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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.

The Code of Federal Regulations is sold by the Superintendent of Documents.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[NRC–2017–0151]

RIN 3150–AK07

Reactor Vessel Material Surveillance Program; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory basis; availability; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a document that published in the **Federal Register** (FR) on April 3, 2019, regarding the availability of a regulatory basis to support a rulemaking that would amend the NRC's regulations for the light-water power reactor vessel material surveillance programs. This action is necessary to correct the ADAMS accession number for the regulatory basis.

DATES: The correction is effective April 12, 2019.

ADDRESSES: Please refer to Docket ID NRC–2017–0151 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–2017–0151. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *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.*
- *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.

FOR FURTHER INFORMATION CONTACT: Stewart Schneider, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone; 301–415–4123; email: *Stewart.Schneider@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Correction

In FR Rule Doc. 2019–06418, appearing on page 12876 in the April 3, 2019, **Federal Register**, in the second bullet in the second column on page 12876, correct the ADAMS Accession No. ''ML18057A005'' to read ''ML19038A477''.

Dated at Rockville, Maryland, this 9th day of April, 2019.

For the Nuclear Regulatory Commission.

Cindy K. Bladey,

Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2019–07282 Filed 4–11–19; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1236; Product Identifier 2017–SW–136–AD; Amendment 39–19613; AD 2019–07–02]

RIN 2120–AA64

Airworthiness Directives; Robinson Helicopter Company Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Robinson Helicopter Company (Robinson Helicopter) Model R66 helicopters. This AD requires inspecting the oil tank outlet's fitting color. If the fitting is blue, this AD requires replacing the tank with an oil tank that lacks a blue fitting. This AD also requires determining the revision letter on the ink stamp, and installing an oil tank angle based on that determination. This AD was prompted by reports of broken oil tank internal baffles. The actions of this AD are intended to correct an unsafe condition on these products.

DATES: This AD is effective May 17, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of May 17, 2019.

ADDRESSES: For service information identified in this final rule, contact Robinson Helicopter Company, 2901 Airport Drive, Torrance, CA 90505; telephone (310) 539–0508; fax (310) 539–5198; or at *http://www.robinsonheli.com/servelib.htm.* You may review a copy of the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1236.

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–2017–1236; 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, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for the 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: Danny Nguyen, Aerospace Engineer, Los Angeles ACO Branch, Compliance and Airworthiness Division, FAA, 3960 Paramount Blvd., Lakewood, California

90712; telephone (562) 627–5247; email *danny.nguyen@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On September 21, 2018, at 83 FR 47848, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Robinson Helicopter Model R66 helicopters, serial numbers 0003 through 0789, 0791, 0794 and 0796. The NPRM proposed to require, within 100 hours time-in-service (TIS), inspecting the oil tank outlet fitting color and replacing the tank before further flight if the fitting is blue. The NPRM also proposed to require determining the revision letter of the G689–1 oil tank assembly identification ink stamp and then installing G805–1 angle if the identification ink stamp is followed by revision letter F, G, H, or I, or by revision letter J with no yellow dot near the ink stamp. For revision letter J, a yellow dot indicates that the angle has been pre-installed and that no further action would be necessary. If the identification ink stamp is followed by a revision letter K, the NPRM proposed no further action would be necessary.

The NPRM was prompted by report of broken oil tank internal baffles caused by vibration. The proposed requirements were intended to prevent a broken baffle inside an oil tank, which could result in loss of oil pressure and oil flow to the engine, leading to engine failure and subsequent forced landing of the helicopter.

Comments

We gave the public the opportunity to participate in developing this AD, but we did not receive any comments on the NPRM.

FAA's Determination

We have reviewed the relevant information and determined that an unsafe condition exists and is likely to exist or develop on other products of the same type design and that air safety and the public interest require adopting the AD requirements as proposed.

Related Service Information Under 1 CFR Part 51

We reviewed Robinson Helicopter R66 Service Bulletin SB–21A, Revision A, dated June 6, 2017, which specifies installing an angle in the tank outlet to prevent a failed baffle from blocking the outlet.

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.

Differences Between This AD and the Service Information

The service information specifies performing the corrective actions within the next 100 hours TIS or by July 31, 2017, whichever comes first. This AD requires the actions within 100 hours TIS.

Costs of Compliance

We estimate that this AD affects 265 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. Labor costs average $85 a work-hour.

The cost for identifying the oil tank assembly identification ink stamp and outlet fitting color is minimal. Inserting a G805–1 angle requires about 1 work-hour and parts cost about $17 for an estimated cost of $102 per helicopter.

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.

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.

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

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):

2019–07–02 Robinson Helicopter Company: Amendment 39–19613; Docket No. FAA–2017–1236; Product Identifier 2017–SW–136–AD.

(a) Applicability

This AD applies to Robinson Helicopter Company Model R66 helicopters, serial numbers 0003 through 0789, 0791, 0794 and 0796, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as broken baffle inside an oil tank. This condition could result in loss of oil pressure and oil flow to the engine, leading to engine failure and subsequent forced landing of the helicopter.

(c) Effective Date

This AD becomes effective May 17, 2019.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

Within 100 hours time-in-service:

(1) Visually inspect the oil tank outlet fitting color to determine if it is blue. If the fitting is blue, before further flight, replace the tank with an oil tank that does not have a blue fitting.

(2) Locate the G689–1 oil tank assembly identification ink stamp on the top surface of the oil tank, and determine the revision letter.

(i) If the identification ink stamp is followed by a revision letter F, G, H, or I unless previously installed, install a G805–1 angle as follows:

(A) Drain the engine oil and disconnect the F723–1 line assembly from the tank fitting at the firewall, using as reference Figure 1 of Robinson Helicopter Company R66 Service Bulletin SB–21A, Revision A, dated June 6, 2017.

(B) Pinch the flanges of G805–1 angle at the minimum required to enable insertion, and insert the angle in the oil tank outlet fitting until the angle snaps in place.

(C) Connect the F723–1 line assembly to the tank fitting. Special torque nut to 675 in.-lb. Torque stripe the fitting.

(ii) If the identification ink stamp is followed by a revision letter J, determine if there is a yellow dot near the ink stamp. A yellow dot indicates that the angle has been pre-installed and that no further action is required by this AD. If there is not a yellow dot near the ink stamp, install a G805–1 angle by following the procedures in paragraphs (e)(2)(i)(A) through (e)(2)(i)(C) of this AD.

(iii) If the identification ink stamp is followed by a revision letter K, no further action is required by this AD.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles ACO Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Danny Nguyen, Aerospace Engineer, Los Angeles ACO Branch, Compliance and Airworthiness Division, FAA, 3960 Paramount Blvd., Lakewood, California 90712; telephone (562) 627–5247; email *9-ANM-LAACO-AMOC-REQUESTS@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(g) Subject

Joint Aircraft Service Component (JASC) Code: 7910, Engine Oil Storage (Airframe Furnished).

(h) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference 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) Robinson Helicopter Company R66 Service Bulletin SB–21A, Revision A, dated June 6, 2017.

(ii) [Reserved]

(3) For Robinson Helicopter Company service information identified in this AD, contact Robinson Helicopter Company, 2901 Airport Drive, Torrance, CA 90505; telephone (310) 539–0508; fax (310) 539–5198; or at *http://www.robinsonheli.com/servelib.htm.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) 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 Fort Worth, Texas, on March 26, 2019.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2019–07177 Filed 4–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 310

[Docket No. FDA–2016–N–0124 (formerly part of Docket No. FDA–1975–N–0012)]

RIN 0910–AH97

Safety and Effectiveness of Consumer Antiseptic Rubs; Topical Antimicrobial Drug Products for Over-the-Counter Human Use

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; finding of ineligibility for inclusion in final monograph.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is issuing this final action establishing that certain active ingredients used in nonprescription (also known as over-the-counter (OTC)) consumer antiseptic products intended for use without water (referred to throughout as consumer antiseptic rubs or consumer rubs) are not eligible for evaluation under the OTC Drug Review for use in consumer antiseptic rubs. Drug products containing these ineligible active ingredients will require approval under a new drug application (NDA) or abbreviated new drug application (ANDA) prior to marketing. FDA is issuing this final action after considering the recommendations of the Nonprescription Drugs Advisory Committee (NDAC), public comments on the Agency's notices of proposed rulemaking, and all data and information on OTC consumer antiseptic rub products that have come to the Agency's attention. This final action finalizes the 1994 tentative final monograph (TFM) for OTC consumer antiseptic rub drug products that published in the **Federal Register** of June 17, 1994 (the 1994 TFM), as amended by the proposed rule published in the **Federal Register** (FR) of June 30, 2016 (2016 Consumer Antiseptic Rub proposed rule).

DATES: Effective April 13, 2020.

ADDRESSES: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and insert the docket number found in brackets in the heading of this final rule, 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: Anita Kumar, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5445, Silver Spring, MD 20993–0002, 301–796–1032.

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I. Executive Summary

A. Purpose of the Final Rule

This document finalizes the 2016 Consumer Antiseptic Rub proposed rule. This final rule applies to active ingredients used in consumer antiseptic rub products that are sometimes referred to as rubs, leave-on products, or hand ''sanitizers,'' as well as to consumer antiseptic wipes. These products are intended to be used when soap and water are not available and are left on and not rinsed off with water. We will refer to them here as consumer antiseptic rubs or consumer rubs.

In response to several requests submitted to the 2016 Consumer Antiseptic Rub proposed rule, FDA has deferred further rulemaking on three active ingredients used in OTC consumer antiseptic rub products to allow for the development and submission to the record of new safety and effectiveness data for these ingredients. The deferred active ingredients are benzalkonium chloride, alcohol (also referred to as ethanol or ethyl alcohol), and isopropyl alcohol. Accordingly, FDA does not make a generally recognized as safe and effective (GRAS/GRAE) determination in this document for these three active ingredients for use in OTC consumer antiseptic rubs. The monograph or non-monograph status of these three ingredients will be addressed, either after completion and analysis of studies to address the safety and effectiveness data gaps of these ingredients or at another time, if these studies are not completed. As discussed below, this document describes the studies necessary as a scientific matter for the Agency to determine whether an active ingredient is GRAS/GRAE for use in consumer rubs.

The three deferred active ingredients—benzalkonium chloride, ethyl alcohol, and isopropyl alcohol—are the only active ingredients determined to be eligible for evaluation under the OTC Drug Review for use in OTC consumer antiseptic rub products. With respect to the 28 ineligible active ingredients identified in the 2016 Consumer Antiseptic Rub proposed rule, we have not received any new information since the publication of the 2016 Consumer Antiseptic Rub proposed rule demonstrating that the active ingredients we previously proposed to be ineligible should be considered eligible for evaluation under the OTC Drug Review for inclusion in the OTC consumer antiseptic rub monograph. Accordingly, consumer antiseptic rub drug products containing any of these ineligible active ingredients require approval under an NDA or ANDA prior to marketing.

This document covers only OTC consumer antiseptic rubs that are intended for use without water. This document does not cover consumer antiseptic washes (78 FR 76444, 81 FR 61106); healthcare antiseptics (80 FR 25166, 82 FR 60474); antiseptics identified as ''first aid antiseptics'' in the 1991 First Aid tentative final monograph (TFM) (56 FR 33644); or antiseptics used by the food industry.

B. Summary of the Major Provisions of the Final Rule

This document finalizes the ineligibility status of the 28 active ingredients listed in section IV.C.2. No additional information was submitted demonstrating that any of the 28 ineligible active ingredients identified in the 2016 Consumer Antiseptic Rub proposed rule are eligible for evaluation under the OTC Drug Review for use in an OTC consumer antiseptic rub, and thus, these ineligible ingredients are not included in the OTC Consumer Antiseptic Rub monograph at this time. OTC consumer antiseptic rub products containing these ineligible ingredients are new drugs for which approved NDAs or ANDAs are required prior to marketing.

Requests were made that benzalkonium chloride, ethyl alcohol, and isopropyl alcohol be deferred from consideration in this consumer antiseptic rub document to allow more time for interested parties to complete necessary studies to fill the safety and effectiveness data gaps identified in the 2016 Consumer Antiseptic Rub proposed rule for these ingredients. In October 2017, we agreed to defer rulemaking on these three ingredients (see Docket No. FDA–2016–N–0124 at *https://www.regulations.gov* and also *https://www.fda.gov/Drugs/DrugSafety/InformationbyDrugClass/ucm538131.htm*).

C. Costs and Benefits

This document defers regulatory action for three consumer antiseptic rub active ingredients (ethyl alcohol, isopropyl alcohol, and benzalkonium chloride) that are eligible for evaluation under the OTC Drug Review for use in OTC consumer antiseptic rub products, while establishing that all other consumer rub active ingredients are ineligible for evaluation under the OTC Drug Review and OTC consumer antiseptic rubs containing these ineligible active ingredients require approval under an NDA or ANDA prior to marketing. The costs of this document are associated with the reformulation and relabeling of consumer rub products that currently contain ineligible active ingredients. The benefits of this document include consumers' reduced exposure to potentially unsafe consumer antiseptic rub products, as well as avoiding the deadweight loss associated with reduced consumption of ineffective products. FDA is only able to monetize the costs of this document. We estimate that the present value of the one-time costs associated with compliance range from $1.07 million to $2.50 million with a primary estimate of $1.87 million. Annualizing upfront costs over a 10-year period at a discount rate of 3 percent, the costs of this document are estimated to be between $0.13 million and $0.29 million per year; the corresponding estimated cost at a discount rate of 7 percent is between $0.15 million and $0.36 million per year.

The full discussion of economic impacts is available in Docket No. FDA–2016–N–0124 and at *https://www.fda.gov/AboutFDA/ReportsManualsForms/Reports/EconomicAnalyses/default.htm.*

II. Table of Abbreviations/Commonly Used Acronyms in This Document

Abbreviation	What it means
ANDA	Abbreviated New Drug Application.
ANPR	Advanced Notice of Proposed Rulemaking.
ASTM	American Society for Testing and Materials International.
ATCC	American Type Culture Collection.
ATE	Average Treatment Effect.
CFR	Code of Federal Regulations.
FDA	Food and Drug Administration.
FD&C Act	Federal Food, Drug, and Cosmetic Act.
FR	Federal Register.

Abbreviation	What it means
GRAS/GRAE	Generally Recognized as Safe/Generally Recognized as Effective.
MBC	Minimum Bactericidal Concentration.
MIC	Minimum Inhibitory Concentration.
MUsT	Maximal Usage Trial.
NDA	New Drug Application.
NDAC	Nonprescription Drugs Advisory Committee.
OTC	Over-the-counter.
PBPK	Physiologically based pharmacokinetic.
PK	Pharmacokinetic.
RIA	Regulatory Impact Analysis.
TFM	Tentative Final Monograph.
U.S.C	United States Code.

III. Introduction

In the following sections, we provide a brief description of terminology used in the OTC Drug Review regulations, an overview of OTC topical antiseptic drug products, and a more detailed description of the OTC consumer antiseptic rub active ingredients that are the subject of this document.

A. Terminology Used in the OTC Drug Review Regulations

1. Proposed, Tentative Final, and Final Monographs

To conform to terminology used in the OTC Drug Review regulations (§ 330.10 (21 CFR 330.10)), the advanced notice of proposed rulemaking (ANPR) that was published in the **Federal Register** of September 13, 1974 (39 FR 33103) (1974 ANPR), was designated as a ''proposed monograph.'' Similarly, the notices of proposed rulemaking, which were published in the **Federal Register** of January 6, 1978 (43 FR 1210) (1978 TFM); the **Federal Register** of June 17, 1994 (59 FR 31402) (1994 TFM); the **Federal Register** of December 17, 2013 (78 FR 76444) (2013 Consumer Antiseptic Wash proposed rule); the **Federal Register** of May 1, 2015 (80 FR 25166) (2015 Health Care Antiseptic proposed rule); and the **Federal Register** of June 30, 2016 (81 FR 42912) (2016 Consumer Antiseptic Rub proposed rule) were each designated as a TFM (see table 1 in section IV.A.).

2. Category I, II, and III Classifications

The OTC drug regulations in § 330.10 use the terms ''Category I'' (generally recognized as safe and effective and not misbranded), ''Category II'' (not generally recognized as safe and effective or misbranded), and ''Category III'' (available data are insufficient to classify as generally recognized as safe and effective, and further testing is necessary). Section 330.10 provides that any testing necessary to resolve the safety or effectiveness issues that resulted in an initial Category III classification, and submission to FDA of the results of that testing or any other data, must be done during the OTC drug rulemaking process before the establishment of a final monograph (*i.e.,* a final rule or regulation). Therefore, the proposed rules (at the tentative final monograph stage) used the concepts of Categories I, II, and III. At the final monograph stage, FDA does not use the terms ''Category I,'' ''Category II,'' and ''Category III.'' Instead, the term ''monograph conditions'' is used in place of Category I, and ''nonmonograph conditions'' is used in place of Categories II and III.

B. Topical Antiseptics and Scope of Document

The OTC topical antimicrobial rulemaking encompasses a range of drug products that contain a number of active ingredients and are labeled and marketed for a variety of intended uses. The 1974 ANPR for topical antimicrobial products encompassed products for both healthcare and consumer use (39 FR 33103). The 1974 ANPR covered seven different intended uses for these products: (1) Antimicrobial soap; (2) healthcare personnel hand wash; (3) patient preoperative skin preparation; (4) skin antiseptic; (5) skin wound cleanser; (6) skin wound protectant; and (7) surgical hand scrub (39 FR 33103 at 33140). FDA subsequently identified skin antiseptics, skin wound cleansers, and skin wound protectants as antiseptics used primarily by consumers for first aid use and referred to them collectively as ''first aid antiseptic drug products.'' We published a separate TFM covering first aid antiseptics in the **Federal Register** of July 22, 1991 (56 FR 33644). We do not discuss first aid antiseptics further in this document, and this document does not address the status of first aid antiseptics.

The four remaining categories of topical antimicrobials were addressed in the 1994 TFM (59 FR 31402). The 1994 TFM covered: (1) Antiseptic hand wash (*i.e.,* consumer hand wash); (2) healthcare personnel hand wash; (3) patient preoperative skin preparation; and (4) surgical hand scrub (59 FR 31402 at 31442). In the 1994 TFM, FDA also identified a new category of antiseptics for use by the food industry and requested relevant data and information (59 FR 31402 at 31440). We do not discuss food handler antiseptics further in this document, and this document does not address the status of antiseptics for food industry use.

The 1994 TFM did not distinguish between consumer antiseptic washes and rubs and healthcare antiseptic washes and rubs. In the 2013 Consumer Antiseptic Wash proposed rule, we proposed that our evaluation of OTC antiseptic drug products be further subdivided into healthcare antiseptics and consumer antiseptics (78 FR 76444 at 76446). These categories are distinct based on the proposed use setting, target population, and the fact that each setting presents a different level of risk for infection. In the 2013 Consumer Antiseptic Wash proposed rule (78 FR 76444 at 76446 to 76447) and the 2016 Consumer Antiseptic Rub proposed rule (81 FR 42912 at 42915 to 42916), we proposed that our evaluation of OTC consumer antiseptic drug products be further subdivided into consumer washes (products that are rinsed off with water, including hand washes and body washes) and consumer rubs (products that are not rinsed off after use, including hand rubs and antibacterial wipes). This document does not address the status of OTC consumer antiseptic wash or healthcare antiseptic products.

This document covers only OTC consumer antiseptic rubs. Completion of the monograph for consumer antiseptic rubs and certain other monographs for the active ingredient triclosan are subject to a Consent Decree entered by the U.S. District Court for the Southern District of New York on November 21, 2013, in *Natural Resources Defense Council, Inc.* v. *United States Food and*

Drug Administration, et al., 10 Civ. 5690 (S.D.N.Y.).

IV. Background

In this section, we describe the significant rulemakings and public meetings relevant to this document and discuss our response to comments received on the 2016 Consumer Antiseptic Rub proposed rule.

A. Significant Rulemakings Relevant to This Document

A summary of the significant **Federal Register** publications relevant to this document is provided in table 1. Other publications relevant to this document are available at *https://www.regulations.gov* in FDA Docket No. 1975–N–0012 (formerly Docket No. 1975–N–0183H and Docket No. FDA–2015–N–0101).

TABLE 1—SIGNIFICANT RULEMAKING PUBLICATIONS RELATED TO CONSUMER ANTISEPTIC DRUG PRODUCTS [1]

Federal Register notice	Information in notice
1974 ANPR (September 13, 1974, 39 FR 33103).	We published an ANPR to establish a monograph for OTC topical antimicrobial drug products, together with the recommendations of the advisory review panel (the Panel) responsible for evaluating data on the active ingredients in this drug class.
1978 Antimicrobial TFM (January 6, 1978, 43 FR 1210).	We published our tentative conclusions and proposed effectiveness testing for the drug product categories evaluated by the Panel, reflecting our evaluation of the Panel's recommendations and comments and data submitted in response to the Panel's recommendations.
1991 First Aid TFM (July 22, 1991, 56 FR 33644).	We amended the 1978 TFM to establish a separate monograph for OTC first aid antiseptic products. In the 1991 TFM, we proposed that first aid antiseptic drug products be indicated for the prevention of skin infections in minor cuts, scrapes, and burns.
1994 Health Care Antiseptic TFM (June 17, 1994, 59 FR 31402).	We amended the 1978 TFM to establish a separate monograph for the group of products referred to as OTC topical healthcare antiseptic drug products. These antiseptics are generally intended for use by healthcare professionals. In the 1994 TFM, we also recognized the need for antibacterial personal cleansing products for consumers to help prevent cross-contamination from one person to another and proposed a new antiseptic category for consumer use: Antiseptic hand wash.
2013 Consumer Antiseptic Wash TFM (December 17, 2013, 78 FR 76444).	We issued a proposed rule to amend the 1994 TFM and to establish data standards for determining whether OTC consumer antiseptic washes are GRAS/GRAE. In the 2013 Consumer Antiseptic Wash TFM, we proposed that additional safety and effectiveness data are necessary to support the safety and effectiveness of consumer antiseptic wash active ingredients.
2015 Health Care Antiseptic TFM (May 1, 2015, 80 FR 25166).	We issued a proposed rule to amend the 1994 TFM and to establish data standards for determining whether OTC healthcare antiseptics are GRAS/GRAE. In the 2015 Health Care Antiseptic TFM, we proposed that additional data are necessary to support the safety and effectiveness of healthcare antiseptic active ingredients.
2016 Consumer Antiseptic Rub TFM (June 30, 2016, 81 FR 42912).	We issued a proposed rule to amend the 1994 TFM and to establish data standards for determining whether OTC consumer antiseptic rubs are GRAS/GRAE. In the 2016 Consumer Antiseptic Rub TFM, we proposed that additional safety and effectiveness data are necessary to support the safety and effectiveness of consumer antiseptic rub active ingredients.
2016 Consumer Antiseptic Wash Final Monograph (September 6, 2016, 81 FR 61106).	We issued a final rule finding that certain active ingredients used in OTC consumer antiseptic wash products are not GRAS/GRAE. We deferred further rulemaking on three specific active ingredients (benzalkonium chloride, benzethonium chloride, and chloroxylenol) used in OTC consumer antiseptic wash products to allow for the development and submission of new safety and effectiveness data to the record for those ingredients.
2017 Health Care Antiseptic Final Monograph (December 20, 2017, 82 FR 60474).	We issued a final rule finding that certain active ingredients used in OTC healthcare antiseptic products are not GRAS/GRAE. We deferred further rulemaking on six specific active ingredients (benzalkonium chloride, benzethonium chloride, chloroxylenol, ethyl alcohol, isopropyl alcohol and povidone iodine) used in OTC healthcare antiseptic products to allow for the development and submission of new safety and effectiveness data to the record for those ingredients.

[1] The publications listed in table 1 can be found at FDA's ''Status of OTC Rulemakings'' website available at *https://www.fda.gov/Drugs/DevelopmentApprovalProcess/DevelopmentResources/Over-the-CounterOTCDrugs/StatusofOTCRulemakings/ucm070821.htm.* The publications dated after 1993 can also be found in the **Federal Register** at *https://www.federalregister.gov.*

B. Public Meetings Relevant to This Document

In addition to the **Federal Register** publications listed in table 1, there have been four meetings of the NDAC that are relevant to the discussion of OTC consumer antiseptic rubs' safety and effectiveness. These meetings are summarized in table 2.

TABLE 2—PUBLIC MEETINGS RELEVANT TO CONSUMER ANTISEPTIC RUBS

Date and type of meeting	Topic of discussion
January 1997; NDAC Meeting (Joint meeting with the Anti-Infective Drugs Advisory Committee) (January 6, 1997, 62 FR 764).	Antiseptic and antibiotic resistance in relation to an industry proposal for consumer and healthcare antiseptic effectiveness testing (Health Care Continuum Model) (Refs. 1 and 2).
March 2005; NDAC Meeting (February 18, 2005, 70 FR 8376)	The use of surrogate endpoints and study design issues for the in vivo testing of healthcare antiseptics (Ref. 3).

TABLE 2—PUBLIC MEETINGS RELEVANT TO CONSUMER ANTISEPTIC RUBS—Continued

Date and type of meeting	Topic of discussion
October 2005; NDAC Meeting (September 15, 2005, 70 FR 54560)	Benefits and risks of consumer antiseptics. NDAC expressed concern about the pervasive use of consumer antiseptic washes where there are potential risks and no demonstrable benefit. To demonstrate a clinical benefit, NDAC recommended clinical outcome studies to show that antiseptic washes are superior to nonantibacterial soap and water (Ref. 4).
November 2008; Public Feedback Meeting	Demonstration of the effectiveness of consumer antiseptics (Ref. 5).
September 2014; NDAC Meeting (July 29, 2014, 79 FR 44042)	Safety testing framework for healthcare antiseptic active ingredients (Ref. 6).

C. Eligibility for the OTC Drug Review

An OTC drug is covered by the OTC Drug Review if its conditions of use existed in the OTC drug marketplace on or before May 11, 1972 (37 FR 9464).[1] Conditions of use include, among other things, active ingredient, dosage form and strength, route of administration, and specific OTC use or indication of the product (see 21 CFR 330.14(a)). To determine eligibility for the OTC Drug Review, FDA typically must have actual product labeling or a facsimile of labeling that documents the conditions of marketing of a product before May 1972 (see § 330.10(a)(2)). FDA considers a drug that is ineligible for inclusion in the OTC monograph system to be a new drug that requires FDA approval of an NDA or ANDA prior to marketing. The ineligibility of an active ingredient for evaluation under the OTC Drug Review for use in an OTC consumer antiseptic rub does not affect eligibility of that active ingredient under any other OTC drug monograph.

1. Eligible Active Ingredients

Table 3 lists the active ingredients eligible for evaluation under the OTC Drug Review for use in OTC consumer antiseptic rubs and provides the classification proposed in the 1994 TFM and the classification proposed in the 2016 Consumer Antiseptic Rub proposed rule.

TABLE 3—CLASSIFICATION OF OTC CONSUMER ANTISEPTIC RUB ACTIVE INGREDIENTS IN THE 1994 TFM AND IN THE 2016 PROPOSED RULE

Active ingredient	1994 TFM proposal [1]	2016 Proposed rule
Alcohol 60 to 95 percent	I [2]	IIISE [3].
Isopropyl alcohol 70 to 91.3 percent	IIIE	IIISE.
Benzalkonium chloride	IIISE	IIISE.

