a final rule in the **Federal Register** amending, among other sections, the section of the Export Administration Regulations (EAR) regarding Cuba, 15 CFR part 746.2. The regulatory amendment to the CACR added § 515.209, which generally prohibits direct financial transactions with certain entities and subentities identified on the State Department’s Cuba Restricted List, which the State Department is updating as published below, and accessible on the State Department’s website (<http://www.state.gov/e/eb/tfs/spi/cuba/cubarestrictedlist/index.htm>). The regulatory amendment to the EAR, specifically § 746.2, notes BIS will generally deny applications to export or re-export items for use by entities or subentities identified on the Cuba Restricted List.

This update includes five additional subentities and two clarifying modifications, including (1) an explanatory footnote indicating activities referenced in parentheses are intended to aid in identification, but are only representative; and (2) an effort to streamline the list by removing reference to parent companies in parentheses next to listed entities and subentities. The two clarifying modifications do not affect the applicability of the list. This is the Cuba Restricted List’s second update since it was published November 9, 2017 (82 FR 52089). The first update of 26 additional subentities and five amendments was published November 15, 2018 (see 83 FR 57523). The State Department will continue to update the Cuba Restricted List periodically. The publication of the updated Cuba Restricted List further implements the directive in paragraph

3(a)(i) of NSPM-5 for the Secretary of State to identify the entities or subentities, as appropriate, that are under the control of, or act for or on behalf of, the Cuban military, intelligence, or security services or personnel, and publish a list of those identified entities and subentities with which direct financial transactions would disproportionately benefit such services or personnel at the expense of the Cuban people or private enterprise in Cuba.

Electronic Availability

This document and additional information concerning the Cuba Restricted List are available from the Department of State’s website (<http://www.state.gov/e/eb/tfs/spi/cuba/>).

List of Restricted Entities and Subentities Associated With Cuba as of March 12, 2019

Below is the U.S. Department of State’s list of entities and subentities under the control of, or acting for or on behalf of, the Cuban military, intelligence, or security services or personnel with which direct financial transactions would disproportionately benefit such services or personnel at the expense of the Cuban people or private enterprise in Cuba. For information regarding the prohibition on direct financial transactions with these entities, please see 31 CFR 515.209. All entities and subentities were listed effective November 9, 2017, unless otherwise indicated.

** * * Entities or subentities owned or controlled by another entity or subentity on this list are not treated as restricted unless also specified by name on the list. * * **

Ministries

MINFAR—Ministerio de las Fuerzas

Armadas Revolucionarias

MININT—Ministerio del Interior

Holding Companies

CIMEX—Corporación CIMEX S.A.
Compañía Turística Habaguanex S.A.

GAESA—Grupo de Administración
Empresarial S.A.

Gaviota—Grupo de Turismo Gaviota

UIM—Unión de Industria Militar

Hotels in Havana and Old Havana

Aparthotel Montehabana
Gran Hotel Manzana Kempinski
H10 Habana Panorama
Hostal Valencia
Hotel Ambos Mundos
Hotel Armadores de Santander
Hotel Beltrán de Santa Cruz
Hotel Conde de Villanueva
Hotel del Tejadillo

Hotel el Bosque
 Hotel el Comendador
 Hotel el Mesón de la Flota
 Hotel Florida
 Hotel Habana 612
 Hotel Kohly
 Hotel Los Frailes
 Hotel Marqués de Prado Ameno
 Hotel Palacio del Marqués de San Felipe y Santiago de Bejucal
 Hotel Palacio O'Farrill
 Hotel Park View
 Hotel Raquel
 Hotel San Miguel
 Hotel Telégrafo
 Hotel Terral
 Iberostar Grand Packard Hotel *Effective November 15, 2018*
 Memories Miramar Havana
 Memories Miramar Montehabana
 SO/Havana Paseo del Prado *Effective November 15, 2018*

Hotels in Santiago de Cuba

Villa Gaviota Santiago

Hotels in Varadero

Blau Marina Varadero Resort
 also Fiesta Americana Punta Varadero *Effective November 15, 2018*
 also Fiesta Club Adults Only *Effective March 12, 2019*
 Grand Memories Varadero
 Hotel Las Nubes *Effective November 15, 2018*
 Hotel Oasis *Effective November 15, 2018*
 Iberostar Bella Vista *Effective November 15, 2018*
 Iberostar Laguna Azul
 Iberostar Playa Alameda
 Meliá Marina Varadero
 Meliá Peninsula Varadero
 Memories Varadero
 Naviti Varadero
 Ocean Varadero El Patriarca
 Ocean Vista Azul
 Paradisus Princesa del Mar
 Paradisus Varadero
 Sol Sirenas Coral

Hotels in Pinar del Rio

Hotel Villa Cabo de San Antonio
 Hotel Villa Maria La Gorda y Centro Internacional de Buceo

Hotels in Baracoa

Hostal 1511
 Hostal La Habanera
 Hostal La Rusa
 Hostal Rio Miel
 Hotel El Castillo
 Hotel Porto Santo
 Villa Maguana

Hotels in Cayos de Villa Clara

Angsana Cayo Santa María *Effective November 15, 2018*
 Dhawa Cayo Santa María
 Golden Tulip Aguas Claras *Effective November 15, 2018*

Hotel Cayo Santa María
 Hotel Playa Cayo Santa María
 Iberostar Ensenachos
 Las Salinas Plana & Spa *Effective November 15, 2018*
 La Salina Noreste *Effective November 15, 2018*
 La Salina Suroeste *Effective November 15, 2018*
 Meliá Buenavista
 Meliá Cayo Santa María
 Meliá Las Dunas
 Memories Azul
 Memories Flamenco
 Memories Paraíso
 Ocean Casa del Mar
 Paradisus Los Cayos *Effective November 15, 2018*
 Royalton Cayo Santa María
 Sercotel Experience Cayo Santa María *Effective November 15, 2018*
 Sol Cayo Santa María
 Starfish Cayo Santa María *Effective November 15, 2018*
 Valentín Perla Blanca *Effective November 15, 2018*
 Villa Las Brujas
 Warwick Cayo Santa María
 also Labranda Cayo Santa María Hotel *Effective November 15, 2018*

Hotels in Holguín

Blau Costa Verde Beach & Resort
 also Fiesta Americana Holguín Costa Verde *Effective November 15, 2018*
 Hotel Playa Costa Verde
 Hotel Playa Pesquero
 Memories Holguín
 Paradisus Río de Oro Resort & Spa
 Playa Costa Verde
 Playa Pesquero Premium Service
 Sol Rio de Luna y Mares
 Villa Cayo Naranja
 Villa Cayo Saetia
 Villa Pinares de Mayari

Hotels in Jardines del Rey

Grand Muthu Cayo Guillermo *Effective November 15, 2018*
 Hotel Playa Coco Plus
 Iberostar Playa Pilar
 Meliá Jardines del Rey
 Memories Caribe
 Pestana Cayo Coco

Hotels in Topes de Collantes

Hostal Los Helechos
 Kurhotel Escambray *Effective November 15, 2018*
 Los Helechos
 Villa Caburni

Tourist Agencies

Crucero del Sol
 Gaviota Tours

Marinas

Marina Gaviota Cabo de San Antonio (Pinar del Rio)

Marina Gaviota Cayo Coco (Jardines del Rey)
 Marina Gaviota Las Brujas (Cayos de Villa Clara)
 Marina Gaviota Puerto Vita (Holguín)
 Marina Gaviota Varadero (Varadero)

Stores in Old Havana

Casa del Abanico
 Colección Habana
 Florería Jardín Wagner
 Joyería Coral Negro—Additional locations throughout Cuba
 La Casa del Regalo
 San Ignacio 415
 Soldadito de Plomo
 Tienda El Navegante
 Tienda Muñecos de Leyenda
 Tienda Museo El Reloj Cuervo y Sobrinos