[1] Because the 1994 TFM did not describe antiseptic hand washes and rubs separately, the 1994 TFM classification was for use as an antiseptic hand wash or healthcare antiseptic hand wash.
[2] "I" denotes a classification that an active ingredient is GRAS/GRAE and not misbranded.
[3] "III" denotes a classification that the available data are insufficient to classify the active ingredient as GRAS/GRAE. "S" denotes safety data needed. "E" denotes effectiveness data needed.

In the 1994 TFM, alcohol was proposed to be classified as Category I, isopropyl alcohol was proposed to be classified as Category IIIE, and benzalkonium chloride was proposed to be classified as Category IIISE for use in an antiseptic hand wash or healthcare personnel hand wash. However, in the 2016 Consumer Antiseptic Rub proposed rule, we proposed to classify all three ingredients as Category IIISE for use in a consumer antiseptic rub because additional effectiveness and safety data are needed to classify each ingredient as GRAS/GRAE for this use.

FDA has deferred further rulemaking on these three active ingredients for use in OTC consumer antiseptic rubs to allow for the development and submission to the record of new safety and effectiveness data for these three ingredients. Therefore, we do not make a GRAS/GRAE determination for these three active ingredients in this document. The monograph or nonmonograph status of these three ingredients will be addressed, either after completion and analysis of studies to address the safety and effectiveness data gaps of these ingredients or at another time, if these studies are not completed. As discussed below, this document describes the studies necessary as a scientific matter for the Agency to determine whether an active ingredient is GRAS/GRAE for use in consumer antiseptic rubs.

2. Ineligible Active Ingredients

The following list includes those active ingredients addressed in the 1994 TFM for use in antiseptic hand washes or healthcare personnel hand washes and identified in the 2016 Consumer Antiseptic Rub proposed rule as having inadequate evidence of eligibility for evaluation under the OTC Drug Review for use in an OTC consumer antiseptic rub:

- Benzethonium chloride
- Chloroxylenol
- Chlorhexidine gluconate [2]
- Cloflucarban
- Fluorosalan
- Hexachlorophene
- Hexylresorcinol

[1] Also, note that drugs initially marketed in the United States after the OTC Drug Review began in 1972 and drugs without any U.S. marketing experience can be considered under the OTC Drug Review based on submission of a time and extent application. (See 21 CFR 330.14.)

[2] Chlorhexidine gluconate 4 percent aqueous solution was also found to be ineligible for inclusion in the monograph for any healthcare antiseptic use and was not included in the 1994 TFM (59 FR 31402 at 31413). We have not received any new information since the 1994 TFM demonstrating that this active ingredient is eligible for the topical antimicrobial monograph.

- Iodine complex (ammonium ether sulfate and polyoxyethylene sorbitan monolaurate)
- Iodine complex (phosphate ester of alkylaryloxy polyethylene glycol)
- Methylbenzethonium chloride
- Nonylphenoxypoly (ethyleneoxy) ethanoliodine
- Phenol (equal to or less than 1.5 percent or greater than 1.5 percent)
- Poloxamer iodine complex
- Povidone-iodine 5 to 10 percent
- Secondary amyltricresols
- Sodium oxychlorosene
- Tribromsalan
- Triclocarban
- Triclosan
- Triple dye
- Undecoylium chloride iodine complex

In addition, as previously described in the 2016 Consumer Antiseptic Rub proposed rule, FDA received several submissions in response to the 1994 TFM requesting that the compounds identified below be included in the monograph:

- Polyhexamethylene biguanide
- Benzalkonium cetyl phosphate
- Cetylpyridinium chloride
- Salicylic acid
- Sodium hypochlorite
- Tea tree oil
- Combination of potassium vegetable oil solution, phosphate sequestering agent, and triethanolamine

These compounds were not addressed prior to the 1994 TFM in FDA documents related to the topical antimicrobial monograph and were not evaluated for antiseptic hand wash use by the Advisory Review Panel on OTC Topical Antimicrobial I Drug Products (Antimicrobial I Panel), which was the advisory review panel responsible for evaluating data on the active ingredients in this drug class.

In addition, in the 1994 TFM (59 FR 31402 at 31435) FDA proposed that the active ingredients fluorosalan, hexachlorophene, phenol (greater than 1.5 percent), and tribromsalan be classified as not GRAS/GRAE for the uses referred to in the 1994 TFM as antiseptic hand wash and healthcare personnel hand wash. In the 2016 Consumer Antiseptic Rub proposed rule, FDA explained that it would not discuss the efficacy and safety information regarding these ingredients that had been submitted to the rulemaking because none of the four active ingredients had adequate evidence of eligibility for evaluation under the OTC Drug Review for use in an OTC consumer antiseptic rub (81 FR 42912 at 42918).

FDA also explained in the 2016 Consumer Antiseptic Rub proposed rule that if appropriate documentation was submitted for a proposed ineligible active ingredient, we could determine that the active ingredient was eligible for evaluation under the OTC Drug Review for use in an OTC consumer antiseptic rub. We have not received any information or documentation for the 28 active ingredients identified as ineligible in the 2016 Consumer Antiseptic Rub proposed rule since the proposed rule's publication demonstrating that these active ingredients are eligible for evaluation under the OTC Drug Review for inclusion in the OTC consumer antiseptic rub monograph. Accordingly, OTC consumer antiseptic rub drug products containing any of these ineligible active ingredients are new drugs under section 201(p) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 321(p)) for which approved applications under section 505 of the FD&C Act (21 U.S.C. 355) and part 314 (21 CFR part 314) of the regulations are required for marketing and which may be misbranded under section 502 of the FD&C Act (21 U.S.C. 352).

D. Updated Statistical Analysis for Efficacy

In the 1994 TFM, FDA recommended that the general effectiveness of antiseptics be assessed in several ways, including by conducting clinical simulation studies with the surrogate endpoint of the number of bacteria removed from the skin. In the 2015 Health Care Antiseptic proposed rule and the 2016 Consumer Antiseptic Rub proposed rule, FDA made revisions to the effectiveness criteria proposed in the 1994 TFM, while continuing to recommend that bacterial log reduction studies be used to demonstrate that an active ingredient is GRAE for use in a consumer antiseptic rub product. FDA recommended that these bacterial log reduction studies: (1) Include both a negative control (test product vehicle or saline solution) and an active control (an FDA-approved product); (2) have an adequate sample size to show that the test product is superior to its negative control; (3) incorporate the use of an appropriate neutralizer and a demonstration of neutralizer validation; and (4) include an analysis of the proportion of subjects who meet the recommended log reduction criteria based on a two-sided statistical test for superiority to negative control and a 95 percent confidence interval approach (81 FR 42912 at 42921 to 42922). FDA also recommended that the success rate or responder rate of the test product be significantly higher than 70 percent. This meant that the lower bound of the 95 percent confidence interval for the proportion of subjects who met the log reduction criteria was expected to be at least 70 percent.

Consistent with the 1994 TFM, the 2015 Health Care Antiseptic proposed rule, the 2016 Consumer Antiseptic Rub proposed rule, and the 2017 Health Care Antiseptic FR, we find that bacterial log reduction studies should continue to be used to demonstrate that an active ingredient is effective for use in a consumer antiseptic rub product. Also, consistent with the 2015 Health Care Antiseptic proposed rule, the 2016 Consumer Antiseptic Rub proposed rule, and the 2017 Health Care Antiseptic final rule, subjects should be randomized to a three-arm study: Test, active control, and negative control (the test product's vehicle or saline solution). However, as outlined in the consumer antiseptic rub deferral letters (Ref. 7) and based on comments submitted on the 2015 Health Care Antiseptic proposed rule and the Agency's further evaluation of additional data, we have updated the statistical analysis related to the log reduction criteria for classifying consumer antiseptic rub active ingredients as GRAE. This updated statistical analysis is consistent with the statistical analysis set forth in the 2017 Health Care Antiseptic final rule.

Rather than using only a change in bacterial count from baseline, the updated analysis uses the average treatment effect (ATE), an estimated difference of the effect of two treatments correcting for baseline count. The ATE is estimated from a linear regression of post-treatment bacterial count ($\log_{10}$ scale) on the additive effect of a treatment indicator and the baseline or pre-treatment measurement ($\log_{10}$ scale). The updated analysis is designed to assess whether the ATEs across subjects meet specific conditions of superiority and non-inferiority, rather than whether the percentage of subjects who meet a specific threshold significantly exceeds 70 percent. Under the updated analysis, products must show non-inferiority of test product to active control by a margin of 0.5 ($\log_{10}$ scale) and superiority of test product to negative control by a margin of 1.5 ($\log_{10}$ scale). In the conditions below, the ATE of the test product compared to the negative control is defined as the contrast of treatment effect of negative control minus the treatment effect of the test drug in the linear regression. Likewise, the ATE of the active control compared to the test product is defined as the contrast of treatment effect of test product minus the treatment effect of

the active control in the linear regression.

Superiority to negative control by a specific margin is needed because our evaluation suggests that application of a negative control, whether the test product's vehicle or saline, may exhibit some minimal antimicrobial properties. Thus, using superiority to negative control by those margins will help ensure that we can appropriately assess the effectiveness of the antimicrobial products. The margins we identify in this section were derived from review and analysis of existing data and may be revised as data gaps on deferred antimicrobial products are filled. Because of existing data gaps, we also require the deferred ingredient to show non-inferiority to active controls by a 0.5 margin ($\log_{10}$ scale).

Accordingly, based on the updated analysis, the bacterial log reduction studies used to assess whether an active ingredient is effective for use in consumer antiseptic rubs should include the following:

- The test product should be non-inferior to an FDA-approved antiseptic rub as active control with a 0.5 margin ($\log_{10}$ scale). That is, we expect the upper bound of the 95 percent confidence interval of the ATE of the active control compared to the test product to be less than 0.5 ($\log_{10}$ scale). An active control is not intended to validate the study conduct or to show superiority of the test drug product but to show that the test drug product is not inferior to the control. Non-inferiority to active control should be met on each hand within 5 minutes after a single rub for the consumer antiseptic rub indication.
- The test product should be superior to the negative control by a margin of 1.5 ($\log_{10}$ scale). That is, we expect the lower bound of the 95 percent confidence interval of the ATE of the test product compared to the negative control to be greater than 1.5 ($\log_{10}$ scale). In cases where the vehicle cannot be used as a negative control, saline solution can be used. Based on our evaluation of the existing data, for the consumer antiseptic rub indication a superiority margin of 1.5 ($\log_{10}$ scale) should be met on each hand within 5 minutes after a single rub.
- Include a minimum sample size of 100 subjects per treatment arm. The study can have a larger sample size in each treatment arm to meet criteria for non-inferiority and superiority after assessment of variability.
- Conduct two adequate and well-controlled clinical simulation pivotal studies for the consumer antiseptic rub indication at two separate independent laboratory facilities by independent principal investigators.

V. Comments on the Proposed Rule and FDA Response

A. Introduction

In response to the 2016 Consumer Antiseptic Rub proposed rule, we received approximately 47 comments from an animal rights organization, healthcare professionals, a manufacturer, trade associations, and individuals. We also received additional data and information for certain deferred consumer antiseptic rub active ingredients.

We describe and respond to the comments in sections V.B. through V.E. We have numbered each comment to help distinguish among the different comments. We have grouped similar comments together under the same number, and in some cases, we have separated different issues discussed in the same comment and designated them as distinct comments for purposes of our responses. The number assigned to each comment or comment topic is purely for organizational purposes and does not signify the comment's value, importance, or the order in which comments were received.

B. General Comments on the Proposed Rule and FDA Response

1. Definition of Consumer Antiseptic Rubs

(Comment 1) We received comments asking FDA to revise the definition of consumer antiseptic rubs. In the 2016 Consumer Antiseptic Rub proposed rule, we stated that consumer antiseptic rubs are products that are intended to be used when soap and water are not available and are left on and not rinsed off with water (81 FR 42912 at 42913). These comments asked FDA to define consumer antiseptic rubs as products ''that are intended for use when hands are not visibly soiled, or when soap and water are not practical or available and are not intended to be rinsed off with water.''

(Response 1) We decline to revise the definition of consumer antiseptic rubs to add information about using or not using consumer antiseptic rubs when hands are visibly soiled. In general, information about when and how to use a drug product is contained in the product's label. In this case, the label is the appropriate place for information about using or not using consumer antiseptic rub products when hands are visibly soiled. Integrating information about such use into the definition of consumer antiseptic rubs could be problematic because whether a consumer antiseptic rub product can be used when hands are visibly soiled could depend on the particular product's final formulation.

We also decline to incorporate the concept of practicality into the consumer antiseptic rub's definition. It is unclear what it means to say that soap and water are not ''practical,'' or how not ''practical'' differs from not ''available.'' We do not think that adding the word ''practical'' helps to define the category of consumer antiseptic rubs or to differentiate consumer antiseptic rubs from other products. For these reasons, we will continue to define consumer antiseptic rubs as products that are intended to be used when soap and water are not available and are left on and not rinsed off with water (81 FR 42912 at 42913).

2. GRAS/GRAE Classification of Alcohol

(Comment 2) Several comments requested that FDA reconsider its proposal in the 2016 Consumer Antiseptic Rub proposed rule to classify alcohol as a Category III (available data are insufficient to classify as safe and effective, and further testing is necessary) active ingredient. In the 1994 TFM, alcohol was proposed to be classified as a Category I (generally recognized as safe and effective and not misbranded) topical antiseptic ingredient for certain indications. Two comments argued that FDA has provided no data to indicate that there is a safety or efficacy concern or issue with alcohol. These comments noted that during the September 3, 2014, NDAC meeting, several NDAC members argued in favor of continuing to categorize alcohol as Category I while further testing is conducted to fill the data gaps about its safety.

(Response 2) As we explained in the 2017 Health Care Antiseptic final rule, we classify ingredients as Category I, Category II (not generally recognized as safe and effective or misbranded), and Category III until the final monograph stage, at which point we use the term ''monograph conditions'' in place of Category I, and the term ''nonmonograph conditions'' in place of Categories II and III (82 FR 60474 at 60482). In the 1994 TFM, alcohol was proposed to be classified as Category I for use in ''antiseptic hand wash'' products, which included consumer antiseptic rubs (59 FR 31402 at 31433). In the 2016 Consumer Antiseptic Rub proposed rule, we changed the proposed classification of alcohol for use in consumer antiseptic rubs from Category I to III, because we found that there were not enough data on alcohol to meet our proposed safety data requirements

(81 FR 42912 at 42918 to 42919, 42928). We explained that there had been many important scientific developments since 1994 that affected our evaluation of the safety of the active ingredients in consumer antiseptic rub products and that this, in turn, had caused us to reassess the data necessary to support a GRAS determination (81 FR 42912 at 42923). These developments include new information regarding systemic exposure to antiseptic active ingredients, the need to evaluate the potential for widespread antiseptic use to promote the development of antibiotic-resistant bacteria, and improved study designs that are more capable of detecting a potential safety risk. In the case of alcohol, we explained that the available data characterizing the level of dermal absorption and expected systemic exposure in adults as a result of topical use of alcohol-containing antiseptics do not cover maximal use of these products (81 FR 42912 at 42928). Therefore, we determined that the data regarding the safety of alcohol were insufficient to make a GRAS determination without human pharmacokinetic (PK) studies under maximal usage trial (MUsT) conditions when applied topically, including documentation of validation of the methods used to measure alcohol and its metabolites.

3. Requests for Deferrals of Final Rulemaking

(Comment 3) We received comments requesting that FDA defer rulemaking on the three active ingredients eligible for use in OTC consumer antiseptic rub products to allow for the development and submission to the record of new safety and effectiveness data for these active ingredients. One comment asserted that the studies FDA proposed could take several years to design, execute, analyze, and report, and requested that FDA defer rulemaking for alcohol and benzalkonium chloride. Another comment contended that the differences in the testing requirements between the 1994 TFM and the 2016 Consumer Antiseptic Rub proposed rule warrant an extension of time to determine essential studies that may be needed for isopropyl alcohol, protocols for those studies, review of any data generated, and submission of the data to FDA.

(Response 3) As explained earlier, in response to several requests submitted to the 2016 Consumer Antiseptic Rub proposed rule, FDA has deferred further rulemaking on the three active ingredients eligible for use in OTC consumer antiseptic rub products to allow for the development and submission to the record of new safety and effectiveness data for these ingredients. The deferred active ingredients are benzalkonium chloride, alcohol (also referred to as ethanol or ethyl alcohol), and isopropyl alcohol. For each active ingredient, FDA has deferred rulemaking for 1 year, with the possibility of renewal, which allows the Agency to monitor the continued progress of the studies being conducted (Ref. 7).

4. Labeling

(Comment 4) One comment stated that the labeling of consumer antiseptic rub products should contain the established name of the drug and identify the product using ''Antiseptic Rub,'' ''Antiseptic Hand Rub,'' ''Antimicrobial rub,'' ''Antimicrobial hand rub,'' ''Hand Sanitizer,'' ''Antiseptic Hand Sanitizer,'' or ''Antimicrobial Hand Sanitizer.'' The comment contended that ''Hand Sanitizer'' is the term that is the most recognized and understood by consumers and that a change in terminology could cause confusion. The comment also recommended that FDA clarify that the Drug Facts label for consumer antiseptic rubs can use the header ''Use/s'' in place of ''Indication,'' since ''Use'' is more easily understood by consumers, and also recommended certain terminology to describe the products' use. In addition, the comment proposed that the ''Directions'' section of the Drug Facts label for consumer antiseptic rubs reflect the parameters used when product efficacy was demonstrated. Other comments proposed that the Directions section include clear and specific instructions for proper use, such as the number of pumps required to adequately coat the hand, as well as information on products' shelf lives.

(Response 4) As we explained in the 2016 Consumer Antiseptic Rub proposed rule, the labeling for consumer antiseptic rub products containing a particular active ingredient will be addressed as part of the final rule if FDA determines that the active ingredient is GRAS/GRAE (81 FR 42912 at 42913). Because all three of the active ingredients that are eligible for evaluation for use in consumer antiseptic rubs have been granted deferrals, and FDA has not yet made a GRAS/GRAE determination on these ingredients, we do not address their labeling in this document. If any of the three active ingredients are subsequently found to be GRAS/GRAE, we will address the labeling for products containing that active ingredient in the applicable final monograph.

5. Implementation and Compliance

(Comment 5) We received comments stating that one benefit of the consumer antiseptic rub rulemaking is that consumer antiseptic rub products containing potentially harmful active ingredients will be removed from the market. One comment asked what steps FDA will take to remove ''substandard'' products from the market.

(Response 5) In section VII, we explain that we recognize that manufacturers will need time to comply with this document. Thus, as proposed in the 2016 Consumer Antiseptic Rub proposed rule (81 FR 42912 at 42930 to 42931), this document will be effective 1 year after the date of the document's publication in the **Federal Register**. On or after that date, any OTC consumer antiseptic rub drug product containing an active ingredient that we have found in this document to be ineligible for consideration under the OTC Drug Review for the OTC consumer antiseptic rub monograph cannot be introduced or delivered for introduction into interstate commerce unless it is the subject of an approved NDA or ANDA. FDA strives to minimize risk to consumers by monitoring the market and, where appropriate, undertaking efforts to remove violative OTC drug products from the market.

6. Public Education

(Comment 6) A number of comments included questions or concerns about the ways in which FDA communicates with consumers about the antiseptic rulemakings. One comment asked how the general public is notified of the Agency's findings. Another comment argued that educating the public on antiseptic products is necessary because the products' labeling lacks specificity and because consumers may not take the time to read the labeling. Another comment asked FDA to be cautious in its communications with consumers about the Agency's work on the antiseptic monographs. This comment pointed to a September 12, 2016, posting on FDA's website entitled ''Antibacterial Soap? You Can Skip It—Use Plain Soap and Water.'' The comment argued that the headline misleadingly implies that antibacterial soaps in any setting (and also, by implication, potentially any topical antimicrobial product) do not work. This comment also criticized FDA's claim that antibacterial soaps ''may do more harm than good over the long term.'' The comment asked that FDA be clear in its communications that alcohol

(when used as an active ingredient in topical antiseptic products) has no known safety signals and there is no reason to believe that alcohol-based hand sanitizers are associated with creating ''supergerms'' or antibacterial resistant organisms.

(Response 6) FDA communicates about its various activities, including the findings it has made as part of the antiseptic rulemaking, in several ways. Each of the various antiseptic rulemakings has an official docket, which is publicly available and can be accessed at *https://www.regulations.gov.* These dockets contain the proposed and final rules in which FDA sets forth its findings, along with various supporting documents. FDA also communicates with the public through our website. The entire rulemaking history for OTC antiseptic products can be found at *https://www.fda.gov/Drugs/DevelopmentApprovalProcess/DevelopmentResources/Over-the-CounterOTCDrugs/Statusof OTCRulemakings/ucm070821.htm.* In addition, FDA communicates with Congress, consumers, industry, and other stakeholders, such as patient advocacy groups and professional associations, through press releases and our accounts on social media sites, including Facebook, Twitter, and LinkedIn. We appreciate and will take under consideration the commenters' suggestions regarding our communications with consumers about the antiseptic rulemakings.

7. Overlapping Data Requirements and Collections

(Comment 7) We received comments asking that data that are collected to fill in a data gap for one antiseptic indication or in response to one proposed or final rule also be applied to fill in data gaps for other antiseptic indications or rules. The comments stated that studies conducted and data submitted to support a finding that an active ingredient is GRAS/GRAE for a healthcare antiseptic indication or for use as a consumer antiseptic wash should also provide sufficient support for a finding that the ingredient is GRAS/GRAE for use as a consumer antiseptic rub. One comment argued that safety and efficacy data submitted for the healthcare personnel hand rub use will be particularly relevant to the consumer antiseptic hand rub use. The comments specifically anticipated that MUsT studies performed to support healthcare indications would also support consumer indications, because maximal usage in a healthcare setting would exceed maximal usage in the various consumer settings. Because of this, the comments asked FDA to consolidate MUsT requirements and testing between the different indications and the different monographs to minimize the number of trials needed.

(Response 7) Whenever it is scientifically appropriate to do so, publicly available efficacy and safety data developed to support one use of an antiseptic active ingredient may be cross referenced to support other uses. Generation of duplicative data is not necessary. We agree that the PK data generated from a MUsT study that is sufficient to support a healthcare antiseptic indication will also be sufficient to support a consumer antiseptic indication, because the maximal usage across consumer settings is lower than the maximal usage in a healthcare setting.

C. Comments on Effectiveness and FDA Response

1. In Vitro Testing

(Comment 8) One comment requested that FDA clarify the in vitro testing requirements that the Agency proposed in the 2016 Consumer Antiseptic Rub proposed rule for evaluating active ingredients for use in consumer antiseptic rubs (81 FR 42912 at 42921). The comment asked whether FDA is requiring minimum bactericidal concentration (MBC), minimum inhibitory concentration (MIC), and time-kill testing using the bacteria specified in the 2016 Consumer Antiseptic Rub proposed rule (81 FR 42912 at 42921). The comment then asked whether time-kill testing alone would suffice to meet the in vitro testing requirements. Finally, the comment asked why FDA did not provide an American Type Culture Collection (ATCC) number for the three strains of gram-negative bacteria specified in the 2016 Consumer Antiseptic Rub proposed rule—*Haemophilus influenzae, Bacteroides fragilis,* and *Enterobacter* species.

(Response 8) The in vitro testing requirements for consumer antiseptic rubs are specified in the 2016 Consumer Antiseptic Rub proposed rule (81 FR 42912 at 42921). We require MBC or MIC testing of 25 representative clinical isolates and 25 reference (*e.g.,* ATCC) strains of each of the microorganisms listed in section VII.B.1 of the 2016 Consumer Antiseptic Rub proposed rule (81 FR 42912 at 42921). We also require time-kill testing of each microorganism and ATCC strain listed in section VII.B.1 of the 2016 Consumer Antiseptic Rub proposed rule (81 FR 42912 at 42921). Alternative approaches to filling the relevant data gaps are unlikely to be sufficient.

The Agency has not specified ATCC strain numbers for *H. influenzae, B. fragilis,* and *Enterobacter* species in order to provide manufacturers with options for conducting the necessary studies. Manufacturers may select any available strain of these bacteria. For MBC or MIC testing, 25 representative clinical isolates and 25 reference (ATCC) strains of each one of these organisms (*H. influenzae, B. fragilis,* and *Enterobacter* species) are necessary. For time-kill testing, any one ATCC strain for these three organisms is sufficient.

2. In Vivo Testing

(Comment 9) We received comments on the in vivo efficacy testing requirements that the Agency proposed in the 2016 Consumer Antiseptic Rub proposed rule for evaluating active ingredients for use in consumer antiseptic rubs (81 FR 42912 at 42921). One comment asked that we confirm that the following test conditions are suitable:

- Two pivotal studies would be conducted.
- A single use wash would be applied.
- A physiological saline solution would be used as the control.
- Avagard, the only healthcare personnel hand rub approved under an NDA would be used as the active control, if pilot studies confirm its appropriateness.

(Response 9) Based on the updated statistical analysis for efficacy that we outline in section IV.D., we confirm that two adequate and well-controlled clinical simulation pivotal studies should be conducted for the consumer antiseptic rub indication at two separate independent laboratory facilities by independent principal investigators. These studies should include a minimum sample size of 100 subjects per treatment arm for each of the deferred ingredients (alcohol, benzalkonium chloride, and isopropyl alcohol). This sample size will ensure that the ATE will be estimated precisely for the deferred ingredients and can be used for future reference in final product monographs. To determine the minimum sample size, FDA analyzed several studies that included a wide range of sample sizes and concluded that a minimum of 100 subjects is appropriate to support the external validity of the results. We note that establishing a minimum sample size of 100 subjects per study arm was not solely based on statistical considerations; multiple factors, including robustness and sensitivity of

log reduction to experimental conditions, were taken into account. The study could have a larger sample size to meet the criteria for non-inferiority and superiority after an assessment of variability.

We also confirm that it is appropriate to study a single rub application of the active ingredient being tested for use as a consumer antiseptic rub. In the 2016 Consumer Antiseptic Rub proposed rule, we proposed revisions to the log reduction criteria for consumer antiseptic rubs based on the recommendations of the March 2005 NDAC meeting and comments to the 1994 TFM, which argued that the demonstration of a cumulative antiseptic effect for these products is unnecessary (81 FR 42912 at 42922). We agreed that the critical element of effectiveness is that a product must be effective after the first application because that represents the way in which consumer antiseptic hand rubs are used. Given that we are no longer requiring a cumulative antiseptic effect, the efficacy criteria were revised to reflect a single product application.

Finally, as noted in section IV.D., with regard to the negative control used in the studies, saline solution is appropriate, but only if the test vehicle cannot be used. With regard to the active control used in the studies, an FDA-approved antiseptic rub product should be selected. We have discussed and will continue to discuss the selection of an appropriate active control with the manufacturers and trade organizations that requested the deferrals for alcohol, benzalkonium chloride, and isopropyl alcohol (see Docket Nos. FDA–2015–N–0101 and FDA–2016–N–0124 at *https://www.regulations.gov).*

(Comment 10) Comments proposed that the Agency recognize specific ASTM (American Society for Testing and Materials International) protocols as standardized test methods for demonstrating that an active ingredient is GRAE for use in consumer antiseptics. These ASTM protocols include ASTM E2755–15 ''Standard Test Method for Determining the Bacteria-Eliminating Effectiveness of Healthcare Personnel Hand Rub Formulations Using Hands of Adults,'' ASTM E1054–08 ''Standard Test Methods for Evaluation of Inactivators of Antimicrobial Agents'', and ASTM E2783–11 ''Standard Test Method for Assessment of Antimicrobial Activity for Water Miscible Compounds Using a Time-Kill Procedure.''