Entities Directly Serving the Defense and Security Sectors

ACERPROT—Agencia de Certificación y Consultoría de Seguridad y Protección
 Alias Empresa de Certificación de Sistemas de Seguridad y Protección *Effective November 15, 2018*
 AGROMIN—Grupo Empresarial Agropecuario del Ministerio del Interior
 APCI—Agencia de Protección Contra Incendios
 CAHOMA—Empresa Militar Industrial Comandante Ernesto Che Guevara
 CASEG—Empresa Militar Industrial Transporte Occidente
 CID NAV—Centro de Investigación y Desarrollo Naval
 CIDAI—Centro de Investigación y Desarrollo de Armamento de Infantería
 CIDAO—Centro de Investigación y Desarrollo del Armamento de Artillería e Instrumentos Ópticos y Ópticos Electrónicos
 CORCEL—Empresa Militar Industrial Emilio Barcenás Pier
 CUBAGRO—Empresa Comercializadora y Exportadora de Productos Agropecuarios y Agroindustriales
 DATYS—Empresa Para El Desarrollo De Aplicaciones, Tecnologías Y Sistemas
 DCM TRANS—Centro de Investigación y Desarrollo del Transporte
 DEGOR—Empresa Militar Industrial Desembarco Del Granma
 DSE—Departamento de Seguridad del Estado
 EMIAT—Empresa Importadora Exportadora de Abastecimientos Técnicos
 Empresa Militar Industrial Astilleros Astimar
 Empresa Militar Industrial Astilleros Centro
 Empresa Militar Industrial Yuri Gagarin
 ETASE—Empresa de Transporte y Aseguramiento

Ferretería TRASVAL
 GELCOM—Centro de Investigación y
 Desarrollo Grito de Baire
 Impresos de Seguridad
 MECATRONICS—Centro de
 Investigación y Desarrollo de
 Electrónica y Mecánica
 NAZCA—Empresa Militar Industrial
 Granma
 OIBS—Organización Integración para el
 Bienestar Social
 PLAMEC—Empresa Militar Industrial
 Ignacio Agramonte
 PNR—Policía Nacional Revolucionaria
 PROVARI—Empresa de Producciones
 Varias
 SEPSA—Servicios Especializados de
 Protección
 SERTOD—Servicios de
 Telecomunicaciones a los Órganos de
 la Defensa *Effective November 15,*
2018
 SIMPRO—Centro de Investigación y
 Desarrollo de Simuladores
 TECAL—Empresa de Tecnologías
 Alternativas
 TECNOPRO—Empresa Militar
 Industrial “G.B. Francisco Cruz
 Bourzac”
 TECNOTEX—Empresa Cubana
 Exportadora e Importadora de
 Servicios, Artículos y Productos
 Técnicos Especializados
 TGF—Tropas de Guardafronteras
 UAM—Unión Agropecuaria Militar
 ULAEX—Unión Latinoamericana de
 Explosivos
 XETID—Empresa de Tecnologías de la
 Información Para La Defensa
 YABO—Empresa Militar Industrial
 Coronel Francisco Aguiar Rodríguez

Additional Subentities of CIMEX

ADESA/ASAT—Agencia Servicios
 Aduanales (Customs Services)
 Cachito (Beverage Manufacturer)
 Context (Fashion)
 Datacimex
 ECUSE—Empresa Cubana de Servicios
 Inmobiliaria CIMEX (Real Estate)
 Inversiones CIMEX
 Jupiña (Beverage Manufacturer)
 La Maison (Fashion)
 Najita (Beverage Manufacturer)
 Publicitaria Imagen (Advertising)
 Residencial Tarara S.A. (Real Estate/
 Property Rental) *Effective November*
15, 2018
 Ron Caney (Rum Production)
 Ron Varadero (Rum Production)
 Telecable (Satellite Television)
 Tropicola
 (Beverage Manufacturer)
 Zona Especializada de Logística y
 Comercio (ZELCOM)

Additional Subentities of GAESA

Almacenes Universales (AUSA)

ANTEX—Corporación Antillana
 Exportadora
 Compañía Inmobiliaria Aurea S.A.
Effective November 15, 2018
 Dirección Integrada Proyecto Mariel
 (DIP)
 Empresa Inmobiliaria Almest (Real
 Estate)
 GRAFOS (Advertising)
 RAFIN S.A. (Financial Services)
 Sociedad Mercantín Inmobiliaria Caribe
 (Real Estate)
 TECNOIMPORT
 Terminal de Contenedores de la Habana
 (TCH)
 Terminal de Contenedores de Mariel,
 S.A.
 UCM—Unión de Construcciones
 Militares
 Zona Especial de Desarrollo Mariel
 (ZEDM)
 Zona Especial de Desarrollo y
 Actividades Logísticas (ZEDAL)

Additional Subentities of Gaviota

AT Comercial
 Gaviota Hoteles Cuba *Effective March*
12, 2019
 Hoteles Habaguanex *Effective March 12,*
2019
 Hoteles Playa Gaviota *Effective March*
12, 2019
 Manzana de Gomez
 Marinas Gaviota Cuba *Effective March*
12, 2019
 PhotoService
 Plaza La Estrella *Effective November 15,*
2018
 Plaza Las Dunas *Effective November 15,*
2018
 Plaza Las Morlas *Effective November 15,*
2018
 Plaza Las Salinas *Effective November*
15, 2018
 Plaza Las Terrazas del Atardecer
Effective November 15, 2018
 Plaza Los Flamencos *Effective*
November 15, 2018
 Plaza Pesquero *Effective November 15,*
2018
 Producciones TRIMAGEN S.A. (Tiendas
 Trimagen)

Additional Subentities of Habaguanex

Sociedad Mercantil Cubana Inmobiliaria
 Fenix S.A. (Real Estate)
 * * Activities in parentheses are
 intended to aid in identification, but are
 only representative. All activities of
 listed entities and subentities are subject
 to the applicable prohibitions. * *

Dated: February 11, 2019.

Manisha Singh,

*Assistant Secretary, Bureau of Economic and
 Business Affairs, Department of State.*

[FR Doc. 2019–04133 Filed 3–11–19; 8:45 am]

BILLING CODE 4710-AE-P

DEPARTMENT OF STATE

[Public Notice: 10704]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: “Auschwitz. Not Long Ago. Not Far Away.” Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that the objects to be exhibited in the exhibition “AUSCHWITZ. NOT LONG AGO. NOT FAR AWAY.” imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Museum of Jewish Heritage—A Living Memorial to the Holocaust, New York, New York, from on or about May 2, 2019, until on or about May 15, 2021, at the Union Station Kansas City, Inc., Kansas City, Missouri, from on or about May 15, 2021, until on or about June 30, 2022, 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), Executive Order 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, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

*Assistant Secretary, Educational and Cultural
 Affairs, Department of State.*

[FR Doc. 2019–04507 Filed 3–11–19; 8:45 am]

BILLING CODE 4710–05-P

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****[Docket Number FRA–2019–0018]****Petition for Special Approval of Alternative Compliance**

Under part 211 of Title 49 Code of Federal Regulations (CFR), this provides the public notice that by letter dated February 14, 2019, the Port Authority Trans-Hudson Corporation (PATH) petitioned the Federal Railroad Administration (FRA) for special approval of alternative compliance pursuant to 49 CFR 236.586 relating to the inspection and maintenance of locomotives. FRA assigned the petition Docket Number FRA–2019–0018.

Specifically, PATH seeks approval to continue compliance with § 236.588, *Periodic test*, at the regularly scheduled 92-day intervals, while not adding terms cited in § 236.586(a), *Daily or after trip test*. PATH requests this relief to operate its fleet of PA–5 cars that are equipped with “Communication Based Train Control technology that employs built-in test equipment that complies with and exceeds the inspections and tests cited in § 236.586.”

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the U.S. Department of Transportation’s Docket Operations Facility, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590.

- *Hand Delivery:* 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by April 26, 2019 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. 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.dottransportation.gov/privacy. See also <http://www.regulations.gov/#!privacyNotice> for the privacy notice of www.regulations.gov.

Issued in Washington, DC.

Robert C. Lauby,

Associate Administrator for Safety, Chief Safety Officer.

[FR Doc. 2019–04445 Filed 3–11–19; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****[Docket Number FRA–2019–0017]****Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System**

Under part 235 of Title 49 of the Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this document provides the public notice that by a document dated December 5, 2018, the Indiana Railroad Company (INDR) petitioned the Federal Railroad Administration (FRA) seeking approval to discontinue or modify a signal system. FRA assigned the petition Docket Number FRA–2019–0017.

Applicant: The Indiana Railroad Company, Mr. Peter Ray, Vice President, Engineering, 1500 South Senate Avenue, Indianapolis, IN 46225.

INDR requests approval to remove the railroad-at-grade crossing diamond, with CSX Transportation (CSX), at Spring Hill milepost (MP) 182.69, Terre Haute, IN, on the INRD Chicago

Subdivision and the CSX CE&D Subdivision at MP 182.00. INDR will also reconfigure the track layout.

INDR states the reason for the proposed change is diamond elimination and operational changes.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the U.S. Department of Transportation’s (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *website:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by April 26, 2019 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. 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. See also <http://www.regulations.gov/#!privacyNotice> for the privacy notice of [regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

Robert C. Lauby,
Associate Administrator for Railroad Safety,
Chief Safety Officer.

[FR Doc. 2019-04444 Filed 3-11-19; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2019-0022]

Petition for Waiver of Compliance

Under part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that on February 25, 2019, the North Shore Railroad Company (NSHR) and its affiliates: Juniata Valley Railroad (JVRR), Lycoming Valley Railroad (LVRR), Nittany & Bald Eagle Railroad (UCIR), Shamokin Valley Railroad (SVRR), and Union County Industrial Railroad (UCIR), petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 240, *Qualification and Certification of Locomotive Engineers*, and part 242, *Qualification and Certification of Conductors*. FRA assigned the petition Docket Number FRA-2019-0022.

The relief is requested as part of NSHR's proposed implementation of and participation in FRA's Confidential Close Call Reporting System (C³RS) Program. NSHR seeks to shield reporting employees and the railroad from mandatory punitive sanctions that would otherwise arise as provided in 49 CFR 240.117(e)(1)-(4); 240.305(a)(1)-(4) and (a)(6); 240.307; 242.403(b), (c), (e)(1)-(4), (e)(6)-(11), and (f)(1)-(2). The C³RS Program encourages certified operating crew members to report close calls and protect the employees and the railroad from discipline or sanctions arising from the incidents reported per the C³RS Implementing Memorandum of Understanding.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE, W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- **Website:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Fax:** 202-493-2251.
- **Mail:** Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W12-140, Washington, DC 20590.
- **Hand Delivery:** 1200 New Jersey Avenue SE, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by April 26, 2019 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. 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 <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacyNotice> for the privacy notice of [regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

Robert C. Lauby,
Associate Administrator for Railroad Safety,
Chief Safety Officer.

[FR Doc. 2019-04444 Filed 3-11-19; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of actions on special permit applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

DATES: Comments must be received on or before April 11, 2019.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington, DC 20590-0001, (202) 366-4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington, DC or at <http://www.regulations.gov>.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on March 05, 2019.

Donald P. Burger,
Chief, General Approvals and Permits Branch.

SPECIAL PERMITS DATA—GRANTED

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
7945-M	MEGGITT SAFETY SYSTEMS, INC.	173.304a(a)(1)	To modify the special permit to authorize additional Class 2.2 hazmat to the permit.
10511-M	SCHLUMBERGER TECHNOLOGY CORP.	173.304a	To modify the special permit to authorize a new pressure housing for transporting hazmat.
12899-M	CORE LABORATORIES L.P.	173.301(f), 173.302a(a), 173.304a(a), 173.304a(d), 173.201(c), 173.202(c), 173.203(c), 175.3.	To modify the special permit to authorize an alternative to marking the necks of cylinders.
14574-M	KMG ELECTRONIC CHEMICALS, INC.	180.407(c), 180.407(e), 180.407(f).	To modify the special permit to authorize an additional cargo tank wagon.
20576-N	Cylinder Testing Solutions LLC.	172.203(a), 172.301(c), 180.205.	To authorize the use of Specification DOT 3AL cylinders used for the transportation in commerce of certain compressed gases, when retested by a 100% ultrasonic examination in lieu of the internal visual and the hydrostatic retest required in 49 CFR 180.205.
20654-N	JOHNSON CONTROLS ADVANCED POWER SOLUTIONS, LLC.	173.185(a)	To authorize the transportation in commerce of prototype and low production lithium ion batteries via cargo-only aircraft.
20661-M	SAFT AMERICA INC	172.400, 172.300, 173.301(g), 173.302a(a)(1), 173.185(b).	To modify the special permit to authorize the use of batteries not manufactured by Saft in the battery assemblies, and an increase in the maximum rated energy capacity permitted for the containerized battery assembly, that references to the UN Test Manual be updated to take account of the January 1, 2019, effective date of Amendment 1 to the Sixth Revised edition under international regulations. (modes 1,3). Some editorial corrections in the SP are also requested.
20705-N	EXHAUST CENTER, INC	177.834(h), 178.700(c)(1)	To authorize the manufacture, mark, sale, and use of non-DOT specification steel IBCs conforming to the requirements of UN31A except for capacity.
20706-N	SOUTHERN STATES, LLC	172.301(c), 173.304(a)	To authorize the transportation in commerce of non-DOT specification cylinders containing compressed sulfur hexafluoride gas.
20789-N	FEDERAL EXPRESS CORPORATION.	172.400(a)(1), 172.202(a)(7), 172.300(a), 173.302(f)(3), 173.302(f)(4), 173.302(f)(5), 173.309(c)(5), 173.168(d)(1), 173.168(e), 175.8(a)(3), 175.30.	To authorize the transportation in air commerce of hazardous materials by cargo aircraft installed in a Crew Rest Module (CRM).
20819-N	THE GREENBRIER COMPANIES.	173.240	To authorize the transportation in commerce of low hazard solid materials in DOT 117 tank cars.
20823-N	ARKEMA INC	173.22	To authorize the transportation of drums of Methane Sulfonic Acid in drums with possibly defective valves.
20825-N	SPACE EXPLORATION TECHNOLOGIES CORP.	172.400, 172.300, 173.302a(a)(1).	To authorize the transportation in commerce of satellites containing non-DOT specification cylinder which are not marked and labeled in accordance with Part 172.
20832-N	ECOGREEN INDUSTRIES, LLC.	173.301(j), 173.22(a), 178.35(f).	To authorize the one-way transportation in commerce of certain materials in non-DOT specification cylinders to a safe site where the contents can be transferred to specification cylinders.

SPECIAL PERMITS DATA—DENIED

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
20680-N	ROTAREX, INC. NORTH AMERICA.	173.309(a)	To authorize the transportation in commerce of non-DOT specification cylinders for use as fire extinguishers.