(Response 10) We have reviewed these test methods and believe they may be useful to help establish GRAE status for the three deferred antiseptic active ingredients for use in consumer antiseptic rub products. We are currently discussing with manufacturers and trade organizations that requested the deferrals how these test methods may be used to meet the current effectiveness criteria (see Docket Nos. FDA–2015–N–0101 and FDA–2016–N–0124 at *https://www.regulations.gov*).

(Comment 11) Comments were submitted that addressed the testing requirements for the final formulations of specific consumer antiseptic rub products. Comments argued that neither MIC nor MBC testing should be necessary for final formulations. The comments contended that an in vitro time-kill study against an appropriate list of relevant microorganisms would suffice; one comment set forth specific recommendations for the conduct of such a study.

With regard to in vivo efficacy testing requirements, comments argued that full-scale pivotal studies of final formulations should not be necessary, because less burdensome testing can confirm that a product's formulation has not inhibited the activity of the active ingredient. Comments suggested confirmatory in vivo testing comparing a finally formulated product to an active control after a single use. One comment argued that an active ingredient that was found to be GRAS/GRAE should be the active control, not an approved product. The comment noted that the only approved alcohol-based hand sanitizer has two active ingredients. Another comment proposed a specific study design with recommended success criteria.

Finally, one comment recommended that a dermatological evaluation be conducted on finally formulated consumer antiseptic rub products to ensure skin safety.

(Response 11) In this document, we do not find any active ingredients GRAS/GRAE for use as a consumer antiseptic rub. As a result, this document does not specifically address requirements for anticipated final formulation testing. The testing requirements for finally formulated products containing one of the three deferred active ingredients will be addressed after one or more of the active ingredients are found to be GRAS/GRAE for use in consumer antiseptic rub products.

D. Comments on Safety and FDA Response

1. Need for Additional Safety Data

(Comment 12) One comment objected to the fact that FDA based its decision to require additional safety data on the fact that systemic exposure is higher than previously thought, and new information is available about the potential risks from systemic absorption and long-term exposure (80 FR 42912 at 42923). The comment argued that before FDA could require additional safety data, it would need to present ''definitive evidence'' that systemic exposure is higher than previously thought. The comment also argued that the evidence should consist of either in vitro or dose-dependent data, and not risk, because, the comment explained, the commenter was unaware of FDA's current thinking regarding risk assessment.

(Response 12) We do not agree that FDA can only require additional safety data if there is ''definitive evidence'' in the form of in vitro or dose-dependent data that systemic exposure is higher than we believed it to be when the 1994 TFM was published. In the 2016 Consumer Antiseptic Rub proposed rule, we explained that, since the 1994 TFM was published, new data have become available indicating that systemic exposure to topical antiseptic active ingredients may be greater than previously thought. Because of advances in technology, our ability to detect antiseptic active ingredients in body fluids such as serum and urine is greater than it was in 1994. For example, studies have shown detectable blood alcohol levels after use of alcohol-containing hand rubs (Refs. 8 to 10). Given the frequent repeated use of consumer antiseptic rubs, systemic exposure may occur. Although some systemic exposure data exist for all three deferred consumer antiseptic rub active ingredients, data on systemic absorption after maximal use are lacking. We believe that the degree of systemic exposure should be determined, and its consequences assessed, to support our risk-benefit analysis for consumer antiseptic rub use.

(Comment 13) Some comments argued that FDA should do a more robust analysis of existing safety data about human exposure and risk and that this analysis should precede any proposal requiring additional testing. Comments also argued that, in declining to find ingredients GRAS based on existing information, FDA is inappropriately discounting the significant human marketing experience and global acceptance of consumer antiseptic hand rub products and the low incidence of adverse events. The comments assert that the low incidence of adverse events is evidenced by the fact that FDA's Safety Information and

Adverse Event Reporting Program, MedWatch, contains no safety-related complaints related to topical antiseptic products, and by the fact that FDA has not issued any safety alerts regarding such products. A comment also stated that the Nurses' Health Studies, which are a series of long-term studies of health outcomes in several large cohorts of nurses, provide evidence of the safety of topical antiseptics. The comment asserted that these studies did not show any evidence that the use of topical antiseptic products leads to adverse health outcomes in nurses.

(Response 13) FDA summarized the existing data and information on the three deferred active ingredients alcohol, benzalkonium chloride, and isopropyl alcohol in the 2016 Consumer Antiseptic Rub proposed rule (81 FR 42912 at 42927 to 42930). As explained in the 2016 Consumer Antiseptic Rub proposed rule, the existing data and information support the conclusion that there is the potential for systemic exposure to antiseptic active ingredients through repeated dermal applications. At the same time, we lack the PK data that would tell us precisely the degree of systemic exposure under maximal use conditions. In addition, in vivo animal safety and toxicokinetic data are lacking for some ingredients. Both human and animal data are needed to determine the safety margin for OTC human use. If there is publicly available data or information regarding the three deferred active ingredients that FDA has not found or has overlooked, that information can be submitted to the docket and considered by the Agency.

(Comment 14) One comment argued that FDA should consider the level of human exposure to each of the antimicrobial active ingredients and assess the potential for harm from those exposures prior to determining the need for additional safety data. The comment states that in assessing exposure to active ingredients in consumer antiseptic rub products, FDA should allow alternative methods to MUsT studies, including physiologically based pharmacokinetic (PBPK) models and potentially other animal or human studies. The comment also states that FDA should provide additional guidance on how a MUsT study may be conducted in a reasonable manner.

(Response 14) In the 2017 Health Care Antiseptic final rule, we explained that the MUsT paradigm has been used in the evaluation of topical dermatological agents approved in the United States since the early 1990s (82 FR 60474 at 60492 to 60493). It represents over 20 years of interactions with multinational drug companies, during which time the study design has been refined into its current state. Moreover, the MUsT is a published methodology that has been presented at both national and international meetings. We also explained that we understand and recognize the potential of PK and PBPK modeling. FDA has considered these options and others and has concluded that currently, they are not validated adequately to substitute for the MUsT described in the 2016 Consumer Antiseptic Rub proposed rule (81 FR 42912 at 42923 to 42924) and the 2015 Health Care Antiseptic proposed rule (80 FR 25166 at 25182). FDA has been reviewing the MUsT protocol designs submitted by the manufacturers and trade organizations that requested deferrals of the three consumer antiseptic rub active ingredients and is currently discussing protocol design issues with these manufacturers and trade organizations.

With regard to the recommendation that FDA provide guidance on MUsT studies, in May 2018 the Agency issued a draft guidance for industry entitled ''Maximal Usage Trials for Topical Active Ingredients Being Considered for Inclusion in an Over-The-Counter Monograph: Study Elements and Considerations'' (Ref. 11). The guidance, when finalized, will outline FDA's recommendations for designing and conducting a MUsT, which, based on input from the NDAC, FDA has determined is generally important to support a GRAS/GRAE determination for a topical active ingredient. The guidance, when finalized, will address critical study elements, data analysis, and considerations for special topic areas (*e.g.,* pediatrics, geriatrics). The guidance, when finalized, will also encourage study sponsors to seek feedback from FDA on their overall approach and the design of a particular study.

(Comment 15) One comment argued that FDA should not require additional carcinogenicity studies for benzalkonium chloride. This comment stated that a good quality systemic carcinogenicity data set exists for benzalkonium chloride, along with data from in vitro genetic toxicology studies. The comment contended that, given that no tumors developed in an oral study of the product, and provided that good quality in vitro genetic toxicity data are available, a dermal study should not be necessary. The comment also contended that it is highly unlikely that the dermal route of administration would result in a higher systemic exposure than the oral route of administration.

(Response 15) As we stated in the 2016 Consumer Antiseptic Rub proposed rule, no dermal carcinogenicity studies of benzalkonium chloride have been submitted to FDA (81 FR 42912 at 42929). Although, as the comment states, we have data generated by two oral carcinogenicity studies, the potential for topically applied benzalkonium chloride to cause skin cancer remains unstudied. There are no validated methods currently known to the Agency for predicting dermal carcinogenicity risk from data generated in studies that employed a non-dermal route of administration. As we explained in the 2016 Consumer Antiseptic Rub proposed rule, the magnitude of exposure to the skin from a topical product can be much higher than would be covered by systemic studies (81 FR 42912 at 42926). In addition, systemic exposure to the parent compound and metabolites can differ significantly for a dermally applied product because the skin has metabolic capability and first-pass metabolism is bypassed via this route of administration (81 FR 42912 at 42926). Data on the potential for benzalkonium chloride to induce a neoplastic response in the skin with repeated dermal application are necessary in order to assess the safety of benzalkonium chloride for use in consumer antiseptic rub products.

(Comment 16) One comment stated that there are data suggesting that some antiseptic active ingredients have hormonal effects. The comment asked why products containing active ingredients with hormonal effects are still on the market.

(Response 16) As we explained in the 2016 Consumer Antiseptic Rub proposed rule, with the exception of human pharmacokinetic data under maximal use conditions, there are adequate safety data to determine that alcohol is GRAS (81 FR 42912 at 42928). This includes adequate data on the hormonal effects of alcohol in animals and humans. Similarly, although there are other gaps in the safety data for benzalkonium chloride, there are adequate data to make a determination that benzalkonium chloride does not have hormonal effects (81 FR 42912 at 42928 to 42930). With regard to isopropyl alcohol, the existing data are not adequate to characterize its potential for hormonal effects (81 FR 42912 at 42930). As we explained in section IV.C.1., FDA has deferred further rulemaking on alcohol, benzalkonium chloride, and isopropyl alcohol to allow for the development and submission to the record of new safety and effectiveness data for these ingredients. This includes the data necessary to

characterize isopropyl alcohol's potential for hormonal effects.

2. Animal Testing Issues

(Comment 17) Comments argued that numerous scientific and regulatory bodies have performed exposure-driven risk assessments of antiseptic products and have not requested the types of animal and human study data that FDA is requiring before making a finding that such products are safe. Comments asserted that under standard international practice, safety evaluations for antiseptic ingredients are based on conservative assumptions of exposure and potential differences between species, rather than correlation of findings from animal toxicity studies to humans based on kinetic information from both animals and humans.

One comment requested that FDA expand its discussion of ways in which animal use may be minimized and feature this discussion more prominently in rulemaking. These include that efficacy testing take precedence over safety testing, that sharing of data be required, that route-to-route extrapolation be accepted for carcinogenicity studies, and that data from human-relevant, non-animal methods be accepted. This comment stated that if FDA does not have a policy regarding the use of alternatives to animal testing, the Agency should thoroughly evaluate their applicability in each individual case.

With regard to benzalkonium chloride in particular, one comment argued that additional animal testing should not be necessary unless the following conditions are met:

- Use of conservative approaches to calculate the margin of exposure is inadequate.
- The margin of exposure justifies the need for more data, but it is not possible to generate the data by non-animal approaches, such as using PBPK modeling, or through animal alternative test methods.
- There is a perceived need for all ingredients to have the same type of information.

Another comment pointed to proprietary data cited by the Environmental Protection Agency and the Cosmetic Ingredient Review to support their findings that benzalkonium chloride is safe for use in disinfectants and cosmetics. The Cosmetic Ingredient Review report summarizes data from a tumorigenicity study in mice and rabbits in which ulceration and inflammation, but no tumors, were observed. The comment urged FDA to try to obtain these data to avoid duplicative testing.

(Response 17) We understand that animal use in tests for the efficacy and safety of human and animal products has been and continues to be a concern. FDA is an active partner in efforts to reduce, refine, or replace (known as the 3Rs) the use of animals in drug development (Ref. 12). In general, however, there continues to be a need for data from studies conducted in living, intact mammalian systems, when there are currently no viable and validated alternatives in place to address the myriad questions inherent to the drug safety assessment process including determining the many interrelated local and systemic endpoints that are of concern in the overall safety assessment for an ingredient. The animal testing described in the deferral letters for each of the three deferred consumer antiseptic rub active ingredients was proposed in response to and in concurrence with NDAC guidance to generate the publicly available data needed to fill identified data gaps. The Agency remains open to considering data generated using non-animal methods.

We emphasize that FDA does not require that studies in animals be conducted before studies in humans. In fact, until human MUsT data have been generated and evaluated, we will not have the evidence of systemic bioavailability that would trigger the need for certain studies in animals. The need for studies could also be triggered by an adequately conducted toxicology program that reveals a safety signal for the ingredient or for any known structurally similar compound, and thereby, indicates the potential for adverse effects at exposure levels lower than those that result from maximal usage. If data generated from safety or efficacy testing in humans fail to meet the minimum criteria for a GRAS/GRAE determination, it may not be necessary to conduct animal studies including a dermal carcinogenicity study, an oral carcinogenicity study, embryofetal development studies in rodents and non-rodents, a fertility and early embryonic development study, and a pre- and post-natal development study.

With regard to the proposal to incorporate route-to-route extrapolation in assessing potential carcinogenicity risk, for drug products whose primary route of administration is via topical dermal application, a target tissue of concern is the skin and associated substructures. As we explained earlier, there are no validated methods currently known to the Agency for predicting dermal carcinogenicity risk from data generated in studies that employed a non-dermal route of administration. Data on the potential for the active ingredient under study to induce a neoplastic response in the skin with repeated dermal application are necessary in order to assess the safety of alcohol, benzalkonium chloride, and isopropyl alcohol for use in consumer antiseptic rub products. If these data adequately confirm a lack of carcinogenicity potential in the skin and, further, raise no concerns of any systemic targets of toxicity, and if an adequately conducted MUsT demonstrates low systemic bioavailability of the active ingredient, then an oral carcinogenicity study, a fertility and early embryonic development study, and a pre- and post-natal development study are unlikely to be necessary to support a GRAS/GRAE determination, again unless an adequately conducted toxicology program reveals safety signals for a particular active ingredient or for any known structurally similar compound. Total animal usage would thereby be reduced significantly.

3. Bacterial Resistance Testing

(Comment 18) Comments relating to the issue of bacterial resistance were submitted in response to the 2016 Consumer Antiseptic Rub proposed rule. In general, the comments were split with regard to whether antiseptics pose a public health risk from bacterial resistance. Some comments agreed that the pervasive use of consumer antiseptic rubs poses a risk for the development of bacterial resistance. Other comments disagreed and criticized the data on which they believe FDA based its concerns.

Specifically, comments dismissed the in vitro data cited by FDA in the proposed rule as not reflecting real-life conditions. The comments argued that the most useful assessment of the risk of biocide resistance and cross-resistance to antibiotics are in-situ studies, studies of clinical and environmental strains, or biomonitoring studies. Some comments asserted that studies of these types have reinforced the idea that resistance and cross-resistance associated with antiseptics is a laboratory phenomenon observed only when tests are conducted under unrealistic conditions. One comment stated that there is little credible evidence that antiseptic products play any role in antibiotic resistance in human disease. The comment stated that, while some in vitro lab studies have been successful in forcing expression of resistance to antiseptic active ingredients in some bacteria, real world data from community studies using actual product formulations show no correlation

between the use of such products and antibiotic resistance. The comment stated that further evidence of real-world data showing no antimicrobial resistance development after the continued use of consumer products containing antimicrobial active compounds can be extracted from oral care clinical studies, which provide in vivo data, under well-controlled conditions, on exposure to antimicrobial-containing formulations over prolonged periods of time (*e.g.,* 6 months to 5 years). The comment also cited the conclusions of an International Conference on Antimicrobial Research held in 2012 on a possible connection between biocide (antiseptic or disinfectant) resistance and antibiotic resistance to support the point that there is no correlation between antiseptic use and antibiotic resistance.

(Response 18) As explained in the 2016 Consumer Antiseptic Rub proposed rule, we continue to believe that the development of bacteria that are resistant to antibiotics is an important public health issue, and that additional data may tell us whether use of antiseptics in consumer settings may contribute to the selection of bacteria that are less susceptible to both antiseptics and antibiotics (81 FR 42912 at 42926). Thus, we have conducted ingredient-specific reviews of the literature pertaining to antiseptic resistance and antibiotic cross-resistance, and determined that additional studies to assess the development of cross-resistance to antibiotics are needed for only one of the deferred active ingredients, benzalkonium chloride. In the case of ethyl alcohol and isopropyl alcohol, sufficient data have been provided to assess the risk of antiseptic resistance and antibiotic cross-resistance.

Laboratory studies have identified and characterized bacterial resistance mechanisms that confer a reduced susceptibility to antiseptics and, in some cases, antibiotics. Specifically, these data suggest that resistance development in the laboratory is very common for some active ingredients, such as benzethonium and benzalkonium chloride (Refs. 13 to 17), and chloroxylenol, used in topical antiseptic products (Refs. 18 to 23). In contrast, resistance to other active ingredients, such as povidone-iodine (Refs. 24 to 26) occurs infrequently in the laboratory setting. We acknowledge that observations made in the laboratory setting are not necessarily replicated in the real-world setting. Therefore, we assessed additional studies performed in the clinical setting.

Studies performed using clinical isolates found strong evidence of antiseptic resistance to benzethonium and benzalkonium chloride (Refs. 27 to 35). Antiseptic resistance genes qacA/B and qacE (Ref. 32) were identified and, in 83 percent and 73 percent of the isolates tested, respectively, correlated with reduced susceptibility to benzalkonium and benzethonium chloride. In contrast, two studies published by Kawamura-Sato et al. (Refs. 36 and 37) found the MIC of benzalkonium chloride for 283 clinical isolates to be well within in-use concentration.

Other studies examined a possible correlation between antiseptic and antibiotic resistance (Refs. 23 to 34 and 37 to 46). Comparisons suggest that alterations in the mean susceptibility of *Staphylococcus aureus* to antimicrobial biocides occurred between 1989 and 2000, but these changes were mirrored in both methicillin resistant and susceptible *S. aureus,* suggesting that methicillin resistance had little to do with these changes (Ref. 46). In *S. aureus, Escherichia coli,* and *Pseudomonas aeruginosa,* several correlations (both positive and negative) between antibiotics and antimicrobial biocides were found (Refs. 37, 39, 41, 44, 46, and 47). From the analyses of these clinical isolates, it is very difficult to support a hypothesis that increased biocide resistance is a cause of increased antibiotic resistance in these species.

Bacteria expressing resistance mechanisms with a decreased susceptibility to antiseptics and some antibiotics have been isolated from a variety of natural settings (Refs. 48 and 49). Although the prevalence of antiseptic tolerant subpopulations in natural microbial populations is currently low, overuse of antiseptic active ingredients has the potential to select for resistant microorganisms.

In sum, adequate data do not exist currently to determine whether the development of bacterial antiseptic resistance could also select for antibiotic resistant bacteria or how significant this selective pressure would be relative to the overuse of antibiotics, an important driver for antibiotic resistance. Moreover, the possible correlation between antiseptic and antibiotic resistance is not the only concern. Reduced antiseptic susceptibility may allow the persistence of organisms in the presence of low-level residues and contribute to the survival of antibiotic resistant organisms. Data are not currently available to assess the magnitude of this risk.

(Comment 19) The comments also addressed the data needed to assess the risk of the development of resistance. One comment disagreed with the proposed testing described in the 2016 Consumer Antiseptic Rub proposed rule, arguing that there are no standard laboratory methods for evaluating the development of antimicrobial resistance. With regard to the recommendation for mechanism studies, they believed that it is unlikely that this kind of information can be developed for all active ingredients, particularly given that the mechanism(s) of action may be concentration dependent and combination and formulation effects may be highly relevant. The comments also argued that data characterizing the potential for transferring a resistance determinant to other bacteria is also an unrealistic requirement for a GRAS determination. Finally, a comment argued that the requirements for data and information should be able to be satisfied through an ingredient-specific review of the literature and without generation of new laboratory data.

(Response 19) In the 2016 Consumer Antiseptic Rub proposed rule, we described the data needed to help establish a better understanding of the interactions between antiseptic active ingredients used in consumer antiseptic rub products and bacterial resistance mechanisms and the data needed to provide the information necessary to perform an adequate risk assessment for these consumer antiseptic rub products. We suggested a tiered approach as an efficient means of developing data to address this resistance issue, beginning with laboratory studies in conjunction with a literature review aimed at evaluating the impact of exposure to nonlethal amounts of antiseptic active ingredients on antiseptic and antibiotic bacterial susceptibilities, along with additional data, if necessary, to help assess the likelihood that changes in susceptibility observed in the preliminary studies would occur in the consumer setting (81 FR 42912 at 42926 to 42927). As we explained in the 2016 Consumer Antiseptic Rub proposed rule, we recognize that the science of evaluating the potential of compounds to cause bacterial resistance is evolving and acknowledged the possibility that alternative data may be identified as an appropriate substitute for evaluating the development of resistance (81 FR 42912 at 42927).

For benzalkonium chloride, for which resistance testing is necessary as described in the applicable deferral letter, we have advised manufacturers, as an initial step, to conduct an active

ingredient-specific literature review related to antiseptic resistance and antibiotic cross-resistance to assess the active ingredient's effect on development of cross-resistance to antiseptics and antibiotics in the consumer setting, and to submit as much information and data as can be provided (Ref. 50). If the literature review results show evidence of antiseptic or antibiotic resistance, additional studies may be necessary, consistent with the recommendations outlined in the 2016 Consumer Antiseptic Rub proposed rule, to help assess the impact of the active ingredient on antiseptic and antibiotic susceptibilities. If, however, the literature review provides no evidence that the active ingredient affects antiseptic or antibiotic susceptibility, then it is likely that no further studies to address development of resistance will be needed to support a GRAS determination.

4. The Risk of Ingestion and Poisoning

(Comment 20) Comments raised concerns about the risks of poisoning from consumer antiseptic rubs containing alcohol and, in particular, about the risk of ingestion of these products by young children. A comment recommended that, if consumer antiseptic rubs are used in schools, that teachers store them in a safe place and that students only use them with adult supervision. The comment also recommended using hand sanitizing wipes or products that do not contain alcohol to reduce the risk of ingestion and poisoning.

(Response 20) We agree that hand sanitizers or antiseptic wipes should be stored out of the reach of children and should be used with adult supervision. We note that the labeling for all drugs marketed under an OTC monograph is required to contain the general warning ''Keep out of reach of children'' in bold type (21 CFR 330.1(g)). As we explained in the 2016 Consumer Antiseptic Rub proposed rule, however, the labeling for consumer antiseptic rub products containing a particular active ingredient will be addressed as part of the final rule if FDA makes a determination that the active ingredient is GRAS/GRAE (81 FR 42912 at 42913). Because all three of the ingredients that are eligible for consideration as a consumer antiseptic rub, including alcohol, have been granted deferrals, and FDA has not yet made a GRAS/GRAE determination for these active ingredients, we do not address their labeling in this document. If alcohol and/or isopropyl alcohol are subsequently found to be GRAS/GRAE, we will address its labeling in the final monograph for that active ingredient. As the comment suggests, we may consider at that time whether the labeling for consumer antiseptic rub products containing alcohol should contain additional directions or warnings aimed at reducing the risk of ingestion by young children. We may also consider whether using hand sanitizing wipes or products that do not contain alcohol could reduce the risk of ingestion and poisoning and, if so, whether and how that information should be incorporated into labeling.

E. Comments on the Preliminary Regulatory Impact Analysis and FDA Response

(Comment 21) One comment raised issues concerning the preliminary regulatory impact analysis (RIA) and the Agency's assessment of the net benefit of the rulemaking. The comment stated that FDA's RIA did not account for all the costs and overestimated the benefits associated with the proposed regulation. The comment noted that if the active ingredients in consumer antiseptic rub products are safe, there is no benefit to avoiding exposure to them. In addition, there are costs associated with the loss of availability of hand rub antiseptics in consumer settings.

(Response 21) Our response is provided in the full discussion of economic impacts, available in the docket for this document (Docket No. FDA–2016–N–0124, (Ref. 51), *https://www.regulations.gov*) and at *https://www.fda.gov/AboutFDA/ReportsManualsForms/Reports/EconomicAnalyses/default.htm.*

VI. Effective Date

In the 2016 Consumer Antiseptic Rub proposed rule, we recognized, based on the scope of products subject to this final rule, that manufacturers would need time to comply with this final rule. Thus, as proposed in the 2016 Consumer Antiseptic Rub proposed rule (81 FR 42912 at 42930 to 42931), this document will be effective 1 year after the date of the document's publication in the **Federal Register**. On or after that date, any OTC consumer antiseptic rub drug products containing an ingredient that we have found in this document to be ineligible for consideration under the OTC Drug Review for the OTC consumer antiseptic rub monograph cannot be introduced or delivered for introduction into interstate commerce unless it is the subject of an approved NDA or ANDA.

VII. Economic Analysis of Impacts

A. Introduction

We have examined the impacts of the document under Executive Order 12866, Executive Order 13563, Executive Order 13771, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). Executive Orders 12866 and 13563 direct us to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). Executive Order 13771 requires that the costs associated with significant new regulations ''shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations.'' This final rule is a significant regulatory action as defined by Executive Order 12866.

The Regulatory Flexibility Act requires us to analyze regulatory options that would minimize any significant impact of a rule on small entities. Although the additional costs this document imposes on small entities are small, the consumer antiseptic rub product industry is mainly composed of establishments with 500 or fewer employees. Therefore, we find that the document will have a significant economic impact on a substantial number of small entities. We have analyzed various regulatory options to examine the impact on small entities.

The Unfunded Mandates Reform Act of 1995 (section 202(a)) requires us to prepare a written statement, which includes an assessment of anticipated costs and benefits, before issuing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $154 million, using the most current (2018) Implicit Price Deflator for the Gross Domestic Product. This document would not result in an expenditure in any year that meets or exceeds this amount.

B. Summary of Costs and Benefits

As discussed in the preamble, this document applies to active ingredients used in OTC consumer antiseptic rub products, including hand ''sanitizers'' and consumer antiseptic wipes. Here, we refer to consumer antiseptic rubs or consumer rubs as those products that

are intended to be used when soap and water are not available and are not intended to be rinsed off with water. An OTC drug is covered by the OTC Drug Review if its conditions of use existed in the OTC drug marketplace on or before May 11, 1972 (37 FR 9464). The only active ingredients eligible for evaluation under the OTC Drug Review for use in OTC consumer antiseptic rub products are ethyl alcohol (referred to subsequently as alcohol), isopropyl alcohol, and benzalkonium chloride. In response to requests submitted to the 2016 Consumer Antiseptic Rub PR, FDA has deferred regulatory action on these active ingredients. Accordingly, FDA does not make a GRAS/GRAE determination regarding these three active ingredients in this document. The monograph or non-monograph status of these three active ingredients will be addressed, either after completion and analysis of studies to address the safety and effectiveness data gaps of these active ingredients or at a later date, if these studies are not completed.