DEPARTMENT OF TRANSPORTATION**Pipeline and Hazardous Materials Safety Administration****Hazardous Materials: Notice of Applications for Special Permits**

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for modification of special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is

requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before March 27, 2019.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and

Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington, DC 20590-0001, (202) 366-4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington DC or at <http://regulations.gov>.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on February 28, 2019.

Donald P. Burger,
Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
SPECIAL PERMITS DATA			
5022-M	DEPARTMENT OF DEFENSE (MILITARY SURFACE DEPLOYMENT & DISTRIBUTION COMMAND).	174.84, 174.101(l), 174.112(a), 176.116(e), 176.138(b), 177.834(l)(1).	To modify the special permit to ensure safe testing of all size fuel tanks. (modes 1, 2, 3).
10232-M	ITW SEXTON INC	173.304(d), 173.306(j), 173.167	To modify the special permit to authorize the use of a different proper shipping name for an existing hazmat. (modes 1, 2, 3, 4, 5).
10922-M	FIBA TECHNOLOGIES, INC	173.302(a), 180.205, 180.207(d)(1), 172.302(c).	To modify the special permit to authorize non-DOT cylinders to be requalified using ultrasonic examination. (modes 1, 2, 3, 4, 5).
14453-M	FIBA TECHNOLOGIES, INC	180.209(a), 180.209(b), 180.209(b)(1)(iv).	To modify the special permit to authorize non-DOT cylinders manufactured under special permit to be requalified every ten years using 100% ultrasonic examination. (modes 1, 2, 3, 4).
16061-M	BATTERY SOLUTIONS, LLC	172.200, 172.300, 172.400, 173.185(c)(1)(iii), 173.185(c)(1)(iv), 173.185(c)(1)(v), 173.185(c)(3).	To modify the special permit to authorize additional Class 8 and 9 hazmat, to remove the UN packaging code from the permit, to clarify the term operator and to increase the maximum gross mass of CellBlockEX material per package to 400kg. (modes 1, 3).
20251-M	SALCO PRODUCTS INC	172.203(a), 178.345-1, 180.413	To modify the special permit to authorize a new manway cover design. (mode 1).
20651-M	ATIEVA USA, INC	172.101(j)	To modify the special permit to authorize additional packaging. (mode 4).

[FR Doc. 2019-04453 Filed 3-11-19; 8:45 am]

BILLING CODE 4909-60-P

DEPARTMENT OF TRANSPORTATION**Pipeline and Hazardous Materials Safety Administration****Hazardous Materials: Notice of Applications for Special Permits**

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor

vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before April 11, 2019.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-

addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT:

Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-30, 1200 New Jersey Avenue Southeast,

Washington, DC 20590-0001, (202) 366-4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington DC or at <http://regulations.gov>.

This notice of receipt of applications for special permit is published in

accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on March 5, 2019.

Donald P. Burger,

Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
SPECIAL PERMITS DATA			
20830-N	ARKEMA, INC	173.302a(1)	To authorize the transportation of boron trifluoride in non-DOT specification spherical pressure vessels. (modes 1, 2, 3).
20831-N	CYLINDER SALES AND TESTING, LLC.	180.209(a), 180.209(b), 180.209(b)(1)(iv).	To authorize the transportation in commerce of certain hazardous materials in DOT Specification 3AL cylinders manufactured from aluminum alloy 6061-T6 that are requalified every ten years rather than every five years using 100% ultrasonic examination. (modes 1, 2, 3, 4, 5).
20833-N	SAMSUNG SDI AMERICA, INC.	172.101(j)	To authorize the air transportation of lithium ion batteries exceeding 35 kg net weight. (mode 4).
20834-N	ECC CORROSION INC	107.503(b), 107.503(c), 173.241, 173.242, 173.243, 178.345-1(d), 178.345-1(f), 178.345-2, 178.345-3, 178.345-4, 178.345-7, 180.405, 180.413.	To authorizing the manufacture, marking, sale and use of non-DOT specification glass fiber reinforced plastic cargo tanks conforming with regulations applicable to DOT Specifications 407 and 412 for the transportation of hazardous materials in commerce. (mode 1).
20835-N	AKZO NOBEL FUNCTIONAL CHEMICALS LLC.	178.337-8(a)(3), 178.337-8(a)(4).	To authorize the shipment of UN3394 and UN3399 metal alkyls in MC331 cargo tanks that house product inlet and discharge opening valves in a protective recessed well of the cargo tank. (mode 1).
20836-N	ELCO CORPORATION	173.35(e)	To authorize the transportation of certain hazmat where two or more closure systems are fitted in series, the system nearest to the hazardous material being carried must be closed first. (mode 1).
20838-N	AIR LIQUIDE ELECTRONICS U.S. LP.	180.205(g)	To authorize the transportation in commerce of cylinders containing dichlorosilane which have been periodically requalified using alternative methods. (modes 1, 2, 3).
20839-N	A123 SYSTEMS LLC	172.101(j)	To authorize the transportation in commerce of lithium battery assemblies exceeding 35 kg aboard cargo-only aircraft. (mode 4).
20841-N	STERILMED, INC	172.203(a), 172.302(c), 173.134(b)(12)(i).	To authorize the transportation in commerce of medical equipment in accordance with 49 CFR 173.134(b)(12)(i) when some medical equipment will ultimately be sent for disposal. (mode 1).
20843-N	SPACEFLIGHT, INC	173.185(a)	To authorize the transportation in commerce of low production lithium ion batteries contained in spacecraft by air. (mode 4).

[FR Doc. 2019-04451 Filed 3-11-19; 8:45 am]

BILLING CODE 4909-60-P

DEPARTMENT OF TRANSPORTATION

National Advisory Committee on Travel and Tourism Infrastructure; Notice of Public Meeting

AGENCY: Office of the Secretary of Transportation (OST), Department of Transportation (DOT).

ACTION: Notice of public meeting.

SUMMARY: This notice announces a meeting of the National Advisory

Committee on Travel and Tourism Infrastructure (NACTTI).

DATES: The meeting will be held on March 27, 2019, from 9:30 a.m. to 2:00 p.m., EDT.

RESCHEDULE DATE: In the event that Federal Offices are closed due to weather on this March 27, the meeting will be rescheduled for April 12, 2019, from 9:30 a.m. to 2:00 p.m., EDT. Please visit www.opm.gov for federal operating status.

ADDRESSES: The meeting will be held at the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Individuals

wishing for audio participation and any person requiring accessibility accommodations should contact the Official listed in the next section.

FOR FURTHER INFORMATION CONTACT:

David Short, Designated Federal Officer, U.S. Department of Transportation, at NACTTI@dot.gov or (202) 366-8822. Also visit the NACTTI internet website at <http://www.transportation.gov/NACTTI>.

SUPPLEMENTARY INFORMATION:

I. Background

NACTTI was created in accordance with Section 1431 of the *Fixing America's Surface Transportation*

(FAST) Act (Pub. L. 114–94: Dec. 4, 2015; 129 Stat. 1312) to provide information, advice, and recommendations to the Secretary of Transportation on matters related to the role of intermodal transportation in facilitating mobility related to travel and tourism activities.

II. Agenda

At the March 27, 2019, meeting, the agenda will cover the following topics:

- Recap of December 2018 meeting
- Subcommittee Discussion of Activities and Draft Recommendations
- Public Participation
- Full Committee Deliberation and Vote on Subcommittee Recommendations
- Presentation of NACTTI Recommendations

A final agenda will be posted on the NACTTI internet website at <http://www.transportation.gov/NACTTI> at least one week in advance of the meeting.

III. Public Participation

The meeting will be open to the public on a first-come, first served basis, as space is limited. Members of the public who wish to attend in-person are asked to register, including name and affiliation, to NACTTI@dot.gov by March 20, 2019. Individuals requesting accessibility accommodations, such as sign language, interpretation, or other ancillary aids, may do so via email at NACTTI@dot.gov by March 20, 2019.

There will be 30 minutes allotted for oral comments from members of the public joining the meeting. To accommodate as many speakers as possible, the time for public comments may be limited to five minutes per person. Individuals wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name, address, and organizational affiliation of the proposed speaker. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the Office of the Secretary may conduct a lottery to determine the speakers. Speakers are requested to submit a written copy of their prepared remarks by 5:00 p.m. EDT on March 20, 2019, for inclusion in the meeting records and for circulation to NACTTI members. Written comments timely submitted from those not selected to speak will nonetheless be accepted and considered as part of the record.

Persons who wish to submit written comments for consideration by NACTTI during the meeting must submit them

no later than 5:00 p.m. EDT on March 20, 2019, to ensure transmission to NACTTI prior to the meeting. Comments received after that date and time will be distributed to the members but may not be reviewed prior to the meeting.

Copies of the meeting minutes will be available on the NACTTI internet website at <http://www.transportation.gov/NACTTI>.

Dated: March 7, 2019.

Joel Szabat,

Assistant Secretary, Aviation and International Affairs.

[FR Doc. 2019–04438 Filed 3–11–19; 8:45 am]

BILLING CODE 4

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund; Request for Public Comment Announcement Type: Notice and Request for Public Comment

SUMMARY: The U.S. Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act (PRA). Currently, the Community Development Financial Institutions Fund (CDFI Fund), U.S. Department of the Treasury, is soliciting comments concerning the Community Development Financial Institutions Program (CDFI Program) and the Native American CDFI Assistance Program (NACA Program) Financial Assistance and Technical Assistance Applications, for the FY 2020–FY 2022 funding rounds (hereafter, the Application or Applications). The Financial Assistance Application includes optional questions that addresses Healthy Food Financing Initiative—Financial Assistance (HFFI–FA), Persistent Poverty Counties—Financial Assistance (PPC–FA) and Disability Funds—Financial Assistance (DF–FA).

The CDFI Fund is required by law to make the Applications publicly available for comment prior to submission for a new PRA number.

DATES: Written comments must be received on or before May 13, 2019 to be assured of consideration.

ADDRESSES: Submit your comments via email to Amber Bell, CDFI Program and NACA Program Manager, CDFI Fund, at cdfihelp@cdfi.treas.gov or Service Request in the Award Management Information System (AMIS).

FOR FURTHER INFORMATION CONTACT:

Amber Bell, CDFI Program and NACA Program Manager, CDFI Fund, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220 or email to cdfihelp@cdfi.treas.gov.

The Applications may be obtained from the CDFI Program page and NACA Program page of the CDFI Fund's website <https://www.cdfifund.gov/Lists/CDFI%20News/View.aspx>.

SUPPLEMENTARY INFORMATION:

Title: CDFI Program and NACA Program Financial Assistance and Technical Assistance Applications; OMB Number: 1559–0021.

Abstract: The CDFI Program is authorized by the Riegle Community Development Banking and Financial Institutions Act of 1994 (Pub. L. 103–325, 12 U.S.C. 4701 *et seq.*). Funding for the CDFI Program and the NACA Program is made available by Congress to the CDFI Fund through its annual appropriations. The regulations governing the CDFI Program are found at 12 CFR parts 1805 and 1815 (the Regulations) and set forth evaluation criteria and other program requirements. For a complete understanding of the programs, the CDFI Fund encourages Applicants to review the Regulations, the Notice of Funds Availability (NOFA) for the FY 2018 application round of the CDFI Program (83 **Federal Register** 8322, February 1, 2018), the NOFA for the FY 2018 application round of the NACA Program (83 **Federal Register** 8342, February 1, 2018), the Application, and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200) (Uniform Administrative Requirements). Capitalized terms in this Request for Public Comment are defined in the CDFI Program's authorizing statute, the Regulations, the FY 2018 CDFI Program and NACA Program NOFAs, the Application, and the Uniform Administrative Requirements.

Through the CDFI Program and NACA Program's Financial Assistance awards and Technical Assistance grants, the CDFI Fund invests in and builds the capacity of for-profit and nonprofit community based lending organizations known as Community Development Financial Institutions (CDFIs).

CDFI Program and NACA Program award Recipients will be competitively selected after the CDFI Fund's careful review of their Applications. The proposed Financial Assistance Application requires the submission of quantitative and qualitative information about the Applicant's Business Strategy,

Products and Services, Market and Competitive Analysis, Management and Staffing, Financial Position, and Growth and Projections. The proposed Technical Assistance Application requires the submission of quantitative and qualitative information about CDFI Certification Qualifications, an Organizational Overview, and Use of Funds. Please refer to the FY 2018 CDFI Program and NACA Program NOFAs for additional guidance on the review and application process for past funding rounds.

This request for public comment seeks to gather information on the CDFI Program and NACA Program Financial Assistance which includes the optional questions for PPC-FA, HFFI-FA and DF-FA and Technical Assistance Applications.

Current Actions: Renewal of existing Information Collection, the retirement of OMB Number: 1559-0048 for Disability Funds-Financial Assistance and OMB Number 1559-0040 for Healthy Food Financing Initiative-Financial Assistance (HFFI-FA) and the consolidation of the DF-FA and HFFI-FA Application under OMB Number 1559-0021.

Type of Review: Regular Review.

Affected Public: Businesses or other for-profit institutions, non-profit entities, and State, local and Tribal entities participating in CDFI Fund programs.

Estimated Number of Respondents for Financial Assistance: 400.

Estimated Annual Time per Respondent for Financial Assistance Including Optional Questions: 200 hours.

Estimated Total Annual Burden Hours for Financial Assistance: 80,000.

Estimated Number of Respondents for Technical Assistance: 100.

Estimated Annual Time per Respondent for Technical Assistance: 50 hours.

Estimated Total Annual Burden Hours for Technical Assistance: 5,000.

Requests for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record and may be published on the CDFI Fund's website at <http://www.cdfifund.gov>. The CDFI Fund is seeking input on the content of the CDFI Program and NACA Program Financial Assistance and Technical Assistance Applications. The Applications may be obtained on the CDFI Fund's website at <https://www.cdfifund.gov/Lists/CDFI%20News/View.aspx>. CDFI Program and NACA Program Financial Assistance awards

must be used for Financial Products, Financial Services, and/or Development Services for commercial facilities, commercial real estate, small businesses, microenterprises, community facilities, consumer financial products and services, affordable housing, and intermediary lending to nonprofits and CDFIs—so long as those activities allow the Recipient to achieve at least one of the following statutorily required Financial Assistance activities: Expand operations into a new Geographic Area(s); serve a new Targeted Population(s); provide additional or new Financial Products and Services; and/or increase the volume of current Financial Products and/or Development.

Comments concerning the Applications are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services required to provide information.

In addition, the CDFI Fund requests comments in response to the following questions:

Financial Assistance (FA) Application

1. Is the information that is proposed to be collected by the Application necessary and appropriate for the CDFI Fund to consider for the purpose of making award decisions?

2. Are certain questions or tables redundant or unnecessary?

3. Should any questions or tables be added to ensure collection of relevant information?

4. In general, does the data and information requested in the Application allow an Applicant to demonstrate its ability explain its business plan and ability to meet the FA Objectives described in the Application?

5. Is the data and information requested in the Application to assess the business plan adequate to assess the different CDFI activities?

6. What, if any, additional data and information should be collected to assess business plan activities?

7. Are any of the questions particularly burdensome or difficult to answer? If so, please be specific as to

type of CDFI (e.g., regulated, non-profit, sector) that find it difficult.