This document establishes that all other consumer antiseptic rub active ingredients are not eligible for consideration under the OTC Drug Review for use in consumer antiseptic rub products. Drug products containing the 28 ineligible active ingredients identified in the 2016 Consumer Antiseptic Rub PR will require approval under an NDA or ANDA prior to marketing. However, we expect that manufacturers of consumer antiseptic rub products with ineligible active ingredients will either reformulate and relabel their products to include the three deferred active ingredients which are eligible for consideration under the OTC Drug Review, discontinue production of their consumer antiseptic rub products, or reformulate their products as antiseptic-free topical cleansers or wipes. In table 4, we provide a summary of the estimated costs of the document that involve product reformulation and relabeling of consumer rub products that contain active ingredients that are ineligible for consideration under the OTC Drug Review for use in consumer rubs. Manufacturers of consumer antiseptic rub products that contain the deferred active ingredients may also incur additional costs associated with the necessary safety and effectiveness testing required to demonstrate that the deferred active ingredient is GRAS/GRAE. However, these testing costs are not included in the regulatory impact analysis for this document because this document does not require any testing. Although the testing costs are not attributable to this document, we estimate and present these costs separately in the RIA analysis.

We estimate that the present value of the one-time costs associated with compliance range from $1.07 million to $2.50 million with a primary estimate of $1.87 million. Annualizing upfront costs over a 10-year period at a discount rate of 3 percent, the costs of this document are estimated to be between $0.13 million and $0.29 million per year; the corresponding estimated cost at a discount rate of 7 percent is between $0.15 million and $0.36 million per year.

A potential benefit of this document is that the removal of potentially harmful antiseptic active ingredients in consumer antiseptic rub products may prevent health consequences associated with exposure to such active ingredients. FDA lacks the necessary information to estimate the impact of exposure to antiseptic active ingredients in consumer antiseptic rub products on human health outcomes. We are, however, able to estimate the reduction in the aggregate exposure to antiseptic active ingredients found in currently marketed consumer antiseptic rub products. The document will lead to an estimated reduction in aggregate exposure to benzethonium chloride that ranges from 110 pounds to 254 pounds per year. This document may also result in reduced exposure to other ineligible active ingredients. However, FDA can only estimate the reduced exposure to benzethonium chloride at this time. Furthermore, we are unable to translate the aggregate exposure to benzethonium chloride into monetized benefits at this time because we lack information on the change in the short- and long-term health risks associated with a 1-pound increase in exposure to each antiseptic active ingredient in consumer antiseptic rub products.

TABLE 4—SUMMARY OF BENEFITS, COSTS, AND DISTRIBUTIONAL EFFECTS OF DOCUMENT

Category	Primary estimate	Low estimate	High estimate	Units			Notes (years)
				Year dollars	Discount rate (percent)	Period covered (years)	
Benefits:							
Annualized	.....	.....	.....	.....	7	10	
Monetized $millions/year	.....	.....	.....	.....	3	10	
Annualized	182	110	254	.....	7	10	Values represent pounds of reduced annual exposure to ineligible active ingredients.
Quantified	182	110	254	.....	3	10	Values represent pounds of reduced annual exposure to ineligible active ingredients.
Qualitative	.....	.....	.....	.....	.....	.....	
Costs:							
Annualized	$0.27	$0.15	$0.36	2017	7	10	
Monetized $millions/year	0.22	0.13	0.29	2017	3	10	
Annualized	.....	.....	.....	.....	7	.....	
Quantified	.....	.....	.....	.....	3	.....	
Qualitative	.....	.....	.....	.....	.....	.....	
Transfers:							
Federal	.....	.....	.....	.....	7	.....	
Annualized	.....	.....	.....	.....	3	.....	
Monetized $millions/year	.....	.....	.....	.....	.....	.....	

TABLE 4—SUMMARY OF BENEFITS, COSTS, AND DISTRIBUTIONAL EFFECTS OF DOCUMENT—Continued

Category	Primary estimate	Low estimate	High estimate	Units			Notes (years)
				Year dollars	Discount rate (percent)	Period covered (years)	
From/To	From:			To:			
Other					7	10	
Annualized					3	10	
Monetized $millions/year							
From/To	From:			To:			
Effects:							
State, Local or Tribal Government: none.							
Small Business:							
Wages:							
Growth:							

In line with Executive Order 13771, in table 5 we estimate present and annualized values of costs and cost savings over an infinite time horizon. Based on these costs this document would be considered a regulatory action under Executive Order 13771.

TABLE 5—EXECUTIVE ORDER 13771 SUMMARY TABLE

[In $ millions 2016 dollars, over an infinite time horizon]

Item	Primary estimate (7%)	Lower estimate (7%)	Upper estimate (7%)	Primary estimate (3%)	Lower estimate (3%)	Upper estimate (3%)
Present Value of Costs	$1.77	$1.02	$2.37	$1.77	$1.02	$2.37
Present Value of Cost Savings	0.00	0.00	0.00	0.00	0.00	0.00
Present Value of Net Costs	1.77	1.02	2.37	1.77	1.02	2.37
Annualized Costs	0.12	0.07	0.17	0.05	0.03	0.07
Annualized Cost Savings	0.00	0.00	0.00	0.00	0.00	.00
Annualized Net Costs	0.12	0.07	0.17	0.05	0.03	0.07

C. Summary of Regulatory Flexibility Analysis

The Regulatory Flexibility Act requires Agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because many small entities produce consumer antiseptic rub products, we find that the document will have a significant economic impact on a substantial number of small entities. The Final Regulatory Flexibility Analysis, as required under the Regulatory Flexibility Act, can be found in the Regulatory Impact Analysis discussed below.

We have developed a comprehensive Regulatory Impact Analysis that assesses the impacts of the document. The full analysis of economic impacts is available in Docket No. FDA–2016–N–0124 (Ref. 51) and at *https://www.fda.gov/AboutFDA/ReportsManualsForms/Reports/EconomicAnalyses/default.htm*.

VIII. Paperwork Reduction Act of 1995

This document contains no collection of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 is not required.

IX. Analysis of Environmental Impact

We have determined under 21 CFR 25.31(a) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

X. Consultation and Coordination With Indian Tribal Governments

We have analyzed this document in accordance with the principles set forth in Executive Order 13175. We have determined that the document does not contain policies that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. Accordingly, we conclude that the document does not contain policies that have tribal implications as defined in the Executive Order and, consequently, a tribal summary impact statement is not required.

XI. Federalism

We have analyzed this document in accordance with the principles set forth in Executive Order 13132. Section 4(a) of the Executive order requires agencies to ''construe . . . a Federal statute to preempt State law only where the statute contains an express preemption provision or there is some other clear evidence that the Congress intended preemption of State law, or where the exercise of State authority conflicts with the exercise of Federal authority under the Federal statute.'' The sole statutory provision giving preemptive effect to the document is section 751 of the FD&C Act (21 U.S.C. 379r). We have complied with all of the applicable requirements under the Executive order and have

determined that the preemptive effects of this document are consistent with Executive Order 13132.

XII. References

The following references marked with an asterisk (*) are on display at the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they also are available electronically at *https://www.regulations.gov*. References without asterisks are not on public display at *https://www.regulations.gov* because they have copyright restriction. Some may be available at the website address, if listed. References without asterisks are available for viewing only at the Docket Management Staff. FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

* 1. Transcript of the January 22, 1997, Meeting of the Joint Nonprescription Drugs and Anti-Infective Drugs Advisory Committees, OTC Vol. 230002. Available at *https://www.regulations.gov/document?D=FDA-2015-N-0101-0008*.
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* 5. Summary Minutes of the November 14, 2008, Feedback Meeting with Personal Care Products Council and Soap and Detergent Association, OTC Vol. 230002. Available at Docket No. FDA–2015–N–0101 at *https://www.regulations.gov/document?D=FDA-1980-N-0006-0031*.
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Dated: April 1, 2019.

Scott Gottlieb,

Commissioner of Food and Drugs.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 876, 878, and 886

[Docket No. FDA–2018–N–3066]

Medical Devices; Classification of Accessories Distinct From Other Devices; Finalized List of Accessories Suitable for Class I

AGENCY: Food and Drug Administration, HHS.

ACTION: Final classification action.

SUMMARY: The Food and Drug Administration (FDA, we, or Agency) is classifying suitable accessories into class I as required by the FDA Reauthorization Act of 2017 (FDARA). The Agency has determined that general controls alone are sufficient to provide reasonable assurance of safety and effectiveness for these accessories. We made this determination based on the risks of the accessories when used as intended with other devices such as the parent or system.

DATES: This final classification action is effective May 13, 2019.

ADDRESSES: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and insert the docket number found in brackets in the heading of this final classification action 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: Ian Ostermiller, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5454, Silver Spring, MD 20993–0002, 301–796–5678.

SUPPLEMENTARY INFORMATION:

I. Background

On August 18, 2017, FDARA was signed into law (Pub. L. 115–52). Section 707 of FDARA amended section 513(f) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360c(f)) and, among other amendments, created a process for FDA to propose a list of accessories suitable for distinct classification into class I. Section 513(f)(6)(D)(i) of the FD&C Act mandated that FDA make the first such proposal within a year of enactment of FDARA, and FDA published that proposal in the **Federal Register** of August 17, 2018 (83 FR 41023). Section 513(f)(6)(D)(i) also requires that FDA publish a final action classifying suitable accessories into class I within 180 days after the end of the comment period. This final classification action fulfills that requirement.

In the proposal, we explained that the classification of each accessory is based on the risks of the accessory when used as intended and the level of regulatory controls necessary to provide a reasonable assurance of safety and effectiveness of the accessory, notwithstanding the classification of any other device with which such accessory is intended to be used (see section 513(f)(6)(A) of the FD&C Act).

In general, we considered an accessory to be eligible for classification into class I distinct from another device if the accessory: (1) Is not for use in supporting or sustaining human life, or of substantial importance in preventing impairment to human health; (2) does not represent a potential unreasonable risk of illness or injury; and (3) general controls alone would be sufficient to provide a reasonable assurance of safety and effectiveness of the accessory.

Note that by regulation, design controls apply to class I devices only if the devices are automated with computer software or are listed under § 820.30(a)(2)(ii) (21 CFR 820.30(a)(2)(ii)). Thus, if an accessory is not automated with computer software but would require design controls to provide reasonable assurance of safety and effectiveness, we did not consider it eligible for this classification process.

In this final classification action, we are classifying into class I all of the accessories that we proposed as suitable for distinct classification in class I. We are not including additional accessories in this final classification action, but FDA intends to publish another proposed list of accessories that may be suitable for distinct classification into class I in accordance with the statutory deadline of 5 years from the first such proposal (see 21 U.S.C. 360c(f)(6)(D)(i)).

II. Comments on the Proposal

FDA received comments from industry, trade associations, and individuals on FDA's proposal. Various comments were regarding topics that were determined to be outside the scope of this final classification action. We have considered the remaining comments and respond briefly to them as follows. The order of response to the commenters is purely for organizational purposes and does not signify the comment's value or importance nor the order in which comments were received. Certain comments are grouped together under a single number because the subject matter is similar. In several comments, commenters requested ''guidance'' on various topics, which we have interpreted to mean additional information rather than FDA guidance within the meaning of 21 CFR 10.115(b).

(Comment 1) One commenter stated that class I devices should include a disclaimer that serious harm may result from their improper use or installation. The commenter believes this will provide an incentive for patients to ask their doctors about the proper use of devices because patients may not see device labeling.

(Response) Class I devices are subject to general controls, which are defined in section 513(h)(1) of the FD&C Act. These general controls include, but are not limited to, certain labeling requirements under the FD&C Act and part 801 (21 CFR part 801), among other provisions. Changes to labeling requirements under the FD&C Act and part 801 are outside the scope of this final classification action.

(Comment 2) Several commenters suggested that additional product codes be considered for distinct classification into class I. One of these commenters believes that many of the accessories listed in the comment were considered by FDA to have a higher classification solely due to the risk of the parent device and FDA's previous review practices. That commenter believes some of these accessories fall under existing class I classification regulations and should be placed into class I through this final classification action.

(Response) We have reviewed all product codes suggested for distinct classification into class I in response to comments and have determined that additional product codes identified are not appropriate for this list at the present time for one or more of the following reasons: (1) The accessory type is already distinctly classified; (2) the accessory is of a type that is already class I; or (3) insufficient information was provided to demonstrate that general controls alone will provide reasonable assurance of safety and effectiveness.

FDA will consider additional product codes for distinct classification into class I as part of a future proposal in accordance with the statutory deadline of 5 years from the first such proposal under section 513(f)(6)(D)(i) of the FD&C Act. If a manufacturer or importer with marketing authorization for an accessory believes its accessories are suitable for distinct classification, the manufacturer or importer can also request a class I designation through an existing accessory request pursuant to section 513(f)(6)(D)(ii) of the FD&C Act.

(Comment 3) One commenter requested clarification on two of FDA's

proposed regulations for penile implant surgical accessories and implanted mechanical/hydraulic urinary continence device surgical accessories. This includes the identification of product code FAE for penile implant surgical accessories, and specific edits to the list of accessories included in FDA's proposal.

(Response) FDA agrees with the commenter. The identified accessories intended for use with a penile prosthesis under product codes FAE and FTQ were within FDA's intent, but the proposal did not make that clear. FDA has also clarified that penile implant surgical accessories suitable for class I include the cylinder insertion needle, device placement tool, tubing plug, and blunt needle. Additionally, implanted mechanical/hydraulic urinary continence device surgical accessories suitable for class I include the tubing plug and blunt needle. For both types of accessories, FDA has found that general controls alone provide a reasonable assurance of safety and effectiveness.

(Comment 4) Two commenters noted that section III of the proposal ''Policy Clarification for Classification of Certain Accessories Used in Orthopedic Surgery'' was inconsistent with the risk-based approach to classification of accessories as outlined in FDARA, and classification should not be based upon whether or not an instrument is considered ''general use'' or ''device-specific''. These commenters also requested that FDA either revert back to ''previous longstanding practice and treat all manual surgical instruments provided with Class II or Class III orthopedic implant systems as Class I (510(k)/PMA [premarket approval application] exempt) devices, in accordance with their current classification designation'' or publish new classifications for instruments that carry a higher risk. One commenter further noted administrative challenges (*e.g.,* tracking recalls, unique device identifier markings) for those instruments that have taken on the classification of the parent device and do not carry their own product code or regulation.

(Response) This policy clarification does not impose new regulatory requirements upon devices that had previously been cleared or approved, but rather provides transparency for the Agency's existing policy concerning classification of certain orthopedic accessories. We agree that the classification of existing accessories should and must be based upon the risk of the accessory when used as intended and the level of regulatory controls necessary to provide a reasonable assurance of safety and effectiveness of the accessory, notwithstanding the classification of the parent device, and that the provisions in section 513(f)(6) of the FD&C Act may be appropriate to distinctly classify certain orthopedic accessory types. By clarifying how we have regulated different types of instruments for orthopedic surgery, we aimed to explain the limited scope of accessories that would be appropriate for distinct classification through mechanisms outlined in section 513(f)(6) of the FD&C Act and provide clarity regarding accessories that fit within existing class I classification regulations. If an accessory is distinctly classified, a separate classification regulation will be created. We believe this will support separate identification of the accessory distinct from the parent device.

After reviewing the comments, we continue to believe that the existing policy concerning classification of certain accessories used in orthopedic surgery should not be changed. Namely, such accessories are appropriately classified as orthopedic manual surgical instruments (§ 888.4540 (21 CFR 888.4540)) provided they do not meet the definition of a device-specific orthopedic accessory as outlined in FDA's proposal and their risk profile and regulatory controls are commensurate with that of orthopedic manual surgical instruments. Further, we continue to believe that certain device-specific orthopedic instruments have new or different risks to health compared to orthopedic manual surgical instruments, and general controls alone will not provide reasonable assurance of safety and effectiveness. These ''device-specific'' accessories are specifically designed for appropriate implantation or placement of the parent device and have unique dimensions, geometry, or deployment mechanisms. These accessories are critical for precise and proper placement of the parent device, and therefore, FDA considers design controls to be an important element in the regulation of such accessories to ensure appropriate compatibility between the accessory and the parent device (see § 820.30).

(Comment 5) Two commenters noted that additional guidance should be provided for manufacturers who wish to seek distinct classification of orthopedic accessories, namely ''considerations for reclassification of instruments that have been previously classified through a premarket submission based on their association with a particular implant system'' and ''the specific information that FDA would expect to see in the requests for instrument reclassification, preferably in a standardized submission format.''

(Response) Although the question pertains to a different provision than this final classification action, we believe that clarification in this case may assist manufacturers and FDA staff for future accessory classification actions. Any manufacturer or importer may submit a request for appropriate classification of an existing accessory per section 513(f)(6)(D)(ii) of the FD&C Act. According to FDA's guidance ''Medical Device Accessories: Describing Accessories and Classification Pathways'' (available at: *https://www.fda.gov/downloads/medicaldevices/deviceregulationandguidance/guidancedocuments/ucm429672.pdf*), such a request should include ''[t]he proposed classification of the accessory (*i.e.,* class I or class II), as well as the current classification, should also be clearly identified in the cover letter and/or the request. An Existing Accessory Request should include the necessary information, based on Least Burdensome principles, to establish the risk profile of the accessory when used as intended with the identified parent device. . . . Note that requests for classification of an accessory in class II must include an initial draft proposal for special controls, if special controls would be required pursuant to subsection 513(a)(1)(B) of the FD&C Act.'' Additional information regarding reclassification processes are described in sections 513(e) and (f)(3) of the FD&C Act. FDA recommends manufacturers submit a Pre-Submission if they have specific questions regarding such a request. More information regarding the Pre-Submission Program can be found in FDA's guidance entitled ''Requests for Feedback on Medical Device Submissions: The Pre-Submission Program and Meetings with Food and Drug Administration Staff'' (available at *https://www.fda.gov/downloads/medicaldevices/deviceregulationandguidance/guidancedocuments/ucm311176.pdf*).

(Comment 6) One commenter included several comments regarding the definition of ''device-specific instrument'' that we provided in section III of the proposal (the ''Policy Clarification for Classification of Certain Accessories Used in Orthopedic Surgery''). The commenter noted the definition was vague and sought clarity on what is meant by ''unique dimensions, geometry, and/or deployment.''

(Response) To provide further clarity regarding how we interpret ''unique dimensions, geometry, and/or

deployment'' in the definition for device-specific orthopedic instrument outlined in FDA's proposal, we provide the following examples to illustrate the types of instruments that we would consider to be ''device-specific'' and types that are not:

Examples of instruments that would be considered ''device-specific'':

(1) A screwdriver that mates through a unique geometry or connection to a specially designed screw, which could not be inserted by a standard, generally available screwdriver. Such an instrument would possess a unique geometry that could not be utilized with screws of industry standard dimensions (such as cortical (HA) and cancellous (HB) bone screws per ASTM F543 [1]). In contrast, a general use screwdriver could be used across screws ''from multiple manufacturers''.

(2) An inserter instrument that is designed to specifically interface with features of the parent device to allow for insertion of the device. Such an instrument would possess unique dimensions or geometry to mate specifically with the parent device. In contrast, impactors are used to place an implant and do not require a specific interface with the parent device. These are general use instruments that could be used across multiple device types and are not based on unique dimensions, geometry, or deployment of a parent device.

Examples of instruments that would not be considered ''device-specific'':

(1) Bone taps solely to create a preliminary hole to help guide subsequent placement of a screw and can be used across multiple screw types/sizes. These are not based upon unique dimensions, geometry, or deployment of a parent device.

(2) Reamers are not based upon unique dimensions, geometry, or deployment of a parent device and can be used across multiple device types to prepare a site for implantation.

In all such examples, a general use version of the instrument may still be designed based upon certain dimensions of the parent device (*e.g.,* according to industry standard screw dimensions). However, device-specific instruments are designed specifically for use with a particular parent device based upon ''unique dimensions, geometry, or deployment'' of the parent device (*e.g.,* sizes that would not be compatible with industry standard dimensions, or specific features that are only present on the parent device).

(Comment 7) One commenter proposed an alternative definition for ''device-specific instrument'' as follows: ''A device-specific orthopedic instrument is considered to be an accessory designed specifically for appropriate implantation or placement of the parent device, based upon unique dimensions, geometry, and/or deployment when the instrument has an intended use or fundamental scientific technology that differs from those of the generic types of instruments either listed in the regulation or previously accepted as being contained within the regulation.''

The commenter notes that these revisions are necessary to avoid the definition applying to instruments that clearly fall within an existing class I classification regulation (*e.g.,* § 888.4540), citing a screwdriver as being an example of such an instrument that could be interpreted, based upon the definition, to be ''device-specific.''

(Response) FDA does not agree with the proposed additional text (*i.e.,* ''. . . when the instrument has an intended use or fundamental scientific technology that differs from those of the generic types of instruments either listed in the regulation or previously accepted as being contained within the regulation''). This text suggests that such instruments could fit under existing class I regulations (*i.e.,* would exceed the limitation of exemption under 21 CFR 888.9(a) and (b)) but would subsequently be appropriately regulated under such regulation following submission of a 510(k)). However, this does not address the Agency's position that general controls alone are insufficient to mitigate risks to health. Furthermore, the phrase ''previously accepted as being contained within the regulation'' is unclear.

We also disagree with the commenter's statement that the definition as written would result in such a screwdriver being deemed device-specific, as such an instrument would not be ''based upon unique dimensions, geometry, and/or deployment'' of the parent device, unless the parent device (screw) was somehow unique in design (*e.g.,* a screw head which would not fit a standard screwdriver).

(Comment 8) One commenter posed several specific scenarios to better understand circumstances under which an accessory would be deemed ''device-specific,'' such as whether branding makes an accessory device-specific, whether an accessory remains ''device-specific'' if used with another device made by a manufacturer, or whether accessories to be used ''across systems'' applies to systems from the same manufacturer. Similarly, they asked if a combination of two general accessories from two different systems could still be considered a general use accessory.

(Response) In response to the comments, we are clarifying that the sole presence of a branding statement would not render an accessory ''device-specific'' according to this definition. An accessory for use with other devices made by a manufacturer may or may not be determined to be ''device-specific,'' depending on the design of the accessory. For example, an accessory designed for use for a specific system, *i.e.,* across multiple-device sizes within the same family of devices, would be device-specific if it is designed specifically for appropriate implantation or placement of the parent device, based upon unique dimensions, geometry, and/or deployment.

In some cases, an accessory may also be designed for use across multiple systems from the same manufacturer. Accessories that can be used across systems from the same manufacturer may or may not be considered device-specific, depending on technology, design, and configuration. For example, one manufacturer may have several systems of intervertebral body fusion devices, with inserter instruments that are specifically designed to mate with a unique feature on all devices in the systems and would therefore be considered device-specific. Such an instrument would possess unique dimensions or geometry to mate specifically with the parent device.

In contrast, the combination of two general use accessories would result in a general use accessory. This is because neither accessory has a design, geometry, and/or deployment suited to a particular device or device family.

(Comment 9) One commenter sought clarity on how the device-specific definition should be applied retroactively to previously cleared/approved orthopedic accessories.

(Response) The definition of ''device-specific'' was intended to clarify existing policy regarding regulation of orthopedic accessories, not to establish new policy. If a device was cleared within a 510(k) as an accessory but appropriately fits into an existing class I classification regulation based on the policy clarification, this determination can be documented to file by the manufacturer along with updating the listing accordingly.

(Comment 10) One commenter provided several comments regarding

[1] ASTM F543, Standard Specification and Test Methods for Metallic Medical Bone Screws. For the current edition of the FDA recognized standard referenced in this document, see the FDA Recognized Consensus Standards Database, available at: *https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfStandards/search.cfm.*

sizing templates, noting that they would meet the definition of ''device-specific'' but are otherwise distinctly classified in a class I classification regulation (§ 888.4800 (21 CFR 888.4800)). This commenter also included several examples of other devices (*e.g.,* sizers, cutting guides, and trials) that would fall under this classification regulation.

(Response) In recent history, § 888.4800 has been interpreted to apply to imaging templates used to estimate proper device size prior to surgery rather than physical trials/sizers to be used in a surgical procedure. The initial classification panel identified the following risks to health associated with devices under this classification regulation: Tissue damage and adverse tissue reaction. Fracture of the device could injure surrounding tissue and, if device fragments remain in the tissue, could cause an adverse tissue reaction.

Further review in response to this comment has led FDA to reconsider the instruments that were to be subject to this classification regulation. We agree that trials or templates that are basic sizing devices for proper implant selection may be appropriately regulated under § 888.4800, despite the recent practice of regulating these trials with the parent device.

The Agency does not, however, consider cutting guides to fall within this classification regulation, as § 888.4800 specifically calls out devices that are used for ''guiding the marking of tissue before cutting'' but does not expressly include a physical guide to direct the orientation of a cut. These devices carry a higher risk than devices simply intended to mark tissues, as in addition to the risk associated with this classification regulation (*i.e.,* tissue damage and adverse tissue reaction), an improper physical cut in the tissue leads to improper placement of the parent device and potential for resulting device malfunction or failure.

(Comment 11) One commenter sought clarity on the application of design controls to class I instruments that interface with higher-classification parent devices. The commenter notes that ''any interface with a mating instrument (regardless of instrument classification) would be subject to design controls via requirements for the parent device.''

(Response) As FDA stated in the proposal, by regulation, design controls apply to class I devices only if the devices are automated with computer software or are listed under § 820.30(a)(2)(ii).

(Comment 12) One commenter sought clarity as to whether a risk-based justification could be utilized in determining if a device is an accessory to a parent device. While an instrument may have device-specific features, the risk may be commensurate with that of orthopedic manual surgical instruments.

(Response) The determination of whether a device meets the definition of an accessory is not a risk-based decision. We have outlined in FDA's proposal why we consider devices with features specific to a parent device to pose additional risk beyond those of general use orthopedic manual surgical instruments.

(Comment 13) One commenter stated that the definition of ''device-specific'' instrument is not consistent with FDA's definition of an accessory as outlined in the guidance document entitled ''Medical Device Accessories: Describing Accessories and Classification Pathways.''

(Response) We do not consider the proposed definition for device-specific instrument to be inconsistent with FDA's definition of an accessory, as device-specific orthopedic instruments are those designed specifically for appropriate implantation or placement of the parent device, based upon unique dimensions, geometry, and/or deployment. Furthermore, the device-specific orthopedic instrument definition is derived from the definition of accessories (*i.e.,* in that ''design specifications are critical to the proper use of the accessory in supporting, supplementing, and/or augmenting the performance of the parent device and/or a specific system.'').

(Comment 14) One commenter notes that FDA stated in its proposal that ''certain device-specific instruments are accessories and require precise technical specifications or design characteristics to function as intended to support, supplement or augment the parent device and if they are not designed appropriately could cause implant malpositioning or migration,'' and, thus, ''are ineligible for reclassification in class I.'' The commenter sought clarity as to why other class I exempt devices would not also ''require precise technical specifications or design characteristics.''

(Response) We expect that any device would have certain technical specifications or design characteristics that dictate their manufacture. However, for some devices, including device-specific orthopedic instruments, the safety, performance, and dependability of the device are critical for precise and proper placement of the parent device. Design controls, among other benefits, increase the likelihood that the design transferred to production will translate into a device that is appropriate for its intended use, including precise and proper placement of the parent.[2] Therefore, device-specific orthopedic instruments require the application of design controls for reasonable assurance of safety and effectiveness.

(Comment 15) One commenter asked for examples of what ''other regulatory controls'' beyond design controls may be necessary to ensure compatibility, as stated in the proposal.

(Response) Another regulatory control could be, for example, premarket notification. For these devices for which verification of compatibility would be necessary, this may be evaluated through information (*e.g.,* device description, performance testing) provided in a premarket submission.

(Comment 16) One commenter sought guidance on the type of information needed to describe a device-specific orthopedic instrument in premarket submissions, as well as guidance for manufacturers whose accessories have been reclassified under section 513(f)(6)(D)(ii) of the FD&C Act. This commenter also suggested that FDA consider classification of the orthopedic instruments as class I with design controls.