8. Are the character limitations for narrative responses appropriate? Should certain questions allow additional or fewer characters? If so, please specify.

9. Are there questions that lack clarity as to intent or purpose? If so, which questions, and what needs to be clarified in order for Applicants to provide a comprehensive response?

10. Tables in Questions 6 a–d ask for certain data and information that will be used to assess an Applicant's projected Financial Assistance Objectives. Is the data collected in these tables adequate to assess an Applicant's projected Financial Assistance Objectives?

11. Is there other information not requested in the Application that would demonstrate an Applicant's projected business plan activities?

12. The proposed application includes new questions from the Treasury Office of Civil Rights and Diversity (OCD) concerning data collection for civil rights compliance and enforcement purposes under Title VI of the Civil Rights Act, and similar statutes applicable to Federal financial assistance.

a. Will Applicants be able to answer the questions?

b. Are there any questions that regulated institutions cannot answer?

c. What is the anticipated level of burden to answer the proposed questions?

13. Are there requests for data in the Application that Applicants do not have readily available or that are burdensome to obtain and/or calculate?

14. In previous application rounds, the CDFI Fund mandated that FA Applicants must be Certified as CDFIs prior to the announcement of award decisions in order to receive an FA award. Beginning with the FY 2020 application round, the CDFI Fund plans to change this requirement so that FA Applicants must be Certified CDFIs as of the date the NOFA is published in the **Federal Register**. In your opinion, would this requirement limit the number of organizations that apply for the FA award or cause undue hardship on Applicants? If so, in what way?

15. The CDFI Fund is seeking input in order to update the current definition of Financial Services to better reflect the range of Financial Services offered by the industry. Financial Services is currently defined as FA expended for providing checking, savings accounts, check cashing, money orders, certified checks, automated teller machines, deposit taking, safe deposit box services, and other similar services. The CDFI Fund is also seeking input on how

different Financial Services are measured in the industry.

a. What, if any, updates should the CDFI Fund make to the definition of Financial Services?

b. How should the CDFI Fund measure each type of Financial Service based on industry practice?

The following are examples of the type of responses the CDFI Fund is hoping to receive from the industry. These examples are provided for illustrative purposes and the responses you provide may vary. Example 1: For the type of Financial Service of providing checking accounts the unit of measurement could be the number of clients opening a new checking account. Example 2: For the type of Financial Service of automatic teller machines the unit of measurement could be the number of ATMs opened.

16. The current application has the following predetermined Eligible Lines of Business for the FA Award:

Affordable Housing, Commercial Financial Services, Commercial Real Estate, Community Facilities, Consumer Financial Products, Consumer Financial Services, Intermediary Lending, Microenterprise, and Small Business. Are there other commonly provided Lines of Business not captured in this list?

Technical Assistance (TA) Application

17. Based on its applicant type, do the questions in the TA Application allow the Applicant to clearly address the evaluation criteria for:

(a) An Emerging and Certifiable CDFI and its ability to achieve certification;

(b) A Sponsoring Entity and its ability to create and certify a new CDFI; and

(c) A Certified CDFI and its ability to build its capacity to expand operations, offer new products or services, or increase the volume of current business?

18. How do CDFIs improve their capacity by spending TA award funds on Supplies, and Equipment? What questions could the Application contain that would provide this information about these capacity improvements?

19. Are there questions in the TA Application that are unclear and/or repetitive?

20. What additional guidance can the CDFI Fund provide in order to assist applicants with completing a TA application?

21. Can the CDFI Fund adjust its TA application in order to better collect information and evaluate an applicant's ability to serve the unique needs of Native Communities? If yes, what questions should the CDFI Fund include in the TA application and what evaluation factors should the CDFI Fund

consider when evaluating an applicant's ability to serve the unique needs of Native Communities?

22. Should the CDFI Fund develop NACA Program TA application questions that are specific to organizations applying as Sponsoring Entities? If yes, what questions should the application include in order to assess an organization's ability to successfully create an emerging CDFI within one year and ensure that the emerging CDFI achieves CDFI Certification within four years?

23. The primary purpose of making a Technical Assistance Award to a certified CDFI is to increase its capacity to serve its Target Market(s). How can the CDFI and NACA Programs update their Technical Assistance applications in order to make a more accurate determination as to whether or not a TA award will increase a certified CDFI's capacity to serve its Target Market?

24. Does the current TA application, related guidance materials, and NOFAs provide sufficient clarity to help potential applicants clearly understand what are, and are not, eligible uses of TA funds?

Healthy Food Financing Initiative-Financial Assistance (HFFI-FA) Application; OMB Number 1559-0040 (OMB Number To Be Retired)

25. Is the information being collected sufficient to determine whether an Applicant is financing eligible Healthy Foods transactions? If no, what other information should the CDFI Fund collect in order to determine whether an Applicant is financing eligible Healthy Foods transactions?

Persistent Poverty Counties-Financial Assistance (PPC-FA) Application

26. Is the information collected sufficient to determine whether an Applicant is providing eligible financing in Persistent Poverty Counties? What other information should the CDFI Fund consider in order to determine whether an Applicant is providing financing in Persistent Poverty Counties?

Disability Funds-Financial Assistance (DF-FA) Application OMB Number: 1559-0048 (OMB Number To Be Retired)

Requested Comments: None.

Authority: Pub. L. 110-289, 12 CFR 1807.

Jodie L. Harris,

Director, Community Development Financial Institutions Fund.

[FR Doc. 2019-04440 Filed 3-11-19; 8:45 am]

BILLING CODE 4810-05-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Special Projects Committee: Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting: Correction.

SUMMARY: In the **Federal Register** notice that was originally published on March 5, 2019, (Volume 84, Number 43, Page 7971) the meeting will be in Albuquerque, NM on Mountain Standard Time.

DATES: The meeting will be held Monday, March 18, 2019 and Tuesday, March 19, 2019.

FOR FURTHER INFORMATION CONTACT: Fred Smith at 1-888-912-1227 or (202) 317-3087.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be held Monday, March 18, 2019, from 1:00 p.m. to 5:00 p.m. Mountain Time and Tuesday, March 19, 2019, from 8:00 a.m. until 5:00 p.m. Mountain Time, in Albuquerque, NM. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Fred Smith. For more information please contact Fred Smith at 1-888-912-1227 or (202) 317-3087, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: <http://www.improveirs.org>.

Dated: March 6, 2019.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2019-04412 Filed 3-11-19; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee: Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting: Correction.

SUMMARY: In the **Federal Register** notice that was originally published on March

4, 2019, (Volume 84, Number 42, Page 7419) the meeting will be in Sacramento on Pacific Standard Time.

DATES: The meeting will be held Thursday, March 21, 2019 and Friday, March 22, 2019.

FOR FURTHER INFORMATION CONTACT: Otis Simpson at 1-888-912-1227 or 202-317-3332.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Taxpayer Communications Notices and Correspondence Project Committee will be held Thursday, March 21, 2019, from 8:00 a.m. to 5:00 p.m. Pacific Time and Friday, March 22, 2019, from 8:00 a.m. until 12:00 p.m. Pacific Time, in Sacramento, CA. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Otis Simpson. For more information please contact Otis Simpson at 1-888-912-1227 or 202-317-3332, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: <http://www.improveirs.org>. The agenda will include various IRS issues.

Dated: March 6, 2019.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2019-04414 Filed 3-11-19; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Project Committee: Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting: Correction.

SUMMARY: In the **Federal Register** notice that was originally published on March 4, 2019, (Volume 84, Number 42, Page 7419) the meeting will be in St. Louis, MO, on Central Standard Time.