(Response) The commenter's requests are outside the scope of this final classification action.

(Comment 17) One commenter noted that one of the proposed accessories for classification into class I is a handle to an inserter device for a class III product. They sought further clarity to determine whether handles for modular orthopedic instruments could be distinctly classified from their working end.

(Response) The referenced corneal inlay implant device is class III, and we proposed distinct classification of the associated handles into class I. Similarly, other such instrument handles associated with orthopedic devices cleared through 510(k) or PMA could be distinctly classified from the parent device using mechanisms outlined in section 513(f)(6)(D)(ii) of the FD&C Act.

(Comment 18) One commenter noted that some instruments provided in sets used during a surgery may not be considered ''accessories'' but are provided within these sets for ease of processing and access for the surgeon. Furthermore, some of these instruments may fall under existing class I classification regulations.

[2] For more information about design controls, refer to FDA's guidance document entitled ''Design Control Guidance for Medical Device Manufacturers,'' available at *https://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm070642.pdf.*

(Response) We agree with the commenter. Many instruments in instrument sets would not be considered accessories to the device, and some accessories may already be distinctly classified in existing class I classification regulations.

III. Policy Clarification for Classification of Certain Accessories Used in Orthopedic Surgery

In the proposal, FDA provided a policy clarification for the regulatory approach for certain accessories used in orthopedic surgery to distinguish which accessories may be candidates for classification under section 513(f)(6)(D)(i) of the FD&C Act. This policy clarification acknowledged that instruments used in orthopedic surgery span a wide range of complexity, with many ''general use'' instruments falling within existing class I classification regulations (*e.g.,* § 888.4540), while other ''device-specific'' instruments have historically been reviewed in the same premarket submission as the parent device.

In an effort to ensure a common understanding as to which orthopedic accessories are considered ''device-specific,'' thereby not falling within an existing class I classification regulation, and which may be candidates for classification under section 513(f)(6)(D)(i) of the FD&C Act, we provided the following definition: A device-specific orthopedic instrument is considered to be an accessory designed specifically for appropriate implantation or placement of the parent device, based upon unique dimensions, geometry, and/or deployment. In these cases, design specifications are critical to the proper use of the accessory in supporting, supplementing, and/or augmenting the performance of the parent device and/or a specific system. FDA considers design controls (see § 820.30) to be an important element in the regulation of device-specific accessories, among other regulatory controls, to ensure appropriate compatibility between the accessory and the parent device. This excludes general use orthopedic instruments that are provided as a part of a system.

Based upon comments in response to this section of the proposal, FDA has not altered the policy clarification or definition of device-specific orthopedic instruments as previously described but has provided additional clarification and examples in the responses discussed in section II above. FDA intends to engage with industry stakeholders on the topic to resolve additional questions regarding the existing policy or future proposals for distinct classification of accessories under section 513(f)(6)(D)(ii) of the FD&C Act.

IV. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this final classification action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Paperwork Reduction Act of 1995

This final classification action refers to previously approved collections of information. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in the following FDA regulations and guidance have been approved by OMB as listed in the following table:

21 CFR part; guidance; or FDA form	Topic	OMB control No.
807, subpart E	Premarket notification	0910–0120
814, subparts A through E	Premarket approval	0910–0231
''De Novo Classification Process (Evaluation of Automatic Class III Designation)''	De Novo classification process	0910–0844
800, 801, and 809	Medical Device Labeling Regulations	0910–0485
820	Current Good Manufacturing Practice (CGMP); Quality System (QS) Regulation.	0910–0073
''Medical Device Accessories: Describing Accessories and Classification Pathways for New Accessory Types.''.	Medical Device Accessories	0910–0823
''Requests for Feedback on Medical Device Submissions: The Pre-Submission Program and Meetings with Food and Drug Administration Staff''.	Q-submissions	0910–0756

List of Subjects

21 CFR Part 876

Medical devices.

21 CFR Part 878

Medical devices.

21 CFR Part 886

Medical devices, Ophthalmic goods and services.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 876, 878, and 886 are amended as follows:

PART 876—GASTROENTEROLOGY-UROLOGY DEVICES

■ 1. The authority citation for part 876 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360*l,* 371.

■ 2. Add § 876.1080 to subpart B to read as follows:

§ 876.1080 Gastroenterology-urology accessories to a biopsy instrument.

(a) *Identification.* A gastroenterology-urology accessory to a biopsy instrument is an accessory used to remove a specimen of tissue for microscopic examination by cutting or aspiration. This generic type of device includes a syringe for specimen aspiration and a biopsy channel adaptor. This device does not include accessories to biopsy instruments used in other medical specialty areas.

(b) *Classification.* Class I (general controls). The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter subject to the limitations in § 876.9.

■ 3. Add § 876.3500 to subpart D to read as follows:

§ 876.3500 Penile implant surgical accessories.

(a) *Identification.* Penile implant surgical accessories are manual devices designed to be used for surgical procedures associated with the implantation of a penile inflatable implant or penile rigidity implant. This generic type of device includes the cylinder sizer, cylinder insertion tool

and needle, device placement tool, connector assembly tool, incision closing tool, corporeal dilator, tubing passer, measurement tool or tape, tubing plug, blunt needle, and hemostat shod tubing.

(b) *Classification.* Class I (general controls). The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter subject to the limitations in § 876.9.

■ 4. Add § 876.4630 to subpart E to read as follows:

§ 876.4630 Ureteral stent accessories.

(a) *Identification.* Ureteral stent accessories aid in the insertion of the ureteral stent that is placed into the ureter to provide ureteral rigidity and allow the passage of urine. This generic type of device includes the stent positioner, wire guide, and pigtail straightener.

(b) *Classification.* Class I (general controls). The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter subject to the limitations in § 876.9.

■ 5. Add § 876.5012 to subpart F to read as follows:

§ 876.5012 Biliary stent, drain, and dilator accessories.

(a) *Identification.* Biliary stent, drain, and dilator accessories are manual devices that aid in the introduction and connection of biliary stents, drains, or dilators. This generic type of device includes the guiding catheter, pushing catheter, pigtail straightener, flap protector, nasal transfer tube, and drainage connecting tube.

(b) *Classification.* Class I (general controls). The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter subject to the limitations in § 876.9.

■ 6. Add § 876.5100 to subpart F to read as follows:

§ 876.5100 Suprapubic catheter accessories.

(a) *Identification.* Suprapubic catheter accessories are manual devices that are used to facilitate the placement of a suprapubic catheter. This generic type of device includes the introducer, access dilator, and peel-away sheath.

(b) *Classification.* Class I (general controls). The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter subject to the limitations in § 876.9.

■ 7. Add § 876.5290 to subpart F to read as follows:

§ 876.5290 Implanted mechanical/hydraulic urinary continence device surgical accessories.

(a) *Identification.* Implanted mechanical/hydraulic urinary continence device surgical accessories are manual devices designed to be used for surgical procedures associated with the implantation of an implanted mechanical/hydraulic urinary continence device. This generic type of device includes the measurement tool or tape, connector assembly tool, tubing plug, incision closing tool, tubing passer, blunt needle, and hemostat shod tubing.

(b) *Classification.* Class I (general controls). The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter subject to the limitations in § 876.9.

PART 878—GENERAL AND PLASTIC SURGERY DEVICES

■ 8. The authority citation for part 878 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360*l,* 371.

■ 9. Add § 878.5080 to subpart F to read as follows:

§ 878.5080 Air-handling apparatus accessory.

(a) *Identification.* An air-handling apparatus accessory is a supplementary device that is intended to be used with an air-handling apparatus for a surgical operating room. This device provides an interface between the components of the device or can be used to switch electrical power. This generic type of device includes fittings, adapters, couplers, remote switches, and footswitches.

(b) *Classification.* Class I (general controls). The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter subject to the limitations in § 878.9.

PART 886—OPHTHALMIC DEVICES

■ 10. The authority citation for part 886 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360*l,* 371.

■ 11. Add § 886.4355 to subpart F to read as follows:

§ 886.4355 Corneal inlay inserter handle.

(a) *Identification.* The corneal inlay inserter handle is a hand-held device intended to be used as an accessory to a corneal inlay inserter. The device extends the length of the inlay inserter to aid in delivering the inlay implant.

(b) *Classification.* Class I (general controls). The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter subject to the limitations in § 886.9.

Dated: April 9, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–07290 Filed 4–11–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0024]

RIN 1625–AA00

Safety Zone; Xterra Swim, Intracoastal Waterway; Myrtle Beach, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain waters of the Atlantic Intracoastal Waterway in Myrtle Beach, South Carolina. This action is necessary to provide for the safety of the swimmers, participant vessels, spectators, and the general public during the swim portion of the Xterra Triathlon. This regulation prohibits non-participant vessels and persons from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Charleston or a designated representative.

DATES: This rule is effective from 7 a.m. through 9 a.m. on April 14, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0024 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Justin Heck, Sector Charleston Waterways Management division, Coast Guard; telephone (843) 740–3184, email *Justin.c.check@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On January 9, 2019, Go Race Productions notified the Coast Guard that it would be sponsoring the Xterra Swim from 7:30 a.m. to 8:30 a.m. on April 14, 2019. Approximately 200 swimmers are anticipated to participate in the swim portion of the event, which is a 1500-yard course, located on certain waters of the Atlantic Intracoastal Waterway in Myrtle Beach, South Carolina. In response, on March 1, 2019, the Coast Guard published an NPRM titled ''Safety Zone, Xterra Swim, Intracoastal Waterway, Myrtle Beach, SC'' (84 FR 6994). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this event. During the comment period that ended March 30, 2019, we received no comments.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Charleston (COTP) has determined that potential hazards associated with the large number of participants during the swim will be a safety concern. The purpose of the rule is to ensure the safety of the participants, spectators, the general public, vessels and the navigable waters in the safety zone before, during, and after the scheduled event.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published March 1, 2019. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a safety zone from 7:00 a.m. to 9:00 a.m. on April 14, 2019. The safety zone will cover a portion of the Atlantic Intracoastal Waterway in Myrtle Beach, South Carolina. Approximately 200 swimmers are anticipated to participate in the race. The duration of the zone is intended to ensure the safety of the participants, the general public, vessels and the navigable waters before, during, and after the scheduled 7:30 a.m. to 8:30 a.m. swim. No vessel or person will be permitted to enter, transit through, anchor in or remain within the safety zone without obtaining permission from COTP Charleston or a designated representative. If authorization to enter, transit through, anchor in, or remain within the safety zone is granted by the COTP or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the COTP or a designated representative. The Coast Guard will provide notice of the safety zone by local notice to mariners, broadcast notice to mariners, or by on-scene designated representatives.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on: (1) The temporary safety zone will only be enforced for two hours; (2) although persons and vessels may not enter, transit through, anchor in, or remain within the regulated area without authorization from the COTP Charleston or a designated representative, they may operate in the surrounding area during the enforcement period; and, (3) the Coast Guard will provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners, or by on-scene designated representatives.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received zero comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A. above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has 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. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes,

or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone that will prohibit persons and vessels from entering, transiting through, anchoring in, or remaining within a limited area near Myrtle Beach, SC, on the waters of the Intracoastal Waterway in Myrtle Beach, SC, during a race event lasting two hours. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T07–0024 to read as follows:

§ 165.T07–0024 Safety Zone; Xterra Swim, Myrtle Beach SC.

(a) *Location.* The following is a safety zone: Certain waters of the Atlantic Intracoastal Waterway within the following two points of position and the North shore: 33°45′03″ N, 78°50′47″ W to 33°45′18″ N, 78°50′14″ W, located in Myrtle Beach, South Carolina. All coordinates are North American Datum 1983.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated areas.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Charleston or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at 843–740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement period.* This rule will be enforced from 7:00 a.m. until 9:00 a.m. on April 14, 2019.

Dated: April 5, 2019.

J.W. Reed,

Captain, U.S. Coast Guard, Captain of the Port Charleston.

[FR Doc. 2019–07263 Filed 4–11–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0057]

RIN 1625–AA00

Safety Zone; Laguna Madre, Corpus Christi, TX

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain waters of the Laguna Madre in support of the 2019 Wings over South Texas Air Show. This action is necessary to protect personnel, vessels, and the marine environment from potential hazards during aerobatic maneuvers by high-speed, low-flying airplanes and any navigation hazards associated with the set up within certain waters of Laguna Madre. This action will prohibit persons and vessels from entering the zone unless authorized by the Captain of the Port Corpus Christi (COTP) or a designated representative.

DATES: This rule is effective from 11 a.m. on April 11, 2019 through 5 p.m. on April 14, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0057 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LCDR Margaret Brown, Sector Corpus Christi Waterways Management Division, U.S. Coast Guard; telephone 361–939–5130, email *Margaret.A.Brown@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM with respect to this rule because doing so would be impracticable. It is impracticable to publish an NPRM because we must establish this safety zone by April 11, 2019 and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with the air show.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Corpus Christi (COTP) has determined that potential hazards associated with the air show will be a safety concern for transiting vessels and/or persons and that a safety zone is needed. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the air show.

IV. Discussion of the Rule

This rule establishes a safety zone from April 11, 2019 through April 14, 2019. It will be enforced each day from 11 a.m. through 5 p.m. The safety zone will cover all navigable waters within the following coordinates in Laguna Madre: Beginning at 027°42′05″ N, 097°14′09″ W, thence east to 027°42′54″ N, 097°17′12″ W, thence south to 027°41′36″ N, 097°14′19″ W thence directly west to 027°42′26″ N, 097°17′22″ W, and thence north to its origin. The duration of the zone is intended to protect the personnel, vessels, and the marine environment in these navigable waters during the air show. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic will only be impacted for six hours on three days in a small area of Laguna Madre. Moreover, the Coast Guard will issue Broadcast Notices to Mariners and Local Notices to Mariner (VHF–FM marine channel 16) and/or Safety Marine Information Broadcasts as appropriate.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the temporary safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has 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. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of

their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone around all waters within the following coordinates in Laguna Madre: Beginning at 027°42′05″ N, 097°14′09″ W, thence east to 027°42′54″ N, 097°17′12″ W, thence south to 027°41′36″ N, 097°14′19″ W thence directly west to 027°42′26″ N, 097°17′22″ W, and thence north to its origin. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T08–0057 to read as follows:

§ 165.T08–0057 Safety Zone; Laguna Madre, Corpus Christi, TX.

(a) *Location.* The following area is a safety zone: All navigable waters beginning at Point A (027°42′05″ N, 097°14′09″ W), running east to Point B (027°42′54″ N, 097°17′12″ W), running south to Point C (027°41′36″ N, 097°14′19″ W), running west to Point D (027°42′26″ N, 097°17′22″ W), and back North to Point A.

(b) *Effective and enforcement periods.* This section is effective from April 11, 2019 through April 14, 2019. This section will be enforced from 11 a.m. through 5 p.m. each day of the effective period.

(c) *Regulations.* (1) The general regulations in § 165.33 apply. Entry into this zone is prohibited unless authorized by the Captain of the Port Sector Corpus Christi (COTP) or a designated representative.

(2) Persons or vessels seeking to enter the safety zone must request permission from the COTP on VHF–FM channel 16 or by telephone at 361–939–0450.

(3) If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for this security zone through Broadcast Notices to Mariners, Local Notices to Mariners, and/or Safety Marine Information Broadcasts as appropriate.

Dated: April 4, 2019.

E.J. Gaynor,

Captain, U.S. Coast Guard, Captain of the Port Sector Corpus Christi.

[FR Doc. 2019–07260 Filed 4–11–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

RIN 2900–AQ27

Release of Information From Department of Veterans Affairs' Records

AGENCY: Department of Veterans Affairs.

ACTION: Final rule; correction.

SUMMARY: On April 1, 2019, the Department of Veterans Affairs (VA) published a rule to amend its regulations governing the submission and processing of requests for information under the Freedom of Information Act (FOIA) and the Privacy Act to reorganize, streamline, and clarify existing regulations. An error occurred in one amendatory instruction. This document corrects that error.

DATES: This correction is effective May 1, 2019.

FOR FURTHER INFORMATION CONTACT: Catherine Nachmann, Attorney, Office of General Counsel (024), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–7742. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 1, 2019, VA published a rule in the **Federal Register** (84 FR 12122) which contained an error in instruction number 11 under 38 CFR 1.561.

Correction

In FR Rule Doc. No. 2019–06101, appearing on page 12128 in the **Federal Register** of April 1, 2019, make the following correction:

■ 1. On page 12128, in the second column, for § 1.561, correct instruction number 11.b. to read as follows:

b. Adding paragraph (b)(10).

Dated: April 9, 2019.

Consuela Benjamin,

Regulations Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2019–07271 Filed 4–11–19; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2018–0369; FRL–9992–18–Region 5]

Air Plan Approval; Ohio; Ohio Less Than 10 TPY BAT Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving, under the Clean Air Act (CAA), revisions to Ohio's State Implementation Plan (SIP) as requested by the Ohio Environmental Protection Agency (OEPA) on May 22, 2018. The revisions to Ohio's SIP exempt sources that emit less than 10 tons per year (tpy) of each criteria pollutant from the need to employ Best Available Technology (BAT).

DATES: This final rule is effective on May 13, 2019.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2018–0369. 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 Richard Angelbeck, Environmental Scientist, at (312) 886–9698 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Richard Angelbeck, Environmental Scientist, Air Permits Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–9698, *angelbeck.richard@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. Background
II. What is EPA's response to the comments?
III. What action is EPA taking?
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Background

On May 22, 2018, OEPA submitted a SIP revision to Ohio Administrative Code (OAC) rule 3745–31–05(A)(3)(a)(ii). This revision exempts the smaller emitting sources, those that emit less than 10 tpy of each criteria pollutant, from the need to employ BAT. OEPA's less than 10 tpy BAT exemption is in OAC 3745–31–05(A)(3)(a)(ii) and reads: ''*BAT is not required if the air contaminant source was installed or modified on or after August 3, 2006 and has the potential to emit (PTE), taking into account air pollution controls installed on the source, less than ten tons per year of emissions of an air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the Clean Air Act.*''

On August 3, 2006, the Ohio General Assembly passed Senate Bill 265 (SB 265) which required OEPA to modify several of its BAT rules. One of the changes implemented was the less than 10 tpy BAT exemption. To implement the SB 265 changes, OEPA adopted revisions under OAC Chapter 3745–31–05(A)(3)(b) on November 20, 2006, and then moved the language in OAC rule 3745–31–05 from paragraph (A)(3)(b) to (A)(3)(a)(ii) on June 30, 2008. The rule language contained in OAC rule 3745–31–05(A)(3)(a)(ii) was carried over in OAC rule 3745–31–05, which was adopted on April 20, 2016 and is what EPA is now approving as a revision to its SIP. On January 18, 2008, OEPA requested that EPA approve this rule language as a revision to Ohio's SIP. EPA responded with a June 5, 2008 letter to OEPA indicating that the request was incomplete due to a lack of a CAA section 110(l) demonstration, thus returning the request back to OEPA.

OEPA's May 22, 2018 SIP revision submittal included the analysis required by section 110(l) of the CAA. This demonstration included an extensive quantitative and qualitative analysis to show the impact that the less than 10 tpy BAT exemption would have on emissions. OEPA's 110(l) analysis demonstrated that the air quality will not be negatively impacted due to the small increase in emissions as result of the less than 10 tpy BAT exemption. On November 14, 2018 (83 FR 56775), EPA published a proposed approval of the rule revision included in the May 22, 2018 submittal from OEPA. The specific details of OEPA's May 22, 2018 SIP submittal and the rationale for EPA's approval were discussed in the November 14, 2018 notice of proposed rulemaking (NPRM).

II. What is EPA's response to the comments?

EPA received three comments on the November 14, 2018 NPRM. The first two comments were in support of the proposed approval of OEPA's BAT exemption for the less than 10 tpy sources and were from the Ohio Chemistry Technology Council and the Ohio Chamber of Commerce, as well as American Municipal Power, Inc. and the Ohio Municipal Electric Association. The third comment was anonymous, and it expressed concern that the exemption was unnecessary and instead of exempting the smaller sources completely from the CAA and from requiring BAT, OEPA could provide different ways to reduce emissions from the smaller sources because they still emit pollutants. The comment did not indicate suggested ways to accomplish this goal.

EPA Response: The CAA does not require BAT for minor sources. It does, however, require a states' minor NSR permit program to ensure that construction or modification of new sources will not interfere with attaining or maintaining the national ambient air quality standards (NAAQS). See CAA section 110(a)(2)(C) and 40 CFR 51.160(a). The CAA also ensures that SIP revisions such as this will not interfere with attainment or maintenance of the NAAQS. See CAA section 110(l). OEPA submitted a 110(l) analysis to demonstrate that these requirements are met. For sources that are constructed or modified after this SIP revision takes effect, OEPA relies on OAC 3745–31–05(A)(1) to ensure that construction or modification of new sources will not interfere with attaining or maintaining the NAAQS. For existing sources, OEPA submitted a technical analysis, discussed in the NPRM (83 FR 56775), demonstrating that the air quality will not be negatively impacted due to the small increase in emissions from existing sources as result of the less than 10 tpy BAT exemption. The 110(l) analysis estimated an increase of 23.53 tpy of volatile organic compound (VOC) emissions in Ohio ozone nonattainment areas resulting from the rule revisions, and OEPA opted to use emissions credits to mitigate any possibility of adverse air quality impact that may result from this increase in VOC emissions. These emissions credits reflect emissions reductions from permanently shut down emissions units in the Cleveland and Cincinnati areas in Ohio. The reductions are creditable because they are surplus, quantifiable, permanent and federally enforceable. OEPA has entered the 23.53 tpy of VOC emission credits in its ''tracking 110(l) permanent retirement and SIP credits used'' database that it uses to track retired emissions used as emissions credits for offset purposes.

III. What Action is EPA taking?

EPA is approving the OEPA May 22, 2018 SIP revision submittal for OAC 3745–31–05(A)(3)(a)(ii) that exempts the smaller sources, those that emit less than 10 tpy of each criteria pollutant, from the need to employ BAT. Ohio provided a section 110(l) demonstration with the SIP revision request. In order to offset potential increases in VOC emissions due to the less than 10 tpy BAT exemption, the demonstration uses 23.53 tpy of VOC emission credits from emission units at industrial facilities that have shut down, or permanently reduced emissions, in the Cleveland and

Cincinnati areas. The emissions credits are: 4.88 tpy of VOC emissions credits from the permanently shut down emission unit R010 (permanently shut down on 7/16/2014) at the RMC USA Inc. facility (Facility ID 0204000423) in Ashtabula County, which is the Cleveland, Ohio area; and 18.65 tpy of VOC emissions from the permanently shut down emission unit P001 (permanently shut down on 11/21/2014) at the Rock-Tenn Converting Co. facility (Facility ID 1431070952) in Hamilton County, which is the Cincinnati, Ohio area. The emissions credits have already been retired. Upon approval of this SIP revision, OEPA will make final in its database the designation of these permanent retirements as offsets for this rule revision and EPA bases our approval on this retirement and designation.

EPA finds that Ohio's exemption of the less than 10 tpy sources from the need to employ BAT is consistent with Federal requirements and is approving the rule revision as a component of the Ohio SIP because, as discussed above, EPA has found that the less than 10 tpy BAT exemption does not interfere with attainment or maintenance of any of the NAAQS and would not interfere with any other applicable requirements of the CAA, and thus, along with the permanent retirement of the emissions credits, is approvable under CAA section 110(l).

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 Ohio Regulations described in the amendments to 40 CFR part 52 set forth 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 State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the 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]

[1] 62 FR 27968 (May 22, 1997).

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 June 11, 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: March 26, 2019.

Cathy Stepp,

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 § 52.1870, the table in paragraph (c) is amended by revising the entry for ''3745–31–05'' to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED OHIO REGULATIONS

Ohio citation	Title/subject	Ohio effective date	EPA approval date	Notes
*	*	*	*	*
Chapter 3745–31 Permit-to-Install New Sources and Permit-to-Install and Operate Program				
*	*	*	*	*
3745–31–05	Criteria for Decision by the Director.	5/1/2016	4/12/2019, [insert **Federal Register** citation].	Except for (E).
*	*	*	*	*

* * * * *

[FR Doc. 2019–07332 Filed 4–11–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2018–0103; FRL–9992–20–Region 5]

Air Plan Approval; Ohio; Removal of Obsolete Gasoline Volatility Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a request submitted by the Ohio Environmental Protection Agency (Ohio EPA) on February 5, 2018, to revise the Ohio State Implementation Plan (SIP) under the Clean Air Act (CAA). Ohio EPA requested to remove from the SIP the remaining provisions of the Ohio Administrative Code (OAC) concerning the State's 7.8 pounds per square inch (psi) Reid vapor pressure (RVP) fuel requirements for the Cincinnati and Dayton areas. EPA proposed to approve this request in a notice of proposed rulemaking (NPRM) dated December 26, 2018. In a previous action, EPA approved the removal of the 7.8 psi RVP fuel applicability requirements in the Cincinnati and Dayton areas as a component of the Ohio SIP, including the approval of a demonstration under section 110(l) of the CAA that addressed emissions impacts associated with the removal of the program.

DATES: This final rule is effective on May 13, 2019.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2018–0103. All documents in the docket are listed in the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information 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 *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Francisco J. Acevedo, Mobile Source Program Manager, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6061, *acevedo.francisco@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

I. Background

On December 19, 2016, Ohio EPA submitted a SIP revision requesting that EPA approve the removal of the 7.8 psi RVP fuel applicability requirements from the Ohio SIP before the beginning of the 2017 ozone control period. The revision also included a section 110(l) demonstration addressing the emissions impacts associated with the removal of the program. On April 7, 2017 (82 FR 16932), EPA approved the removal from the Ohio SIP of the 7.8 psi RVP fuel applicability requirements in the Cincinnati and Dayton areas. In that action EPA determined that removal of the 7.8 psi RVP fuel requirements would not interfere with attainment or maintenance of any of the National Ambient Air Quality Standards in the Cincinnati and Dayton areas and would not interfere with any other applicable requirement of the CAA, and thus, was approvable under CAA section 110(l).

Subsequently, Ohio EPA submitted a request to EPA on February 5, 2018 to remove the remaining low RVP requirements from the Ohio SIP. The NPRM provided a 30-day review and comment period. The comment period closed on January 25, 2019, and EPA did not receive any comments during the public comment period.

II. What action is EPA taking?

EPA is approving the revision to the Ohio SIP submitted by Ohio EPA on February 5, 2018, because the removal of remaining low RVP requirements in OAC Chapter 3745–72 from the SIP meets all applicable requirements and it would not interfere with reasonable further progress or attainment of any of the national ambient air quality standards.

The removal of the remaining provisions in OAC Chapter 3745–72 from the SIP are administrative in nature; will result in no emissions increases and not have any negative impact on air quality in the Cincinnati and Dayton areas.

III. 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 June 11, 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, Nitrogen oxides, Ozone, Volatile organic compounds.

Dated: March 26, 2019.

Cathy Stepp,

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.*

§ 52.1870 [Amended]

■ 2. In § 52.1870, the table in paragraph (c) is amended by removing the heading entitled ''Chapter 3745–72 Low Reid Vapor Pressure Fuel Requirements'' and the entries ''3745–72–01'' through ''3745–72–08''.