DATES: The meeting will be held Thursday, March 21, 2019 and Friday, March 22, 2019.

FOR FURTHER INFORMATION CONTACT: Matthew O'Sullivan at 1-888-912-1227 or (510) 907-5274.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory

Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Project Committee will be held Thursday, March 21, 2019, from 8 a.m. to 5 p.m. Central Time and Friday, March 22, 2019, from 8 a.m. until 12 p.m. Central Time, in St. Louis, MO. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Matthew O'Sullivan. For more information please contact Matthew O'Sullivan at 1-888-912-1227 or (510) 907-5274, or write TAP Office, 1301 Clay Street, Oakland, CA 94612-5217 or contact us at the website: <http://www.improveirs.org>. The agenda will include various IRS issues.

Dated: March 6, 2019.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2019-04418 Filed 3-11-19; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Line Project Committee: Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting: Correction.

SUMMARY: In the **Federal Register** notice that was originally published on March 4, 2019, (Volume 84, Number 42, Page 7420) the meeting will be in Albuquerque, NM on Mountain Standard Time.

DATES: The meeting will be held Thursday, March 21, 2019 and Friday, March 22, 2019.

FOR FURTHER INFORMATION CONTACT: Rosalind Matherne at 1-888-912-1227 or 202-317-4115.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be held Thursday, March 21, 2019, from 8:00 a.m. to 5:00 p.m. Mountain Time and Friday, March 22, 2019, from 8:00 a.m. until 12:00 p.m. Mountain Time, in Albuquerque, NM. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to

participate must be made with Rosalind Matherne. For more information please contact Rosalind Matherne at 1-888-912-1227 or 202-317-4115, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: <http://www.improveirs.org>. The agenda will include various IRS issues.

Dated: March 6, 2019.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2019-04416 Filed 3-11-19; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee: Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting: Correction.

SUMMARY: In the **Federal Register** notice that was originally published on March 4, 2019, (Volume 84, Number 42, Page 7418) the meeting will be in St. Louis, MO, on Central Standard Time.

DATES: The meeting will be held Monday, March 18, 2019 and Tuesday, March 19, 2019.

FOR FURTHER INFORMATION CONTACT: Robert Rosalia at 1-888-912-1227 or (718) 834-2203.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be held Monday, March 18, 2019, from 1 p.m. to 5 p.m. Central Time and Tuesday, March 19, 2019, from 8:00 a.m. until 5:00 p.m. Central Time, in St. Louis, MO. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Robert Rosalia. For more information please contact Robert Rosalia at 1-888-912-1227 or (718) 834-2203, or write TAP Office, 2 Metrotech Center, 100 Myrtle Avenue, Brooklyn, NY 11201 or contact us at the website: <http://www.improveirs.org>. The agenda will include various IRS issues.

Dated: March 6, 2019.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2019-04417 Filed 3-11-19; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee: Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting: Correction.

SUMMARY: In the **Federal Register** notice that was originally published on March 5, 2019, (Volume 84, Number 43, Page 7970) the meeting will be in Sacramento, CA on Pacific Standard Time.

DATES: The meeting will be held Monday, March 18, 2019 and Tuesday, March 19, 2019.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1-888-912-1227 or 202-317-4110.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be held Monday, March 18, 2019, from 1:00 p.m. to 5:00 p.m. Pacific Time and Tuesday, March 19, 2019, from 8:00 a.m. until 5:00 p.m. Pacific Time, in Sacramento, CA. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Antoinette Ross. For more information please contact Antoinette Ross at 1-888-912-1227 or 202-317-4110, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: <http://www.improveirs.org>. The agenda will include various IRS issues.

Dated: March 6, 2019.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2019-04415 Filed 3-11-19; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Public Meeting of the Commission on Social Impact Partnerships

AGENCY: Department of the Treasury.

ACTION: Notice of meeting.

SUMMARY: The Commission on Social Impact Partnerships ("Commission") will convene for a public meeting on Wednesday, March 28, 2019, at the U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220, in Room 3327, from 9:00 a.m.–12:00 p.m. Eastern Time. The meeting will be open to the public, and the site is accessible to individuals with disabilities.

DATES: The meeting will be held on Thursday, March 28, 2019, from 9:00 a.m.–12:00 p.m. Eastern Time.

ADDRESSES: The meeting will be held at the U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220, Room 3327.

The meeting will be open to the public. Because the meeting will be held in a secured facility, members of the public who would like to attend the meeting must send an email to Elizabeth Sawyer (elizabeth.sawyer@treasury.gov) by 5:00 p.m. Eastern Time on Friday, March 22, 2019 containing each proposed attendee's email address and full name (first, middle, and last). Ms. Sawyer will send the secure online registration form to each attendee via email. A valid email address will be required to complete the online registration.

Requests for reasonable accommodations under Section 504 of the Rehabilitation Act should be directed to Marcia Small Bowman, Office of Civil Rights and Diversity, Department of the Treasury, at 202-622-8177 or marcia.smallbowman@treasury.gov.

SUBMISSION OF WRITTEN STATEMENTS: The public is invited to submit written statements to the Commission. Written statements should be sent by any one of the following methods:

Electronic Statements

Email: SIPRA@treasury.gov, Attn: Holly Posin, Docket ID No. 03282019.

Paper Statements

Send paper statements to SIPRA Commission. Attn: Holly Posin, Docket ID No. 03282019, U.S. Department of the Treasury, Main Treasury Building, Room 3127, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

In general, Treasury will make all statements available in their original format, including any business or

personal information provided such as names, addresses, email addresses, or telephone numbers, for public inspection and photocopying in Treasury's library located at Treasury Department Annex, 1500 Pennsylvania Avenue NW, Washington, DC 20220. The library is open on official business days between the hours of 10:00 a.m. and 4:30 p.m. You can make an appointment to inspect statements by calling (202) 622-0990. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should only submit information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT:

Holly Posin, the Designated Federal Officer ("DFO") for the Commission, U.S. Department of the Treasury, 1500 Pennsylvania Ave. NW, Washington, DC 20020; via phone/voice mail at: (202) 622-3282; via fax at: (202) 622-2633; or via email at: holly.posin2@treasury.gov. Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION: On February 9, 2018, the President signed the Bipartisan Budget Act of 2018, establishing the Commission under the Social Impact Partnerships to Pay for Results Act ("SIPPPRA"). The Commission's duties include making recommendations to Treasury on whether to fund social impact partnership grant applications. The Commission consists of nine members. Eight members are appointed by congressional leadership, and the ninth member is appointed by the President. The President's appointee serves as the Chair of the Commission. In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, and the regulations thereunder, Holly Phillips, DFO of the Commission, has ordered publication of this notice that the Commission will convene its first meeting on March 28, 2019, at the U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC, 9:00 a.m.–12:00 p.m. Eastern Time. During this meeting, the Commission will receive a briefing from Treasury staff on (1) SIPPPRA's program structure and the respective roles of the Commission, Treasury, and the Federal Interagency Council on Social Impact Partnerships; and (2) the SIPPPRA Notice of Funding Availability that Treasury published in the **Federal Register** on February 21, 2019.

Dated: March 6, 2019.

Michael Faulkender,

Principal Deputy Assistant Secretary, Office of Economic Policy.

[FR Doc. 2019-04491 Filed 3-11-19; 8:45 am]

BILLING CODE 4810-25-P

DEPARTMENT OF THE TREASURY

United States Mint

2019 Pricing of Numismatic Gold, Commemorative Gold, Platinum, and Palladium Products Grid

AGENCY: United States Mint, Department of the Treasury.

ACTION: Notice.

The United States Mint announces 2019 revisions to include the American Legion 100th Anniversary Three-Coin Proof Set pricing within the Numismatic Gold, Commemorative Gold, Platinum, and Palladium Products Grid.