[FR Doc. 2019–07330 Filed 4–11–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[EPA–R07–OAR–2018–0852; FRL–9991–55–Region 7]

Air Plan Approval and Approval of Operating Permits Program; Nebraska; Adoption of the 2015 Ozone Standard and Revisions to Definitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the State Implementation Plan (SIP), and Operating Permits Program for the State of Nebraska as submitted on August 22, 2018. This action adopts the 2015 primary and secondary National Ambient Air Quality Standards for Ozone, published in the **Federal Register** on October 26, 2015. The EPA is also taking final action to approve revisions which are administrative in nature. These revisions include updating a reference to EPA's regulation used in the definition of ''Global Warming Potentials'', removing ''Greenhouse Gases'' from the definition of ''Regulated Air Pollutant'', and updating a reference to EPA's regulations used in the definition of ''Volatile Organic Compound''. Other typographical and reformatting revisions are also being made. Approval of these revisions will not impact air quality, ensures consistency between the State and Federally-approved rules, and ensures Federal enforceability of the State's rules.

DATES: This final rule is effective on May 13, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2018–0852. 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, *i.e.,* 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* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Greg Crable, Environmental Protection

Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number (913) 551–7391; email address *crable.gregory@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA.

Table of Contents

I. What is being addressed in this document?
II. Have the requirements for approval of a SIP revision been met?
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I. What is being addressed in this document?

The EPA is approving revisions to the State Implementation Plan (SIP) and the Operating Permit Program submitted on August 22, 2018, by the State of Nebraska. Nebraska's August 22, 2018, submittal included revisions to chapters 1, 4, 20, 28 and 34 of title 129. In this action, EPA is only addressing revisions to title 129 of the Nebraska Administrative Code, chapter 1 ''Definitions''; chapter 4 ''Ambient Air Quality Standards''; chapter 20 ''Particulate Emissions; Limitations and Standards''; and chapter 34 ''Emission Sources; Testing; Monitoring''. The EPA is not acting on chapter 28 ''Hazardous Air Pollutant; Emissions and Standards'', although included in the state's submission, because the chapter is not approved in the Nebraska SIP.

The EPA is approving revisions to the Nebraska SIP and Operating Permits Program for title 129, chapter 1 ''Definitions''. The revision to title 129, chapter 1, section 064, updates the reference for ''Table A–1—Global Warming Potentials'', and the effective date of the reference. The revision to section 109 of chapter 1 corrects a typographical error clarifying the meaning of ''person'', ensuring consistency with the Federal definition. Nebraska Department of Environmental Quality (NDEQ) removed section 130.05, ''Greenhouse gases'' and section 130.05A from the definition of ''Regulated Air Pollutant'', as a result of the Supreme Court's invalidation of portions of the Greenhouse Gas Tailoring Rule. Finally, the revision to chapter 1, section 160, ''Volatile Organic Compounds'', updates the reference to the appropriate sections of the Federal regulation pertaining to these rules and the effective date of the reference.

The following are approved revisions to the Nebraska SIP. Title 129, chapter 4, section 005, is revised by adopting the 2015 primary and secondary National Ambient Air Quality Standards for Ozone, (80 FR 65292, October 26, 2015), and by revising the reference to include appendix U to 40 CFR part 50 to be consistent with Federal regulations, and by updating the effective date of the reference.

Revisions to chapter 20, of title 129, correcting references to and re-numbering tables 20–1 and 20–2 by moving the tables under the correct sections of the chapter for consistency are approved. Also being approved is text presently found in section 007 moving to section 001 and renumbered as new subsection 001.01. Section 007 will be marked ''Reserved''.

Finally, EPA is approving revisions to chapter 34, of title 129, by correcting the typographical error in section 002.02 in the effective date of 40 CFR part 60 appendices. This revision clarifies the effective date by replacing the date July 12, 2002 with July 1, 2002.

II. Have the requirements for approval of a SIP revision been met?

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The revised chapters were placed on public notice on May 1, 2017, and a public hearing was held by the State of Nebraska on June 13, 2017, where no comments were received. In addition, as explained above, the revision meets the substantive SIP requirements of the Clean Air Act (CAA), including section 110 and implementing regulations.

III. EPA's Response to Comments

The public comment period on EPA's proposed rule opened February 20, 2019, the date of its publication in the **Federal Register** (84 FR 5032), and closed on March 22, 2019. During this period, EPA received one comment. After reviewing the comment, the EPA determined that the comment is outside the scope of our proposed rule and fails to identify any material issue necessitating a response. Accordingly, the EPA will not provide a specific response to the comment. We note that the public comment received on this rulemaking action is available for review by the public and may be viewed by following the instructions for access to docket materials as outlined in the **ADDRESSES** section of this preamble.

IV. What action is EPA taking?

The EPA is approving into the Nebraska SIP and as applicable, into the Operating Permits Program, revisions to title 129, chapters 1, 4, 20 and 34 as submitted by NDEQ on August 22, 2018.

V. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is incorporating by reference the Nebraska Regulations described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 7 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 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]

VI. 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

[1] 62 FR 27968 (May 22, 1997).

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 the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; 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 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 June 11, 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

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.

40 CFR Part 70

Environmental protection, Air pollution control, Incorporation by reference, Administrative practice and procedure, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

James Gulliford,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA is amending 40 CFR parts 52 and 70 as set forth below:

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—CC Nebraska

■ 2. In § 52.1420, paragraph (c), the table is amended by revising entries ''129–1 Definitions'', ''129–4 Ambient Air Quality Standards'', ''129–20 Particulate Emissions; Limitations and Standards'', and ''129–34 Emission Sources; Testing; Monitoring'' to read as follows:

§ 52.1420 Identification of Plan.

* * * * *

(c) * * *

EPA-APPROVED NEBRASKA REGULATIONS

Nebraska citation	Title	State effective date	EPA approval date	Explanation
	State of Nebraska Department of Environmental Quality Title 129—Nebraska Air Quality Regulations			
129–1	Definitions	7/15/2018	4/12/2019, [Insert **Federal Register** citation].	The definition of ''solid waste'' is not approved into the SIP. The second sentence beginning at ''Solid waste'' and ending at ''discarded material'', is not approved into the SIP.
*	*	*	*	*
129–4	Ambient Air Quality Standards.	7/15/2018	4/12/2019, [Insert **Federal Register** citation].	
*	*	*	*	*
129–20	Particulate Emissions: Limitations and Standards.	7/15/2018	4/12/2019, [Insert **Federal Register** citation].	
*	*	*	*	*
129–34	Emission Sources; Testing; Monitoring.	7/15/2018	4/12/2019, [Insert **Federal Register** citation].	
*	*	*	*	*

* * * * *

PART 70—STATE OPERATING PERMIT PROGRAMS

■ 3. The authority citation for part 70 continues to read as follows:

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

■ 4. Amend appendix A to part 70 by adding paragraph (p) under ''Nebraska; City of Omaha; Lincoln-Lancaster County Health Department'' to read as follows:

Appendix A to Part 70 Approval Status of State and Local Operating Permits Programs

* * * * *

Nebraska; City of Omaha; Lincoln-Lancaster County Health Department

* * * * *

(p) The Nebraska Department of Environmental Quality submitted revisions to The Nebraska Administrative Code, title 129, chapter 1, ''Definitions'' on August 22, 2018. The state effective date is July 15, 2018. This revision is effective May 13, 2019.

* * * * *

[FR Doc. 2019–07309 Filed 4–11–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R05–OAR–2018–0572; FRL–9992–21–Region 5]

Air Plan Approval; Ohio; Redesignation of the Cleveland Area to Attainment of the 2012 Annual Standard for Fine Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the Ohio Environmental Protection Agency's (Ohio) request to redesignate the Cleveland area to attainment of the 2012 annual national ambient air quality standard (NAAQS or standards) for fine particulate matter ($PM_{2.5}$) under the Clean Air Act (CAA).

DATES: This final rule is effective on April 12, 2019.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2018–0572. 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 Michael Leslie, Environmental Engineer, at (312) 353–6680 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Michael Leslie, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–6680, *leslie.michael@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 SIP revision?
III. What action is EPA taking?
IV. Statutory and Executive Order Reviews

I. What is being addressed by this document?

On July 24, 2018, Ohio submitted a request for EPA to redesignate the Cleveland area to attainment of the 2012 annual $PM_{2.5}$ NAAQS under section 107(d)(3)(E) the CAA. On December 26, 2018, at 83 FR 66200, EPA proposed to approve the State's revision to the SIP for the 2012 $PM_{2.5}$ NAAQS in the Cleveland nonattainment area.

II. What comments did we receive on the proposed SIP revision?

Our December 26, 2018 proposed rule provided a 30-day review and comment period. The comment period closed on January 25, 2019. EPA received no comments during the public comment period.

III. What action is EPA taking?

EPA is approving a change to the official designation of the Cleveland, Ohio area for the 2012 annual $PM_{2.5}$ NAAQS, found at 40 CFR part 81, from nonattainment to attainment. EPA is approving a determination that the Cleveland area has attained the 2012 annual $PM_{2.5}$ standard, based on the most recent three years of certified air quality data. This action also approves the maintenance plan for the 2012 annual $PM_{2.5}$ NAAQS as revision to the Ohio SIP for the Cleveland area. Finally, EPA is approving 2022 and 2030 primary $PM_{2.5}$ and nitrogen oxide motor vehicle emission budgets (MVEBs) for the Cleveland area. These MVEBs will be used in future transportation conformity analyses for the area.

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for these actions to become effective immediately upon publication. This is because a delayed effective date is unnecessary due to the nature of a redesignation to attainment, which relieves the area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule ''grants or recognizes an exemption or relieves a restriction,'' and section 553(d)(3), which allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. This rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, this rule relieves the state of planning requirements for this $PM_{2.5}$ nonattainment area. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for these actions to become effective on the date of publication of these actions.

IV. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of the maintenance plan under CAA section 107(d)(3)(E) are actions that affect the status of geographical area and do not impose any additional regulatory requirements on sources beyond those required by state law. A redesignation to attainment does not in and of itself impose any new requirements, but rather results in the application of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, 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 June 11, 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

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Sulfur oxides, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: March 25, 2019.

Cathy Stepp,

Regional Administrator, Region 5.

Title 40 CFR parts 52 and 81 are 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 § 52.1870, the table in paragraph (e) is amended under ''Summary of Criteria Pollutant Maintenance Plan'' by adding an entry ''$PM_{2.5}$ (2012)'' before the entry ''SO_2 (1971)'' (with a State date of 6/25/1992) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED OHIO NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Title	Applicable geographical or non-attainment area	State date	EPA approval	Comments
*	*	*	*	*
Summary of Criteria Pollutant Maintenance Plan				
*	*	*	*	*
$PM_{2.5}$ (2012)	Cleveland	7/24/2018	4/12/2019, [insert **Federal Register** citation].	EPA is approving the following elements: a determination that the Cleveland area has attained the 2012 annual $PM_{2.5}$ standard, a maintenance plan for the 2012 annual $PM_{2.5}$ NAAQS, 2022 and 2030 primary $PM_{2.5}$ and NO_X MVEBs for the Cleveland area.
*	*	*	*	*

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. Section 81.336 is amended by revising the entry ''Cleveland, OH'' in the table entitled ''Ohio—2012 Annual $PM_{2.5}$ NAAQS'' to read as follows:

§ 81.336 Ohio.

* * * * *

OHIO—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Cleveland, OH:				
Cuyahoga County	4/12/2019	Attainment		Moderate
Lorain County	4/12/2019	Attainment		Moderate
* *	*	*	*	* *

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

* * * * *

[FR Doc. 2019–07334 Filed 4–11–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2018–0546; FRL–9987–46]

Polyvinyl Acetate—Polyvinyl Alcohol Copolymer; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of polyvinyl acetate—polyvinyl alcohol copolymer; when used as an inert ingredient in a pesticide chemical formulation. Keller and Heckman LLP. on behalf of Synthomer USA LLC submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of polyvinyl acetate—polyvinyl alcohol copolymer on food or feed commodities.

DATES: This regulation is effective April 12, 2019. Objections and requests for hearings must be received on or before June 11, 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–2018–0546, 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 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. 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–2018–0546 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 June 11, 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–2018–0546, 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. Background and Statutory Findings

In the **Federal Register** of October 18, 2018 (83 FR 52787) (FRL–9984–21), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the receipt of a pesticide petition (PP IN–11189) filed by Keller and Heckman LLP. on behalf of Synthomer USA LLC, 200 Railroad Street, Roebuck, SC 29376. The petition requested that 40 CFR 180.960 be amended by establishing an exemption from the requirement of a tolerance for residues of polyvinyl acetate—polyvinyl alcohol copolymer; CAS Reg. No. 25213–24–5. That document included a summary of the petition prepared by the petitioner and solicited comments on the petitioner's request. The Agency did not receive any comments.

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(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 use 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 an exemption from the requirement of 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 . . .'' and specifies factors EPA is to consider in establishing an exemption.

III. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be shown that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information 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. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers expected to present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b) and the exclusion criteria for identifying these low-risk polymers are described in 40 CFR 723.250(d). Polyvinyl acetate—polyvinyl alcohol copolymer conforms to the definition of a polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low-risk polymers.

1. The polymer is not a cationic polymer nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. The polymer does contain as an integral part of its composition the atomic elements carbon, hydrogen, and oxygen.

3. The polymer does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

4. The polymer is neither designed nor can it be reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. The polymer is manufactured or imported from monomers and/or reactants that are already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. The polymer is not a water absorbing polymer with a number average molecular weight (MW) greater than or equal to 10,000 daltons.

Additionally, the polymer also meets as required the following exemption criteria specified in 40 CFR 723.250(e).

7. The polymer's minimum number average MW of 14,000 is greater than or equal to 10,000 daltons. The polymer contains less than 2% oligomeric material below MW 500 and less than 5% oligomeric material below MW 1,000.

Thus, polyvinyl acetate—polyvinyl alcohol copolymer meets the criteria for a polymer to be considered low risk under 40 CFR 723.250. Based on its conformance to the criteria in this unit, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to polyvinyl acetate—polyvinyl alcohol copolymer.

IV. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that polyvinyl acetate—polyvinyl alcohol copolymer could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The minimum number average MW of polyvinyl acetate—polyvinyl alcohol copolymer is 14,000 daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since polyvinyl acetate—polyvinyl alcohol copolymer conform to the criteria that identify a low-risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

V. 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 polyvinyl acetate—polyvinyl alcohol copolymer to share a common mechanism of toxicity

with any other substances, and polyvinyl acetate—polyvinyl alcohol copolymer does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that polyvinyl acetate—polyvinyl alcohol copolymer 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://www.epa.gov/pesticides/cumulative.*

VI. Additional Safety Factor for the Protection of Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold 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 data base unless EPA concludes that a different margin of safety will be safe for infants and children. Due to the expected low toxicity of polyvinyl acetate—polyvinyl alcohol copolymer, EPA has not used a safety factor analysis to assess the risk. For the same reasons the additional tenfold safety factor is unnecessary.

VII. Determination of Safety

Based on the conformance to the criteria used to identify a low-risk polymer, EPA concludes that there is a reasonable certainty of no harm to the U.S. population, including infants and children, from aggregate exposure to residues of polyvinyl acetate—polyvinyl alcohol copolymer.

VIII. Other Considerations

A. Existing Exemptions From a Tolerance

Not Available.

B. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

C. 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 polyvinyl acetate—polyvinyl alcohol copolymer.

IX. Conclusion

Accordingly, EPA finds that exempting residues of polyvinyl acetate—polyvinyl alcohol copolymer from the requirement of a tolerance will be safe.

X. Statutory and Executive Order Reviews

This action establishes a tolerance 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) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). 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).

XI. 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: April 8, 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 § 180.960, add alphabetically the polymer ''Polyvinyl acetate—polyvinyl alcohol copolymer, minimum number average molecular weight (in amu), 14,000'' to the table to read as follows:

§ 180.960 Polymers; exemptions from the requirement of a tolerance.

* * * * *

Polymer	CAS No.
* * * * * * *	
Polyvinyl acetate—polyvinyl alcohol copolymer, minimum number average molecular weight (in amu), 14,000	25213–24–5
* * * * * * *	

[FR Doc. 2019–07273 Filed 4–11–19; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 160908833–9240–02]

RIN 0648–BG34

Requirements of the Vessel Monitoring System Type-Approval

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

ACTION: Final rule.

SUMMARY: All owners of vessels participating in a NOAA Vessel Monitoring System (VMS) program are required to acquire a NMFS-approved Enhanced Mobile Transmitting Unit (EMTU) or Mobile Transmitting Unit (MTU) to comply with the Vessel Monitoring System requirements. This final action amends the existing VMS Type-Approval regulations by removing the requirement for VMS vendors to periodically renew their EMTU/MTU type-approvals. This renewal process has proven to be unnecessary, has cost fishermen and approved VMS vendors additional time and expense, and has imposed unnecessary costs on the government. Removing the type-approval renewal requirement will spare fishermen, VMS vendors and the government the time and expense associated with the renewal process.

DATES: The final rule will be effective April 12, 2019.

FOR FURTHER INFORMATION CONTACT: Kelly Spalding, Vessel Monitoring System Program Manager, Headquarters: 301–427–8269 or *Kelly.spalding@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

In December 2014, NMFS published a final rule to codify national VMS type-approval standards for the approval by NMFS of an EMTU/MTU, any associated software, and mobile communications service (MCS; collectively referred to as a VMS) before they are authorized for use in the NMFS VMS program. See 79 FR 77399 (December 24, 2014). Those standards are set out in 50 CFR part 600, subpart Q, *Vessel Monitoring System Type-Approval.*

Fishers must comply with applicable Federal fishery VMS regulations, and in doing so, may select from a variety of EMTU/MTU vendors that have been approved by NMFS to participate in the VMS program for specific fisheries. The NOAA Office of Law Enforcement (OLE) maintains the list of type-approved VMS units at *http://www.nmfs.noaa.gov/ole/about/our_programs/vessel_monitoring.html.* The EMTU/MTU allows OLE to determine the geographic position of the vessel at specified intervals or during specific events, via mobile communications services between NMFS OLE and the vessel using a NMFS-approved MCS provider. These communications are secure and the information is only made available to authorized personnel.

This action removes the two sections of 50 CFR part 600, subpart Q, that require VMS type-approval holders (VMS vendors) to periodically renew their type-approvals. Section 600.1512 of the VMS type approval regulations previously provided that type-approvals were valid for three years from the date on which NMFS publishes a notice in the **Federal Register** of the approval; and that prior to the expiration of that three-year type-approval period, the VMS vendor was required to apply for a type-approval renewal. NMFS found that the renewal process is unnecessary, has cost fishermen and approved VMS vendors additional time and expense, and imposed unnecessary cost on the government. Removing the type-approval renewal requirement spares fishermen, VMS vendors and the government the time and expense associated with the renewal process without impairing the effectiveness of the VMS program.

Section 600.1513 of Subpart Q set out the type-approval renewal process. A VMS vendor seeking renewal of a VMS type-approval was required to submit a written renewal request and supporting materials to NOAA OLE at least 30 days, but not more than six months, prior to the end of the three-year type-approval period. To do so, the type-approval holder was required to submit a written request letter containing the information and documentation regarding their continued compliance with their Vessel Monitoring System Type-Approval.

The type-approval renewal provisions were designed to provide for an in-depth look at the type-approval holder's overall record of compliance with type-approval requirements. However, NMFS' experience with the renewal process showed it to be cumbersome for both type-approval holders and NMFS OLE. In some cases, type-approval holders opted to apply for type-approval of newer VMS units rather than seek renewal of their older VMS units. When a type-approval lapsed due to non-renewal, fishermen were required to replace their VMS units that were no longer type approved, despite the fact that the unit may still have been functional and compliant with all current VMS standards. Doing so imposed unnecessary cost on fishermen who had to purchase a new VMS unit and may have led to lost fishing opportunities while the VMS unit was being replaced.

In addition to being costly and burdensome for type-approval holders, fishermen and NMFS, the renewal process was not necessary because 50 CFR 600.1514 (re-designated as § 600.1512 by this final rule) sets out an EMTU type-approval revocation process. In the event that a type-approved EMTU model fails to meet the VMS EMTU specifications, NMFS can remove it from the VMS program through this revocation process. With this action, the type-approval will remain valid indefinitely unless NMFS initiates the revocation process pursuant

to § 600.1514, or the type-approval holder chooses or agrees to forfeit their type-approval. Due to the removal of the type-approval renewal process in § 600.1513, NMFS is removing the reference to that section in § 600.1510 (Notification of type-approval). NMFS is also re-designating §§ 600.1514 through 600.1518 as §§ 600.1512 through 600.1516, in light of the removal of the former §§ 600.1512 and 600.1513.

NMFS issued a proposed rule on December 5, 2017, to remove the VMS type-approval renewal requirement discussed above. *See* 82 FR 57419 (December 5, 2017). NMFS received no comments during the initial 30-day comment period on the rule and re-opened the comment period for an additional 30 days in February 2018. *See* 83 FR 8416 (Feb. 27, 2018).

Changes From the Proposed Rule

There are no changes from the proposed rule.

Responses to Public Comments

NMFS received six public comments on the proposed rule. Two individuals provided comments in support of the rule. NMFS received four comments that compared U.S. air quality to that of other countries and expressed the view that U.S. environmental regulations hinder business growth. These comments are not directly relevant to this rulemaking, so we did not prepare a response.

Classification

The NMFS Assistant Administrator has determined that this rule is consistent with the provisions of the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable law.

This rule has been determined to be not significant for purposes of Executive Order 12866. This rule is an Executive Order 13771 deregulatory action.

Because this rule relieves a restriction by removing the requirement that VMS type-approval holders renew their type approval every three years, it falls within an exception to the 30-day delay in the date of effectiveness provision of the Administrative Procedure Act (5 U.S.C. 553(d)(1)). As noted in the Background section above, this final rule removes two sections of 50 CFR part 600, subpart Q that require VMS type approval holders to periodically renew their type approval. This final rule eliminates the requirement for type-approval holders to submit to NMFS a written renewal request and supporting documentation demonstrating their compliance with the detailed VMS type-approval requirements over the preceding three years.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) during the proposed rule stage that this rule 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. As a result, a regulatory flexibility analysis was not required and none was prepared.

List of Subjects in 50 CFR Part 600

Administrative practice and procedure, Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: April 9, 2019.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 600 is amended as follows:

PART 600—MAGNUSON–STEVENS ACT PROVISIONS

■ 1. The authority citation for part 600 continues to read as follows:

Authority: 5 U.S.C. 561 and 16 U.S.C. 1801 *et seq.*

■ 2. In § 600.1510, revise paragraph (a) to read as follows:

§ 600.1510 Notification of type-approval.

(a) If a request made pursuant to § 600.1501 (type-approval) is approved or partially approved, NMFS will issue a type approval letter and publish a notice in the **Federal Register** to indicate the specific EMTU model, MCSP or bundle that is approved for use, the MCS or class of MCSs permitted for use with the type-approved EMTU, and the regions or fisheries in which the EMTU, MCSP, or bundle is approved for use.

* * * * *

§§ 600.1512 and 600.1513 [Removed]

■ 3. Remove §§ 600.1512 and 600.1513.

§§ 600.1514 through 600.1518 [Redesignated as §§ 600.1512 through 600.1516]

■ 4. Redesignate §§ 600.1514 through 600.1518 as §§ 600.1512 through 600.1516, respectively.

[FR Doc. 2019–07304 Filed 4–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 180831813–9332–03]

RIN 0648–XG471

Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2019 and 2020 Harvest Specifications for Groundfish; Correction

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

ACTION: Final rule; correction.

SUMMARY: The National Marine Fisheries Service is correcting a final rule that published on March 14, 2019, implementing the final 2019 and 2020 harvest specifications and prohibited species catch allowances for the groundfish fishery of the Gulf of Alaska. One table in the document contains errors associated with flathead sole. These corrections are necessary to provide the correction information about the amount of flathead sole available for commercial harvest in 2019, thus allowing commercial fishermen to maximize their economic opportunities in this fishery. This correction also is necessary to comport with the requirements of the Fishery Management Plan for Groundfish of the Gulf of Alaska.

DATES: Effective April 12, 2019.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Need for Correction

The National Marine Fisheries Service (NMFS) published the Gulf of Alaska (GOA) final 2019 and 2020 harvest specifications in the **Federal Register** on March 14, 2019 (84 FR 9416). The harvest specifications were effective March 14, 2019. A table (Table 1) providing information about the 2019 overfishing levels, acceptable biological catch (ABC), and total allowable catch (TAC) for groundfish of the GOA contains errors associated with the flathead sole ABC for the Central Regulatory Area of the GOA, as well as the flathead sole ABCs and TACs in the West Yakutat (WYK) and Southeast Outside (SEO) Districts of the Eastern Regulatory Area of the GOA. In Table 1 on page 9420 of the harvest specifications published in the **Federal Register**, NMFS inadvertently used incorrect values for the flathead sole

ABCs and TACs for these management areas. The correct 2019 flathead sole ABC for the Central Regulatory Area of the GOA is 21,109 metric tons (mt). The correct 2019 flathead sole ABCs for the WYK and SEO Districts of the Eastern Regulatory Area of the GOA are 2,016 mt and 423 mt, respectively. The correct 2019 flathead sole TACs for the WYK and SEO Districts of the Eastern Regulatory Area of the GOA are 2,016 mt and 423 mt, respectively. These corrections also require the corresponding grand total of the 2019 flathead sole ABCs and TACs to be revised to 36,782 mt and 26,489 mt, respectively.

Classification

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 unnecessary and contrary to the public interest. This correcting amendment makes changes to correct mis-specified 2019 flathead sole ABCs and TACs in Table 1, as described above, and does not change operating practices in the fisheries. This correcting action is consistent with the harvest specifications recommended by the North Pacific Fishery Management Council in December 2018, and ensures that the flathead sole TACs that the fishing industry expected to be available in 2019 are correct. If this correction is delayed to allow for notice and comment, it would result in confusion for participants in the fisheries, given that the final rule implementing the 2019 and 2020 harvest specifications already is effective. Therefore, in order to avoid any negative consequences that could result from this correction, the AA finds good cause to waive the requirement to provide prior notice and opportunity for public comment. The correct 2019 flathead sole TACs for the WYK and SEO Districts of the Eastern Regulatory Area of the GOA are slightly more than the incorrectly specified TACs for these two management areas. Without this correction, commercial fishermen may believe that there is less flathead sole available for harvest in 2019 then is actually available, to their economic detriment.

For the reasons above, the AA also finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date and make this rule effective immediately upon publication.

Correction

In the final rule, published on March 14, 2019 (84 FR 9416), the following corrections are made to Table 1:

On page 9420, in Table 1, columns 4 and 5 are corrected to incorporate the correct amounts for the 2019 flathead sole ABCs and TACs.

Table 1 is corrected and reprinted in its entirety to read as follows:

TABLE 1—FINAL 2019 OFLS, ABCS, AND TACS OF GROUNDFISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, THE WEST YAKUTAT AND SOUTHEAST OUTSIDE DISTRICTS OF THE EASTERN REGULATORY AREA, AND GULFWIDE DISTRICTS OF THE GULF OF ALASKA

[Values are rounded to the nearest metric ton]

Species	Area [1]	OFL	ABC	TAC
Pollock [2]	Shumagin (610)	n/a	24,875	24,875
	Chirikof (620)	n/a	67,388	67,388
	Kodiak (630)	n/a	34,443	34,443
	WYK (640)	n/a	5,748	5,748
	W/C/WYK (subtotal) [2]	194,230	135,850	132,454
	SEO (650)	11,697	8,773	8,773
	Total	205,927	144,623	141,227
Pacific cod [3]	W	n/a	7,633	5,343
	C	n/a	7,667	5,750
	E	n/a	1,700	1,275
	Total	23,669	17,000	12,368
Sablefish [4]	W	n/a	1,581	1,581
	C	n/a	5,178	5,178
	WYK	n/a	1,828	1,828
	SEO	n/a	2,984	2,984
	E (WYK and SEO) (subtotal)	n/a	4,812	4,812
	Total	25,227	11,571	11,571
Shallow-water flatfish [5]	W	n/a	25,620	13,250
	C	n/a	25,731	25,731
	WYK	n/a	2,279	2,279
	SEO	n/a	1,957	1,957
	Total	68,309	55,587	43,217
Deep-water flatfish [6]	W	n/a	416	416
	C	n/a	3,443	3,443
	WYK	n/a	3,280	3,280
	SEO	n/a	2,362	2,362
	Total	11,434	9,501	9,501
Rex sole	W	n/a	2,951	2,951
	C	n/a	8,357	8,357
	WYK	n/a	1,657	1,657
	SEO	n/a	1,727	1,727
	Total	17,889	14,692	14,692
Arrowtooth flounder	W	n/a	35,994	14,500

TABLE 1—FINAL 2019 OFLS, ABCS, AND TACS OF GROUNDFISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, THE WEST YAKUTAT AND SOUTHEAST OUTSIDE DISTRICTS OF THE EASTERN REGULATORY AREA, AND GULFWIDE DISTRICTS OF THE GULF OF ALASKA—Continued

[Values are rounded to the nearest metric ton]

Species	Area [1]	OFL	ABC	TAC
	C	n/a	70,995	70,995
	WYK	n/a	15,911	6,900
	SEO	.....	22,941	6,900
	Total	174,598	145,841	99,295
Flathead sole	W	n/a	13,234	8,650
	C	n/a	21,109	15,400
	WYK	n/a	2,016	2,016
	SEO	n/a	423	423
	Total	44,865	36,782	26,489
Pacific ocean perch [7]	W	n/a	3,227	3,227
	C	n/a	19,646	19,646
	WYK	n/a	3,296	3,296
	W/C/WYK subtotal	31,113	26,169	26,169
	SEO	2,838	2,386	2,386
	Total	33,951	28,555	28,555
Northern rockfish [8]	W	n/a	1,190	1,190
	C	n/a	3,338	3,338
	E	n/a	1	.....
	Total	5,402	4,529	4,528
Shortraker rockfish [9]	W	n/a	44	44
	C	n/a	305	305
	E	n/a	514	514
	Total	1,151	863	863
Dusky rockfish [10]	W	n/a	781	781
	C	n/a	2,764	2,764
	WYK	n/a	95	95
	SEO	n/a	60	60
	Total	4,521	3,700	3,700
Rougheye and Blackspotted rockfish [11]	W	n/a	174	174
	C	n/a	550	550
	E	n/a	704	704
	Total	1,715	1,428	1,428
Demersal shelf rockfish [12]	SEO	411	261	261
Thornyhead rockfish	W	n/a	326	326
	C	n/a	911	911
	E	n/a	779	779
	Total	2,688	2,016	2,016
Other rockfish [13 14]	W and C	n/a	1,737	1,737
	WYK	n/a	368	368
	SEO	n/a	3,489	3,489
	Total	7,356	5,594	5,594
Atka mackerel	GW	6,200	4,700	3,000
Big skate [15]	W	n/a	504	504
	C	n/a	1,774	1,774
	E	n/a	570	570
	Total	3,797	2,848	2,848
Longnose skate [16]	W	n/a	149	149
	C	n/a	2,804	2,804
	E	n/a	619	619
	Total	4,763	3,572	3,572
Other skates [17]	GW	1,845	1,384	1,384
Sculpins	GW	6,958	5,301	5,301
Sharks	GW	10,913	8,184	8,184
Octopus	GW	1,300	975	975
Total		664,889	509,507	430,569

[1] Regulatory areas and districts are defined at § 679.2. (W = Western Gulf of Alaska; C = Central Gulf of Alaska; E = Eastern Gulf of Alaska; WYK = West Yakutat District; SEO = Southeast Outside District; GW = Gulf-wide).

[2] The total for the W/C/WYK Regulatory Areas pollock ABC is 135,850 mt. After deducting 2.5 percent (3,396 mt) of that ABC for the State's pollock GHL fishery, the remaining pollock ABC of 132,454 mt (for the W/C/WYK Regulatory Areas) is apportioned among four statistical areas (Areas 610, 620, 630, and 640). These apportionments are considered subarea ACLs, rather than ABCs, for specification and reapportionment purposes. The ACLs in Areas 610, 620, and 630 are further divided by season, as detailed in Table 3 (final 2019 seasonal biomass distribution of pollock in the Western and Central Regulatory Areas, area apportionments, and seasonal allowances). In the West Yakutat (Area 640) and Southeast Outside (Area 650) Districts of the Eastern Regulatory Area, pollock is not divided into seasonal allowances.

[3] The annual Pacific cod TAC is apportioned 60 percent to the A season and 40 percent to the B season in the Western and Central Regulatory Areas of the GOA. Pacific cod TAC in the Eastern Regulatory Area of the GOA is allocated 90 percent to vessels harvesting Pacific cod for processing by the inshore component and 10 percent to vessels harvesting Pacific cod for processing by the offshore component. Table 5 lists the final 2019 Pacific cod seasonal apportionments.

[4] Sablefish is allocated to trawl and fixed gear in 2019 and trawl gear in 2020. Table 7 lists the final 2019 allocations of sablefish TACs.

[5] ''Shallow-water flatfish'' means flatfish not including ''deep-water flatfish,'' flathead sole, rex sole, or arrowtooth flounder.

[6] ''Deep-water flatfish'' means Dover sole, Greenland turbot, Kamchatka flounder, and deepsea sole.

[7] ''Pacific ocean perch'' means *Sebastes alutus.*

[8] ''Northern rockfish'' means *Sebastes polyspinis.* For management purposes, the 1 mt apportionment of ABC to the WYK District of the Eastern Gulf of Alaska has been included in the ''other rockfish'' species group.

[9] ''Shortraker rockfish'' means *Sebastes borealis.*

[10] ''Dusky rockfish'' means *Sebastes variabilis.*

[11] ''Rougheye and blackspotted rockfish'' means *Sebastes aleutianus* (rougheye) and *Sebastes melanostictus* (blackspotted).

[12] ''Demersal shelf rockfish'' means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

[13] ''Other rockfish'' means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergrey), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermilion), *S. reedi* (yellowmouth), *S. entomelas* (widow), and *S. flavidus* (yellowtail). In the Eastern GOA only, other rockfish also includes northern rockfish, *S. polyspinis.*

[14] ''Other rockfish'' in the Western and Central Regulatory Areas and in the West Yakutat District means other rockfish and demersal shelf rockfish. The ''other rockfish'' species group in the SEO District only includes other rockfish.

[15] ''Big skate'' means *Raja binoculata.*

[16] ''Longnose skate'' means *Raja rhina.*

[17] ''Other skates'' means *Bathyraja and Raja* spp.

Authority: 16 U.S.C. 773 *et seq.;* 16 U.S.C. 1540 (f), 1801 *et seq.;* 16 U.S.C. 3631 *et seq.;* Pub. L. 105–277; Pub. L. 106–31; Pub. L. 106–554; Pub. L. 108–199; Pub. L. 108–447; Pub. L. 109–241; Pub. L 109–479.

Dated: April 8, 2019.

Samuel D. Rauch III,

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

[FR Doc. 2019–07276 Filed 4–11–19; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 84, No. 71
Friday, April 12, 2019

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.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1222

[Document Number AMS–SC–18–0072]

Paper and Paper-Based Packaging Promotion, Research and Information Order; Change in Membership and Nominations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal invites comments on changing the membership and nomination procedures of the Paper and Packaging Board (Board). The Paper and Paper-Based Packaging Promotion, Research and Information Order (Order) is administered by the Board with oversight by the U.S. Department of Agriculture (USDA). This proposal would also make administrative changes to other provisions of the Order.

DATES: Comments must be received by May 13, 2019.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments may be submitted on the internet at: *http://www.regulations.gov* or to the Promotion and Economics Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Room 1406–S, Stop 0244, Washington, DC 20250–0244; facsimile: (202) 205–2800. All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection, including name and address, if provided, in the above office during regular business hours or it can be viewed at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Marlene Betts, Marketing Specialist, Promotion and Economics Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Room 1406–S, Stop 0244, Washington, DC 20250–0244; telephone: (202) 720–5057; facsimile: (202) 205–2800; or electronic mail: *Marlene.Betts@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: This proposal affecting 7 CFR part 1222 (the Paper and Paper-Based Packaging Promotion, Research and Information Order (Order)) is authorized under the Commodity Promotion, Research, and Information Act of 1996 (1996 Act) (7 U.S.C. 7411–7425).

Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules and promoting flexibility. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this rule does not meet the definition of a significant regulatory action it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

Executive Order 12988

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. Section 524 of the 1996 Act (7 U.S.C. 7423) provides that it shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the 1996 Act (7 U.S.C. 7418), a person subject to an order may file a written petition with USDA stating that an order, any provision of an order, or any obligation imposed in connection with an order, is not established in accordance with the law, and request a modification of an order or an exemption from an order. Any petition filed challenging an order, any provision of an order, or any obligation imposed in connection with an order, shall be filed within two years after the effective date of an order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, USDA will issue a ruling on the petition. The 1996 Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of USDA's final ruling.

Background

This proposal invites comments on reducing the size of the Board from 12 members to 8 members, reducing the number of regions for manufacturer representation on the Board from four (South, Northeast, Midwest, and West) to two (South and Other parts of the United States), eliminating the at-large seat, and changing the nomination process under the Order. The Order is administered by the Board with oversight by USDA. Under the Order, assessments are collected from manufacturers and importers and used for projects to promote the use of paper and paper-based packaging.

Board Membership and Regional Representation

Currently, the 1996 Act and § 1222.40(c) require the Board to review its membership and size of the Board to reflect changes in its geographical distribution and quantity of paper and paper-based packaging manufactured in the U.S. and the quantity of paper and paper-based packaging imported into the U.S. This is the first review of the Board's membership and size since the Board's implementation in 2014. The Board reviewed data to determine if the geographical distribution of paper and paper-based packaging manufactured in

the U.S. and the quantity imported into the U.S. and Board membership needed to be changed. The proposed action was unanimously recommended by the Board in June 2018 and would contribute to the effective administration of the program.

Section 1222.40 provides that the Board should consist of 12 members—11 manufacturers and 1 importer. Section 1222.40 also requires that the Board be comprised of manufacturers and importers of paper and paper-based packaging that manufacture or import 100,000 short tons or more of paper and paper-based packaging during the year. Of the 11 manufacturers, 10 shall be from the following four regions: South—6 members; Northeast—1 member; Midwest—2 members; and West—1. One manufacturer at-large member may be from any region and shall manufacture at least 100,000 short tons but no more than 250,000 short tons of paper and paper-based packaging. If there are no eligible nominees, the seat shall be allocated to the largest producing region.

In 2017, approximately 61.3 million short tons of U.S. paper and paper-based packaging was produced and covered under the program. Of the 61.3 million short tons, it is estimated that 64 percent was manufactured in the South, 17 percent was manufactured in the Midwest, 9 percent was manufactured in the Northeast, and 10 percent was manufactured in the West. While the U.S. production of paper and paper-based packaging has dropped from 66.1 million short tons in 2014 to 61.3 million short tons in 2017, the number of domestic companies that pay assessments into the program has decreased from 53 to 39, which equals a 26 percent decrease in three years. Due to the consolidation in the industry, the Board believes that the proposed changes to the Board size and its regions would better reflect the distribution of the manufacturing of paper and paper-based packaging and the imports of paper and paper-based packaging.

With the proposed amendment, the total number of Board members would decrease from the current 12 members to 8 members. The proposed 8-member Board would be comprised of 7 manufacturers and 1 importer. Of the 7 manufacturers, 4 members would be from the South, and 3 members would be from all other parts of the U.S. According to the Board, this proposed action should make the reduced number of seats easier to fill and reflect the current distribution of the industry.

The Board has recommended a transitional approach to reduce the Board from 12 members to 8 members over a three-year period. The 2019 Board currently has 12 members. The 2020 Board would have 10 members consisting of 5 members representing the South, 4 members representing the other parts of the U.S., and 1 importer. This would require the Board to fill two seats in the South region whose terms will expire December 31, 2019. The 2021 Board would have 8 members consisting of 4 members representing the South, 3 members from other parts of the U.S., and 1 importer. This would require the Board to fill two seats—an importer seat and one seat representing other parts of the U.S. whose terms would expire on December 31, 2020. These changes are authorized under § 1222.40(c). Lastly, the Board recommended one seat from the South whose term will expire on December 31, 2021, be for a two-year term rather than a three-year term. Section 515 of the 1996 Act (7 U.S.C. 7414) and § 1222.42 state that members shall serve for a term of three-years, except for the initial appointments. Therefore, a term shorter than three-years is not being implemented as recommended.

Nomination Process

Sections 1222.41 and 1222.46 provide authority for the Board to recommend amendments to the Order. Nominations to the Board are currently made by an election process. This process is conducted by the Board, which notifies all known manufacturers and importers of 100,000 short tons or more of paper and paper-based packaging annually of the open Board seats. Manufacturers and importers may nominate eligible persons from their own company or any other eligible company for a seat on the Board. Once the Board receives the nominees, the Board conducts an election by mail ballot in each region where there is a vacancy. The votes are tabulated by region, with nominees receiving the highest number of votes placed at the top of the list, in descending order. Due to consolidation of companies from 53 to 39, the pool of eligible manufacturers to fill board seats has decreased, therefore the number of eligible nominees has decreased too. The Board recommended a new nomination process to help alleviate this situation.

The Board would conduct outreach and issue a call for nominations for all open seats to all known manufacturers and importers of 100,000 short tons or more of paper and paper-based packaging. The Board would evaluate all the nominees and recommend at least two names for each open seat as their first and second choice to be placed on the nomination slate. Other qualified persons interested in serving in the open seats, but not recommended by the Board will be submitted and designated as additional nominees for consideration by the Secretary.

In addition, this proposal would change the OMB control number in §§ 1222.88 and 1222.108 from 0581–0281 to 0581–0093, the control number assigned by OMB. This change would reflect the accurate OMB control number.

Initial Regulatory Flexibility Act Analysis

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS is required to examine the impact of the proposed rule on small entities. Accordingly, AMS has considered the economic impact of this action on such entities.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened. The Small Business Administration (SBA) defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than $750,000, and small agricultural service firms (first handlers and importers) as those having annual receipts of no more than $7.5 million.

According to the Board, there are 39 manufacturers in the United States that produce the types of paper and paper-based packaging covered under the Order. Using an average price of $784 per short ton,[1] a manufacturer who produces less than about 9,560 short tons of paper and paper-based packaging per year would be considered a small entity. It is estimated that no more than three manufacturers produced less than 9,560 short tons per year. Thus, the majority of manufacturers would not be considered small businesses.

Based on U.S. Customs and Border Protection (Customs) data, it is estimated that in 2017 there were approximately 1,700 importers of paper and paper-based packaging. Fifty importers, or about 3 percent, imported more than $7.5 million worth of paper and paper-based packaging. Thus, the majority of importers would be considered small entities. However, all of the 20 entities that imported 100,000

[1] Industry sources do not publish information on average price for paper and paper-based packaging. A reasonable estimate for average price of paper and paper-based packaging is the value per ton of paper and paper-based packaging exports. According to U.S. Census data, the average value of paper and paper-based packaging exports in 2017 was approximately $784 per short ton.

short tons or more (the Order's exemption threshold) also imported more than $7.5 million worth of paper and paper-based packaging. Therefore, none of the 20 importers covered under the Order would be considered small businesses.

Based on domestic production of approximately 61.3 million short tons in 2017 and an average price of $784 per short ton, the domestic paper and paper-based packaging industry is valued at approximately $48.1 billion. According to Customs data, the value of paper and paper-based packaging imports in 2017 was about $5.9 billion.

The proposed amendments would reduce the size of the Board from 12 members to 8, reduce the number of regions for manufacturers from four (South, Northeast, Midwest, and West) to two (South, and other parts of the United States), eliminate the at-large member, and change the nomination process as specified in §§ 1222.40 and 1222.41. The proposed amendments are administrative in nature; therefore, there should be no economic impact on manufacturers and importers.

Currently, the Order requires 12 Board members, 11 domestic manufacturers and one importer. Of the 11 domestic manufacturers, 6 represent the South, 2 represent the Midwest, 1 represents the Northeast, 1 represents the West, and 1 at-large member represents any region and must manufacture at least 100,000 short tons, but not more than 250,000 short tons. Due to mergers and closings, the number of eligible companies (manufacturers and importers of 100,000 tons or more of paper and paper-based packaging annually) has decreased from 53 to 39 eligible manufacturers since the inception of the Order in 2014. With an overall pool of 39 eligible U.S. manufacturers, an 8-member Board can effectively represent the interest of the paper and paper-based packaging industry.

The proposed 8-member Board would be comprised of 7 manufacturers and 1 importer. Of the 7 manufacturers, 4 members would be from the South, and 3 members would be from all other parts of the U.S. According to the Board, this proposed action would make the reduced number of seats easier to fill and reflect the current distribution of the industry.

This proposed rule is also recommending a change to the current nomination procedures. The Board unanimously recommended eliminating the election process and proposed a new nomination process, whereby all the submitted names of the eligible candidates would be submitted to the Secretary with recommendations by the Board. This action would allow the Board the flexibility to provide a slate that would reflect the diverse membership of the paper and paper-based packaging industry in terms of various segments of the industry.

The new nomination process would allow the Board to conduct outreach to all known manufacturers and importers of 100,000 short tons or more of paper and paper-based packaging, whereby the Board would evaluate all the nominees and recommend at least two names for each open seat. Other qualified persons interested in serving in the open seats, but not recommended by the Board will be submitted and designated as additional nominees for consideration by the Secretary.

The proposed changes to the size of the Board, number of regions, and nomination process is administrative in nature and would have no economic impact on entities covered under the program. These changes would help increase the pool of candidates as companies operate in multiple regions and seek nomination for a region of their choice. Eligible manufacturers and importers interested in serving on the Board would have to complete a background questionnaire. Those requirements are addressed later in this proposal in the section titled *Reporting and Recordkeeping Requirements*.

Alternatives to the proposal that were considered by the Board included recommending no changes and considering a variety of mechanisms for nominating candidates. The Board explored whether other industry organizations should be tasked with nominating candidates but determined that it would unnecessarily complicate the nominations process. However, due to mergers and closings, the number of eligible companies has decreased making it more difficult to fill Board seats. Therefore, the Board concluded that reducing the Board size, reducing the number of regions, eliminating the at-large member, and revising the nomination process would provide a Board that would better reflect the industry.

Lastly, this rule proposes changes to §§ 1222.80 and 1222.108 to correct the OMB control numbers that are assigned to the Paper and Packaging Board by OMB.

Reporting and Recordkeeping Requirements

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirements that are imposed by the part have been previously approved by OMB under OMB control number 0581–0093. This proposed rule would not result in a change to the information collection and recordkeeping requirements previously approved and would impose no additional reporting requirements or recordkeeping burden on manufacturers or importers of paper and paper-based packaging.

As with all Federal promotion programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public-sector agencies. Finally, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

The Board met on June 28, 2018, and unanimously recommended reducing the size of the Board, reducing the number of regions and eliminating the election process for nominations and proposing a new nominations process. The Board meetings are open to the public and interested persons are invited to participate and express their views.

AMS has performed this initial RFA regarding the impact of this proposed action on small entities and invites comments concerning potential effects of this action.

USDA has determined that this proposed rule is consistent with and would effectuate the purposes of the 1996 Act.

A 30-day comment period is provided to allow interested persons to respond to this proposal. All written comments received in response to this proposed rule by the date specified will be considered prior to finalizing this action.

List of Subjects in 7 CFR Part 1222

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Paper and paper-based packaging promotion, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1222 is proposed to be amended as follows:

PART 1222—PAPER AND PAPER-BASED PACKAGING PROMOTION, RESEARCH AND INFORMATION ORDER

■ 1. The authority citation for 7 CFR part 1222 continues to read as follows:

Authority: 7 U.S.C. 7411–7425; 7 U.S.C. 7401.

■ 2. Revise § 1222.40(b) to read as follows:

§ 1222.40 Establishment and membership.

* * * * *

(b) *Composition of Board.* The 2020 Board shall be composed of 10 members. The 2021 Board and each subsequent Board shall be composed of 8 members. The Boards shall be established as follows:

(1) *Manufacturers.* For the 2020 Board, 9 members shall be manufacturers and for the 2021 Board and each subsequent Board, 7 members shall be manufacturers, from the following two regions:

(i) Five members shall be from the South for the 2020 Board and four members shall be from the South for the 2021 Board and each subsequent Board. The South shall consist of the states of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia; and

(ii) Four members shall be from all other parts of the United States for the 2020 Board and three members shall be from all other parts of the United States for the 2021 Board and each subsequent Board. All other parts of the United States consist of those states not listed in paragraph (b)(1)(i) of this section.

(2) *Importers.* One member shall be an importer.

* * * * *

■ 3. Revise § 1222.41(c) to read as follows:

§ 1222.41 Nominations and appointments.

* * * * *

(c) Subsequent nominations shall be conducted as follows:

(1) The Board shall conduct outreach to all known manufacturers and importers manufacturing or importing 100,000 short tons or more of paper and paper-based packaging in a marketing year. Manufacturers and importers may submit nominations to the Board;

(2) Manufacturer and importer nominees may provide the Board a short background statement outlining their qualifications to serve on the Board;

(3) Nominees may seek nomination to the Board for all vacant seats for which the nominees are qualified;

(4) For domestic seats allocated by region, domestic manufacturers must manufacture paper and paper-based packaging in the region for which they seek nomination. Nominees that manufacture in both regions may seek nomination in one region of their choice. The Board will issue the call for nominations to all known manufacturers and recommend nominees for each open seat and the additional nominees to the Secretary;

(5) Nominees that are both a manufacturer and an importer may seek nomination to the board as either a manufacturer or importer so long as they meet the qualifications. The Board will issue the call for nominations to all known importers and recommend nominees for each open seat and the additional nominees to the Secretary;

(6) The Board will evaluate all the nominees and recommend at least two names for each open seat. Other qualified persons interested in serving in the open seats, but not recommended by the Board, will be designated by the Board as additional nominees for consideration by the Secretary;

(7) The Board must submit nominations to the Secretary at least six months before the new Board term begins. From the nominations submitted by the Board, the Secretary shall select the members of the Board;

(8) Any manufacturer or importer nominated to serve on the Board shall file with the Secretary at the time of the nomination a background questionnaire;

(9) From the nominations made pursuant to this section, the Secretary shall appoint members of the Board on the basis of representation provided in § 1222.40(b);

(10) No two members shall be employed by a single corporation, company, partnership or any other legal entity; and,

(11) The Board may recommend to the Secretary modifications to its nomination procedures as it deems appropriate. Any such modification shall be implemented through rulemaking by the Secretary.

■ 4. Section 1222.88 is revised to read as follows:

§ 1222.88 OMB control number.

The control numbers assigned to the information collection requirements by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, are OMB control number 0505–0001 (Board nominee background statement) and OMB control number 0581–0093.

■ 5. Section 1222.108 is revised to read as follows:

§ 1222.108 OMB control number.

The control number assigned to the information collection requirement in this subpart by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. is OMB control number 0581–0093.

Dated: April 7, 2019.

Bruce Summers,

Administrator.

[FR Doc. 2019–07317 Filed 4–11–19; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 310, 327, 381, 424, 557, and 590

[Docket No. FSIS–2018–0027]

RIN 0583–AD72

Publication Method for Lists of Foreign Countries Eligible To Export Meat, Poultry, or Egg Products to the United States

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to remove lists of foreign countries eligible to export meat, poultry, and egg products to the United States from its regulations and, instead, utilize lists posted on FSIS' website. A reference to the web address would be included in FSIS' regulations. This change would allow FSIS to more efficiently provide the public with more accurate and up-to-date information. The criteria FSIS uses to evaluate whether a foreign country is eligible to export meat, poultry, or egg products would remain in the regulations and would not change. FSIS would continue to provide an opportunity for public comment when proposing to list new countries as eligible to export these products to the United States.

DATES: Submit comments on or before June 11, 2019.

ADDRESSES: FSIS invites interested persons to submit comments on this notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides commenters the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Room 6065, Washington, DC 20250–3700.
- *Hand- or Courier-Delivered Submittals:* Deliver to 1400

Independence Avenue SW, Room 6065, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2018–0027. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, call (202) 720–5627 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Room 6065, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Roberta Wagner, Assistant Administrator, Office of Policy and Program Development by telephone at (202) 205–0495.

SUPPLEMENTARY INFORMATION:

Background

FSIS is the public health agency responsible for ensuring that domestic and imported meat, poultry, and egg products are safe, wholesome, and correctly labeled and packaged. FSIS inspects imported meat, poultry, and egg products under the authority of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031 *et seq.*). Imported meat, poultry, and egg products must originate from eligible countries and from establishments or plants that are certified to export to the United States (21 U.S.C. 620, 466, and 1046).

Any country can apply for eligibility to export meat, poultry, or processed egg products to the United States. FSIS first reviews documentation that the country submits to determine whether it shows that the country's food safety inspection system provides an equivalent level of protection for the products to be exported to the United States. If the documentation shows that the foreign food safety system is equivalent, based on FSIS review, FSIS conducts an on-site audit of the inspection system to verify the system is operating consistent with the documents reviewed.

Currently, when both the document review and on-site audit find that the food safety inspection system is equivalent to the FSIS inspection system, FSIS publishes a proposal in the **Federal Register** to add the country to the appropriate list of eligible exporting countries in the regulations. After analysis of public comments and based on all available information, FSIS makes a final decision about whether the country's food safety inspection system is equivalent and, if appropriate, publishes a final rule in the **Federal Register** listing the country as eligible to export meat, poultry, or egg products to the United States. The regulations list the eligible countries in Title 9 of the Code of Federal Regulations (CFR) at 327.2(b)–(c) for meat, 381.196(b) for poultry, 557.2(b)(1) for fish of the order Siluriformes,[1] and 590.910(b) for egg products. Notably, FSIS is not legally required to publish the names of eligible countries in the CFR but historically has done so in order to make the information publicly accessible in an organized fashion.