An excerpt of the grid with a recent price range for palladium appears below:

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2019 Pricing of Numismatic Gold, Commemorative Gold, Platinum, and Palladium Products									
* Does not reflect \$5 discount during introductory period									
Average Price per Ounce	Size	American Eagle Gold Proof	American Eagle Gold Uncirculated	American Buffalo 24K Gold Proof	American Eagle Platinum Proof	American Eagle Palladium Proof	American Liberty Gold Proof	Commemorative Gold Proof*	Commemorative Gold Uncirculated*
\$1350.00 to \$1399.99	1 oz	\$1,727.50	\$1,690.00	\$1,760.00	\$1,770.00	\$1,787.50	\$1,790.00		
	1/2 oz	\$880.00							
	1/4 oz	\$452.50							
	1/10 oz	\$192.50					\$220.00		
	4-coin set	\$3,200.00							
	commemorative gold							\$448.25	\$438.25
	commemorative 3-coin set							\$513.75	

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The complete 2019 Pricing of Numismatic Gold, Commemorative Gold, Platinum, and Palladium Products Grid will be available at <https://catalog.usmint.gov/coin-programs/american-eagle-coins>.

Pricing can vary weekly dependent upon the London Bullion Market Association gold, platinum, and

palladium prices weekly average. The pricing for all United States Mint numismatic gold, platinum, and palladium products is evaluated every Wednesday and modified as necessary.

FOR FURTHER INFORMATION CONTACT: Cathy Olson; Numismatic and Bullion Directorate; United States Mint; 801 9th Street NW; Washington, DC 20220; or call 202-354-7500.

Authority: 31 U.S.C. 5111, 5112, & 9701, Public Law 111-303, Public Law 115-65.

Dated: March 6, 2019.

Mark Teskey,

Deputy Director, United States Mint.

[FR Doc. 2019-04520 Filed 3-11-19; 8:45 am]

BILLING CODE P

Reader Aids

Federal Register

Vol. 84, No. 48

Tuesday, March 12, 2019

CUSTOMER SERVICE AND INFORMATION

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Executive orders and proclamations **741-6000****The United States Government Manual** **741-6000**

Other Services

Electronic and on-line services (voice) **741-6020**Privacy Act Compilation **741-6050**

ELECTRONIC RESEARCH

World Wide Web

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FEDERAL REGISTER PAGES AND DATE, MARCH

6953-7260.....	1
7261-7792.....	4
7793-7978.....	5
7979-8244.....	6
8245-8408.....	7
8409-8588.....	8
8589-8790.....	11
8791-8952.....	12

CFR PARTS AFFECTED DURING MARCH

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:

9845.....	8227	8250, 8591, 8598, 8605, 8795, 8799, 8802, 8805
9846.....	8229	71.....6965, 6966, 7274, 7808, 8413, 8414, 8415
9847.....	8241	73.....8251
9848.....	8583	

Executive Orders:

13860.....	8407	
13861.....	8585	71.....6987, 7306, 7308, 7837, 7839, 8834
13862.....	8789	73.....7840

Administrative Orders

Notices:

Notice of March 4, 2019.....7975

Notice of March 4, 2019.....7977

Notice of March 5, 2019.....8245

5 CFR

Proposed Rules:

532.....	8043
----------	------

7 CFR

51.....	8589
52.....	8589
210.....	6953, 8247
235.....	6953, 8247
986.....	8409
1000.....	8590
1145.....	6961

Proposed Rules:

301.....	7304
1214.....	8627
1216.....	8628

9 CFR

Proposed Rules:

160.....	8476
161.....	8476
162.....	8476

10 CFR

429.....	8411
430.....	8411
625.....	8791

Proposed Rules:

40.....	6979
73.....	6980

12 CFR

1005.....	7979
1248.....	7793

Proposed Rules:

204.....	8829
1026.....	8479

14 CFR

25.....	8248
39.....	6962, 7261, 7264, 7266, 7269, 7272, 7801, 7804,

8250, 8591, 8598, 8605, 8795, 8799, 8802, 8805
71.....6965, 6966, 7274, 7808, 8413, 8414, 8415
73.....8251

Proposed Rules:

39.....	6981, 6984, 7832, 7835, 8482, 8832
71.....	6987, 7306, 7308, 7837, 7839, 8834
73.....	7840

15 CFR

Proposed Rules:

774.....	8485
930.....	8628

16 CFR

Proposed Rules:

24.....	8045
---------	------

17 CFR

270.....	7980
274.....	7980

18 CFR

4.....	7988
11.....	7988
37.....	8156
45.....	7274
46.....	7274

Proposed Rules:

33.....	7309
---------	------

19 CFR

12.....	8807
---------	------

21 CFR

573.....	7991
884.....	7993

Proposed Rules:

864.....	8047
----------	------

22 CFR

Proposed Rules:

121.....	8486
----------	------

25 CFR

575.....	6967
----------	------

26 CFR

1.....	7283
--------	------

Proposed Rules:

1.....	6988, 8050, 8051, 8188, 8488
20.....	8278
301.....	8488

29 CFR

Proposed Rules:

1206.....	6989
1910.....	8633

1915.....8633	Proposed Rules:	8647, 8654	64.....8457
1917.....8633	Ch. III.....8054, 8059	63.....8069	Proposed Rules:
1918.....8633	36 CFR	81.....8492	1.....8497
1926.....8633	Proposed Rules:	258.....8496	64.....7315
30 CFR	60.....6996	271.....7010	76.....8278
1241.....8416	63.....6996	42 CFR	
32 CFR	38 CFR	59.....7714	48 CFR
48.....7810	17.....7813, 8254	Proposed Rules:	Proposed Rules:
77.....8809	Proposed Rules:	Chapter IV.....8657	6106.....7861
337.....6968	4.....7844	406.....7610	
33 CFR	39 CFR	407.....7610	49 CFR
100.....7285, 7810, 8607	3020.....7815	422.....7610, 8069	172.....8006
110.....7810	Proposed Rules:	423.....7610	173.....8006
117.....8418	111.....7005	431.....7610	380.....8029
147.....7810	3050.....8066	438.....7610	383.....8463
165.....6969, 6972, 7285, 7288, 7290, 7292, 7810, 7995, 7997, 8252, 8420	40 CFR	457.....7610	384.....8463
Proposed Rules:	49.....7823	482.....7610	Proposed Rules:
100.....6989, 7310, 8641	51.....8422	485.....7610	391.....8497
117.....6992, 7842	52.....7299, 7823, 7998, 8257, 8260, 8422, 8610, 8809, 8812, 8813	43 CFR	
165.....6994, 8051, 8489	60.....8260	10.....6975	50 CFR
34 CFR	61.....8260	45 CFR	217.....8263
400.....7294	62.....8001, 8262	1148.....8003	300.....8624
401.....7294	63.....7682, 7825, 8260	Proposed Rules:	622.....7827, 7828, 8825
402.....7294	70.....8260	Subtitle A.....8657	635.....7302
403.....7294	180.....8611, 8820	156.....7610	648.....8625, 8826
406.....7294	271.....8260	170.....7424	679.....6978, 7303, 8474, 8626, 8828
410.....7294	281.....8260	171.....7424	Proposed Rules:
411.....7294	Proposed Rules:	47 CFR	218.....7186
413.....7294	52.....7313, 7846, 7854, 7858, 8491, 8492, 8643, 8645,	1.....8617	300.....7323
461.....6974		27.....8443	622.....7864
		36.....6977	648.....8282
		54.....8003, 8619	665.....8835

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion

in today's **List of Public Laws**.

Last List March 11, 2019

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