FSIS is now proposing to change the process described above by publishing the lists of countries eligible to export meat, poultry, or egg products to the United States only on its website, rather than in the regulations. FSIS already maintains lists of eligibility by country on its website at: *http://www.fsis.usda.gov/importlibrary.* Should this rule become final, FSIS would continue to post the lists already on its website and would no longer include lists in the regulations. To add a country to a list, FSIS would announce the results of initial equivalence determinations for meat, poultry, or egg products through a notice with a request for comments in the **Federal Register**, rather than a proposed rule. Following the close of the comment period, FSIS would publish another **Federal Register** notice responding to comments and announcing its final decision. If the final decision is affirmative, FSIS would then add the country to the appropriate list on its website. Similarly, FSIS will use this process when it is necessary to terminate the eligibility of a foreign country. Terminating the eligibility of a foreign country will result in permanently removing the country from the list on the website. When a country has not shipped product for an extended period of time, the country will continue to be listed as inactive on the website, consistent with FSIS' current procedures. When a country has not shipped for some time, wants to resume shipping, and FSIS determines that it is eligible to ship, FSIS will announce that it is again eligible through the *Constituent Update.*

Under this proposal, the substantive criteria for determining equivalence, as outlined in 9 CFR 327.2(a)(2), 381.196(a)(2), 557.2(a), and 590.910(a), would not change.[2] This proposed action would allow FSIS to more efficiently propose and finalize equivalence determinations, as well as to terminate the eligibility of foreign countries that do not maintain equivalent inspection systems.[3] In addition to removing the lists from FSIS' regulations, this proposed rule would amend six parts of 9 CFR Chapter III (310, 327, 381, 424, 557, 590) to remove references to the lists.

In addition to more efficiently listing countries eligible to export meat, poultry, or egg products to the United States, the proposal would expedite corrections to the current lists, as FSIS would not have to engage in rulemaking related to geopolitical changes or changes to the names of countries.

Executive Orders (E.O.s) 12866 and 13563 and the Regulatory Flexibility Act

E.O. 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the

[1] On December 2, 2015, FSIS published the final rule, ''Mandatory Inspection of Fish of the Order Siluriformes and Products Derived from Such Fish,'' establishing an inspection program for fish of the order Siluriformes (80 FR 75590). On the effective date of this final rule, March 1, 2016, FSIS took jurisdiction over regulation and inspection of this fish from the Food and Drug Administration (FDA). Countries that wished to continue shipping Siluriformes fish and fish products to the United States were required to submit initial documentation during the transitional period provided for in the final rule (March 1, 2016, to September 1, 2017). By the end of the transitional period, these countries were required to apply for equivalence under FSIS' regulations. Although no countries are currently listed in 9 CFR 557.2, three countries, China, Thailand, and Vietnam, are currently permitted to ship Siluriformes fish and fish products while FSIS evaluates their food safety inspection systems for these products. On September 19, 2018, FSIS proposed to find these countries' inspection systems for Siluriformes fish equivalent to the United States' inspection system (83 FR 47524; 83 FR 47528; and 83 FR 47532).

[2] In a separate rulemaking, FSIS has proposed to amend 9 CFR 590.910, containing the process and criteria that the Agency follows to evaluate the inspection programs of foreign countries interested in gaining eligibility to export egg products to the United States (83 FR 6314, February 13, 2018). If that proposed rule is finalized, FSIS intends to amend the amended version of 9 CFR 590.910 to give effect to the changes proposed in this rulemaking.

[3] The Animal and Plant Health Inspection Service (APHIS) finalized a similar rule to remove lists of regions classified as affected by certain animal diseases and pests. *See Lists of Regions Classified With Respect to Certain Animal Diseases and States Approved To Receive Certain Imported Horses* (77 FR 1388, Jan. 10, 2012). APHIS cited advantages analogous to those in this proposed rule, including being able make more timely changes to the lists while continuing to provide an opportunity for public comment. The current regulations citing the APHIS website are located in 9 CFR part 94.

importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This proposed rule has been designated a ''non-significant'' regulatory action under section 3(f) of E.O. 12866. Accordingly, the rule has not been reviewed by the Office of Management and Budget (OMB) under E.O. 12866.

Expected Cost of the Proposed Rule

Under the proposed rule, the requirements for importing meat, poultry, and egg products to the United States would not change. FSIS would continue to determine whether a foreign country's food safety inspection system for meat, poultry, or egg products is equivalent to FSIS' inspection system. FSIS would announce the results of equivalence determinations through a notice with a request for comments in the **Federal Register**, rather than a proposed rule. This change in procedure would not alter U.S. production, imports, or consumption; therefore, FSIS does not expect a change in U.S. consumer price due to this proposed rule. The proposed change in procedure is also not expected to add any additional cost to the countries applying for eligibility to import meat, poultry, and egg products to the United States, nor does it add costs to FSIS, or the U.S. meat, poultry, or egg products industries.

Expected Benefits of the Proposed Rule

While there is no additional cost associated with this proposed rule, the benefit from the proposed action is an increase in the efficient use of FSIS resources. FSIS would still use the **Federal Register** to receive and respond to public comments on equivalence determinations, but the proposed notice process would allow FSIS to more efficiently propose and finalize equivalence determinations. FSIS expects that the proposed notice process will take less time than the current rulemaking process.

Regulatory Flexibility Act Assessment

The FSIS Administrator has made a preliminary determination that this proposed rule would not have a significant economic impact on a substantial number of small entities in the United States, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Under this proposed rule, the requirements for importing meat, poultry, and egg products to the United States will not change. Thus, no market effect is expected from this proposed rule. Small entities, therefore, will not bear additional costs, as market factors remain unchanged.

Executive Order 13771

Consistent with E.O. 13771 (82 FR 9339, February 3, 2017), FSIS estimates that this proposed rule would yield cost savings. Therefore, if finalized as proposed, this rule is expected to be an E.O. 13771 deregulatory action.

Paperwork Reduction Act

FSIS has reviewed the paperwork and recordkeeping requirements in this proposed rule in accordance with the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*). Foreign countries seeking to export meat, poultry, or egg products to the United States are required to provide information to FSIS certifying that their inspection systems provide standards equivalent to those of the United States, and that the legal authority for the system and their implementing regulations are equivalent to those of the United States. FSIS provides countries with questionnaires asking for detailed information about the country's inspection practices and procedures to assist that country in organizing its materials. This information collection was approved under OMB control number 0583–0094. This proposed rule only affects FSIS' methods of proposing and finalizing equivalence determination after the agency has made a preliminary determination. It contains no new or expanded paperwork requirements.

Executive Order 12988, Civil Justice Reform

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under this rule: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) no administrative proceedings will be required before parties may file suit in court challenging this rule.

E-Government Act

FSIS and USDA are committed to achieving the purposes of the E-Government Act (44 U.S.C. 3601, *et seq.*) by, among other things, promoting the use of the internet and other information technologies and providing increased opportunities for citizen access to Government information and services, and for other purposes.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' E.O. 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

FSIS has assessed the impact of this rule on Indian tribes and determined that this rule does not, to our knowledge, have tribal implications that require tribal consultation under E.O. 13175. If a Tribe requests consultation, the Food Safety and Inspection Service will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions and modifications identified herein are not expressly mandated by Congress.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:, Mail:, U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410, *Fax:* (202) 690–7442, *Email: program.intake@usda.gov*

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will

announce this **Federal Register** publication on-line through the FSIS web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will announce and provide a link to it through the FSIS *Constituent Update,* which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

List of Subjects

9 CFR Part 310

Animal diseases, Meat inspection.

9 CFR Part 327

Food labeling, Food packaging, Imports, Meat inspection.

9 CFR Part 381

Administrative practice and procedure, Animal diseases, Crime, Exports, Food grades and standards, Food labeling, Food packaging, Government employees, Grant programs-agriculture, Intergovernmental relations, Laboratories, Meat inspection, Nutrition, Polychlorinated biphenyls (PCB's), Poultry and poultry products, Reporting and recordkeeping requirements, Seizures and forfeitures, Signs and symbols, Technical assistance, Transportation.

9 CFR Part 424

Food additives, Food packaging, Meat inspection, Poultry and poultry products.

9 CFR Part 557

Fish, Food grades and standards, Food labeling, Food packaging, Imports, Seafood.

9 CFR Part 590

Eggs and egg products, Exports, Food grades and standards, Food labeling, Imports, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, FSIS is proposing to amend 9 CFR Chapter III as follows:

PART 310—POST–MORTEM INSPECTION

■ 1. The authority citation for part 310 continues read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

■ 2. In § 310.22, revise paragraph (d)(1)(i) to read as follows:

§ 310.22 Specified risk materials from cattle and their handling and disposition.

* * * * *

(d) * * *

(1) * * *

(i) It is derived from cattle that were inspected and passed in an official establishment in the United States or in a certified foreign establishment in a country eligible to export meat and meat products to the United States under 9 CFR 327.2(b) and it is otherwise eligible for importation under 9 CFR 327.1(b), and

* * * * *

PART 327—IMPORTED PRODUCTS

■ 3. The authority citation for part 327 continues to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

§ 327.2 [Amended]

■ 4. In § 327.2:

■ a. Remove the phrase ''by including the name of such foreign country in'' and add in its place ''in accordance with'' in paragraph (a)(1);

■ b. Revise paragraphs (a)(4) and (b); and

■ c. Remove paragraph (c).

The revisions read as follows:

§ 327.2 Eligibility of foreign countries for importation of products into the United States.

(a) * * *

(4) Meat and meat food products from foreign countries not deemed eligible in accordance with paragraph (b) of this section are not eligible for importation into the United States, except as provided by § 327.16 or § 327.17. Eligibility of any foreign country under this section may be withdrawn whenever the Administrator determines that the system of meat inspection maintained by such foreign country does not assure compliance with requirements equivalent to all the inspection, building construction standards, and other requirements of the Act and the regulations in this subchapter as applied to official establishments in the United States; or that reliance cannot be placed upon certificates required under this part from authorities of such foreign country; or that, for lack of current information concerning the system of meat inspection being maintained by such foreign country, such foreign country should be required to reestablish its eligibility.

(b) A list of countries eligible to export specific process categories of meat and meat food products is maintained at *http://www.fsis.usda.gov/importlibrary.* Such products from listed countries must be accompanied by meat inspection certificates of the country of origin as required by § 327.4, except fresh, chilled, or frozen or other product ineligible for importation into the United States from countries in which the contagious and communicable disease of rinderpest or of foot-and-mouth disease or of African swine fever exists as provided in part 94 of this title, is eligible under the regulations in this subchapter for entry into the United States after inspection and marking as required by the applicable provisions of this part.

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

■ 5. The authority citation for part 381 continues to read as follows:

Authority: 7 U.S.C. 138f, 450; 21 U.S.C. 451–470; 7 CFR 2.7, 2.18, 2.53.

§ 381.145 [Amended]

■ 6. In § 381.145, amend paragraph (a) by removing the phrase ''listed in § 381.196(b),'' and adding in its place ''eligible to export such poultry and poultry products to the United States under § 381.196(b),''.

■ 7. In § 381.195, revise paragraph (c) to read as follows:

§ 381.195 Definitions; requirements for importation into the United States.

* * * * *

(c) Except as provided in § 381.207, slaughtered poultry and other poultry products may be imported only if they were processed solely in countries found eligible to export poultry products to the United States under § 381.196(b). Slaughtered poultry may be imported only if it qualifies as ready-to-cook poultry.

§ 381.196 [Amended]

■ 8. Amend § 381.196 as follows:

■ a. In paragraph(a)(1), remove the phrase ''by including the name of such foreign country in'' and add in its place ''in accordance with''; and

■ b. Revise paragraphs (a)(4) and (b).

The revisions read as follows:

§ 381.196 Eligibility of foreign countries for importation of poultry products into the United States.

(a) * * *

(4) Poultry products from foreign countries not deemed eligible in accordance with paragraph (b) of this section may not be imported into the United States, except as provided by §§ 381.207 and 381.209. Eligibility of any foreign country under this section may be withdrawn whenever the Administrator determines that the system of poultry inspection maintained by such foreign country does not assure compliance with requirements equivalent to all the requirements of the Act and the regulations as applied to official establishments in the United States; or that reliance cannot be placed upon certificates required under this subpart from authorities of such foreign country; or that, for lack of current information concerning the system of poultry inspection being maintained by such foreign country, such foreign country should be required to reestablish its eligibility.

(b) A list of countries eligible to export specific process categories of poultry products to the United States is maintained at *http://www.fsis.usda.gov/importlibrary.* Such products from listed countries must be accompanied by inspection certificates of the country of origin as required by § 381.197, and are eligible under the regulations in this subpart for entry into the United States, after inspection and marking as required by the applicable provisions of this subpart.

PART 424—PREPARATION AND PROCESSING OPERATIONS

■ 9. The authority citation for part 424 continues to read as follows:

Authority: 7 U.S.C. 138f, 450; 21 U.S.C. 451–470; 7 CFR 2.7, 2.18, 2.53.

§ 424.21 [Amended]

■ 10. Amend § 424.21 as follows:

■ a. In paragraph (a)(2)(i), remove the phrase ''listed in'' and add in its place ''determined to be eligible to export such products to the United States under''; and

■ b. In paragraph (a)(3)(i), remove the phrase ''listed in'' and add in its place ''determined to be eligible to export such products to the United States under''.

PART 557—IMPORTATION

■ 11. The authority citation for part 557 continues to read as follows:

Authority: 21 U.S.C. 601–602, 606–622, 624–695; 7 CFR 2.7, 2.18, 2.53.

■ 12. In § 557.2, revise paragraph (b) to read as follows:

§ 557.2 Eligibility of foreign countries for importation of fish and fish products into the United States.

* * * * *

(b) The countries eligible to export specific process categories of fish and fish products are listed at *http://www.fsis.usda.gov/importlibrary.* Such products must be covered by foreign inspection certificates of the country of origin as required by § 557.4. Products from such countries are eligible under the regulations in this subchapter for entry into the United States after inspection and marking as required by the applicable provisions of this part.

PART 590—INSPECTION OF EGGS AND EGG PRODUCTS (EGG PRODUCTS INSPECTION ACT)

■ 13. The authority citation for part 590 continues to read as follows:

Authority: 21 U.S.C. 1031–1056.

■ 14. Revise § 590.910, to read as follows:

§ 590.910 Eligibility of foreign countries for importation of egg products into the United States.

(a) Whenever it is determined by the Administrator that the system of egg products inspection maintained by any foreign country is such that the egg products produced in such country are processed, labeled, and packaged in accordance with, and otherwise comply with, the standards of the Act and these regulations including, but not limited to the same sanitary, processing, facility requirements, and continuous Government inspection as required in §§ 590.500 through 590.580 applicable to inspected articles produced within the United States, notice of that fact will be given according to paragraph (b) of this section. Thereafter, egg products from such countries shall be eligible for importation into the United States, subject to the provisions of this part and other applicable laws and regulations. Such products must meet, to the extent applicable, the same standards and requirements that apply to comparable domestic products as set forth in these regulations. Egg products from foreign countries not deemed eligible in accordance with paragraph (b) of this section are not eligible for importation into the United States, except as provided by § 590.960. In determining if the inspection system of a foreign country is the equivalent of the system maintained by the United States, the Administrator shall review the inspection regulations of the foreign country and make a survey to determine the manner in which the inspection system is administered within the foreign country. The survey of the foreign inspection system may be expedited by payment by the interested Government agency in the foreign country of the travel expenses incurred in making the survey. After approval of the inspection system of a foreign country, the Administrator may, as often and to the extent deemed necessary, authorize representatives of the Department to review the system to determine that it is maintained in such a manner as to be the equivalent of the system maintained by the United States.

(b) A list of countries eligible to export egg products to the United States is maintained at *http://www.fsis.usda.gov/importlibrary.*

Done at Washington, DC.

Carmen M. Rottenberg,

Administrator.

[FR Doc. 2019–06915 Filed 4–11–19; 8:45 am]

BILLING CODE 3410–DM–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 71

[NRC–2016–0179]

RIN 3150–AJ85

Harmonization of Transportation Safety Requirements With IAEA Standards

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory basis; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is requesting comments on a draft regulatory basis to support a proposed rule that would harmonize the NRC's regulations with the safety requirements of the International Atomic Energy Agency (IAEA) for the transport of radioactive material and the regulations of the U.S. Department of Transportation (DOT). In addition, the proposed rule would make administrative, editorial, or clarification changes to the NRC's regulations. The NRC plans to hold a public meeting to discuss the draft regulatory basis and facilitate public participation.

DATES: Submit comments by May 28, 2019. Comments received after this date will be considered if it is practical to do so; however, the NRC is only able to ensure consideration of comments received on or 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–2016–0179. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Email comments to: Rulemaking.Comments@nrc.gov*. If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.

• *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.

• *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

• *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

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: Latif Hamdan, telephone: 301–415–6639, email: *Latif.Hamdan@nrc.gov*; or Solomon Sahle, telephone: 301–415–3781, email: *Solomon.Sahle@nrc.gov*. Both are staff of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0179 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–2016–0179.

• *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 draft regulatory basis document is available in ADAMS under Accession No. ML18262A185.

• *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–2016–0179 in your comment submission. If you cannot submit your comments on the Federal Rulemaking website, *www.regulations.gov,* then contact one of the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

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 to not 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.

Please note that the NRC will not provide formal written responses to each of the comments received on the draft regulatory basis. However, the NRC will consider all comments received in the development of the final regulatory basis.

II. Discussion

In SECY–16–0093, ''Rulemaking Plan for Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements,'' dated July 28, 2016, the staff requested Commission approval to initiate a rulemaking to harmonize part 71 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Packaging and Transportation of Radioactive Material,'' with the IAEA's safety requirements and the DOT's regulations. The proposed rule would revise 10 CFR part 71 to be in harmony with the IAEA's requirements and compatible with the DOT's regulations. In addition, the proposed rule would include staff-initiated administrative, editorial, or clarification changes. The Commission approved the staff's recommendation in the staff requirements memorandum (SRM) associated with SECY–16–0093, dated August 19, 2016.

The NRC reviewed the updated IAEA requirements in Specific Safety Requirements No. 6 (SSR–6), 2012 and 2018 editions, and initially identified 14 regulatory issues to be analyzed during the rulemaking process. These issues were documented in an issues paper that was published in the **Federal Register** for public comment on November 21, 2016 (81 FR 83171). The NRC subsequently held a public meeting on December 5–6, 2016, to discuss the issues with stakeholders. After the public meeting, the NRC received 49 comment letters on the issues paper.

The DOT participated in the public meeting held in December 2016 to discuss the issues paper, and the staff has engaged with the DOT staff in the current rulemaking to identify and evaluate gaps between 10 CFR part 71 regulations and the updated IAEA requirements in SSR–6, 2012 and 2018 editions. The DOT also plans to undertake a similar action to harmonize its regulations for the transportation of radioactive material in 49 CFR parts 107 and 171 through 180 with SSR–6, 2012 and 2018 editions.

After the publication of the issues paper, the staff identified several additional items that were grouped under a new issue, designated as Issue 15. The draft regulatory basis documents the basis for the NRC's recommendation to revise the existing regulations in 10 CFR part 71. The draft regulatory basis includes a main document and two appendices. Appendix A provides a summary of cost estimates and uncertainty analysis. Appendix B provides detailed assessments of the regulatory issues identified and analyzed by the NRC and used to scope and provide justification for the proposed revisions to 10 CFR part 71.

In the draft regulatory basis, the NRC describes its evaluation of four alternative actions to achieve the objectives of the harmonization initiative. These are: No-action option that would maintain the status quo (Alternative 1); issue generic communications and regulatory guidance (Alternative 2); issue license specific conditions and exemptions (Alternative 3); and initiate a rulemaking to revise 10 CFR part 71 (Alternative 4).

The NRC evaluated these alternatives in terms of their viability to address the

regulatory issues of concern and their cost estimates and determined that a combination of rulemaking (Alternative 4) and the no-action alternative (Alternative 1) is the preferred approach. Specifically, the NRC recommends no action for Issues 3 and 5 and rulemaking for the remaining issues.

The recommended rulemaking action is consistent with the NRC's response to previous revisions and updates of the international requirements by the IAEA and would not impose broad programmatic requirements on the NRC, nor would it have any significant negative effects on the NRC's licensees or certificate holders. In addition, the rulemaking action can be expected to reduce regulatory burden on licensees by maintaining consistency between the NRC's and DOT's regulations and aligning the U.S. domestic regulations with the IAEA's requirements, thereby eliminating potential conflicts or duplication across requirements.

III. Specific Request for Comment

The NRC is requesting public comment on the draft regulatory basis and its supporting appendices. In preparing comments, consider the following questions:

(1) *Regulatory issues:* The NRC has identified and analyzed 15 regulatory issues to be considered in a proposed rule. Do you have comments on the regulatory issues or the scope of analysis performed by the NRC? Are there any other issues or areas of concern that ought to be considered in a proposed rule?

(2) *Impacts:* Does the draft regulatory basis, including supporting documentation, address all potential impacts of a proposed rule? Are there any additional regulatory or other impacts that should be addressed before or during development of a proposed rule?

(3) *Evaluation of options:* The draft regulatory basis provides a discussion of alternatives and options for harmonizing the regulations in 10 CR part 71 with the IAEA regulations. Are there any additional alternatives or options that the NRC should consider before development of a proposed rule?

(4) *Proposed revisions to the existing regulations:* Do you have comments on the proposed revisions to the existing regulations as discussed in the draft regulatory basis?

(5) *Other comments:* Are there any other concerns that you think should be addressed before or during development of a proposed rule?

IV. Cumulative Effects of Regulation

The cumulative effects of regulation (CER) describe the challenges that licensees or other affected entities (such as Agreement State regulatory partners) may face while implementing new regulatory positions, programs, and requirements (*e.g.,* rules, generic letters, backfits, inspections). The CER is an organizational effectiveness challenge that results from a licensee or affected entity implementing a number of complex positions, programs, or requirements within a limited implementation period and with available resources (which may include limited available expertise to address specific issues). The NRC has implemented CER enhancements to the rulemaking process to facilitate public involvement throughout the rulemaking process. Therefore, the NRC is specifically requesting comment on the cumulative effects that may result from a proposed rule. In developing comments on the draft regulatory basis, consider the following questions:

(1) In light of any current or projected CER challenges, what should be a reasonable effective date, compliance date, or submittal date(s) from the time the final rule is published to the actual implementation of any new proposed requirements, including changes to programs, procedures, or the facility?

(2) If current or projected CER challenges exist, what should be done to address this situation (*e.g.,* if more time is required to implement the new requirements, what time period would be sufficient, and why such a time frame is necessary)?

(3) Do other regulatory actions (*e.g.,* orders, generic communications, license amendment requests, and inspection findings of a generic nature) by the NRC or other agencies influence the implementation of the potential proposed requirements?

(4) Are there unintended consequences? Does a proposed rulemaking action create conditions that would be contrary to the purpose and objectives of the 10 CFR part 71 harmonization initiative? If so, what are the consequences and how should they be addressed?

(5) Please consider providing information on the estimates of the costs and benefits of a proposed rulemaking action, which can be used to support any additional regulatory analysis by the NRC.

V. Public Meeting

The NRC will conduct a public meeting to describe the draft regulatory basis and to give the public an opportunity to ask questions.

The NRC will publish a notice of the location, time, and agenda for the meeting on the NRC's public meeting website at least 10 calendar days before the meeting. Stakeholders should monitor the NRC's public meeting website for information about the public meeting at: *http://www.nrc.gov/public-involve/public-meetings/index.cfm*. The meeting notice will also be added to the Federal Rulemaking website at *http://www.regulations.gov* under Docket ID NRC–2016–0179. See the ''Availability of Documents'' section of this document for instructions on how to subscribe to receive email notifications when documents are added to the docket folder on the Federal Rulemaking website.

VI. Availability of Documents

The NRC may post additional materials related to this rulemaking activity to the Federal Rulemaking website at *www.regulations.gov* under NRC–2016–0179. These documents will inform the public of the status of this activity and/or provide additional material for use at future public meetings.

The Federal Rulemaking website allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC–2016–0179); (2) click the ''Sign up for Email Alerts'' link; and (3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly).

The documents identified in the following table are available to interested persons through one or more of the methods listed in the **ADDRESSES** section of this document.

Document	ADAMS Accession No./ web link
Draft Regulatory Basis—Harmonization of Transportation Safety Requirements with IAEA Standards.	ML18262A185
''Revisions to Transportation Safety Requirements and Compatibility with International Atomic Energy Agency Transportation Standards,'' published November 21, 2016.	*https://www.govinfo.gov/content/pkg/FR-2016-11-21/pdf/2016-27944.pdf*
SECY–16–0093, ''Rulemaking Plan for Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements,'' dated July 28, 2016.	ML16158A164
SRM–SECY–16–0093, ''Rulemaking Plan for Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements,'' dated August 19, 2016.	ML16235A182
''Regulations for the Safe Transport of Radioactive Material, 2012 Edition,'' Specific Safety Requirements No. SSR–6 (draft Rev.1); published October 2012.	*https://www-pub.iaea.org/MTCD/publications/PDF/Pub1570_web.pdf*
''Regulations for the Safe Transport of Radioactive Material, 2018 Edition,'' Specific Safety Requirements No. SSR–6 (Rev. 1); published June 2018.	*https://www-pub.iaea.org/MTCD/Publications/PDF/PUB1798_web.pdf*

VII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published in the **Federal Register** on June 10, 1998 (63 FR 31883). The NRC requests comment on this document with respect to the clarity and effectiveness of the language used.

Dated at Rockville, Maryland, this 9th day of April, 2019.

For the Nuclear Regulatory Commission.

Theresa Clark,

Deputy Director, Division of Rulemaking, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2019–07321 Filed 4–11–19; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–104464–18]

RIN 1545–BO55

Deduction for Foreign-Derived Intangible Income and Global Intangible Low-Taxed Income

Correction

In proposed rule document 2019–03848, appearing on pages 8188 through 8234, in the issue of Wednesday, March 6, 2019, make the following corrections:

■ 1. On page 8201, in the second column, in the forty-ninth line, the text entry that reads ''May 4, 2019'' should read ''March 4, 2019''.

■ 2. On the same page, in the same column, in the sixty-sixth line, the text entry that reads ''May 4, 2019'' should read ''March 4, 2019''.

■ 3. On the same page, in the third column, in the first line, the text entry that reads ''May 4, 2019'' should read ''March 4, 2019''.

§ 1.250(b)–1 [Corrected]

■ 4. On page 8214, the table heading should read ''Table 1 to Paragraph (d)(3)(ii)(A)(*1*)''.

■ 5. On page 8215, in the first table, the heading should read ''Table 1 to Paragraph (d)(3)(ii)(B)(*1*)(i)''.

■ 6. On the same page, in the second table, the heading should read ''Table 2 to Paragraph (d)(3)(ii)(B)(*1*)(i)''.

§ 1.250(b)–5 [Corrected]

■ 7. On page 8227, in the first column, in the fifty-second line, the text entry that reads ''$45× ($150×× 0.30)'' should read ''$45x ($150x × 0.30)''.

§ 1.250(b)–6 [Corrected]

■ 8. On page 8229, in the second column, in the twenty-fourth line, the text entry that reads ''(10% x $75x)'' should read ''(10% × $75x)''.

■ 9. On the same page, in the same column, in the twenty-sixth line, the text entry that reads ''($7.5×/$10x)'' should read ''($7.5x/$10x)''.

[FR Doc. C1–2019–03848 Filed 4–11–19; 8:45 am]

BILLING CODE 1301–00–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2018–0112; FRL–9992–19–Region 5]

Air Plan Approval; Ohio; Removal of Obsolete Infectious Waste Incinerator Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a request submitted by the Ohio Environmental Protection Agency (Ohio EPA) on January 24, 2018, to revise the Ohio State Implementation Plan (SIP) under the Clean Air Act (CAA). Ohio EPA is requesting to remove provisions under Ohio Administrative Code (OAC) Chapter 3745–75, that were approved into the Ohio SIP as part of Ohio's Hospital/Medical/Infectious Waste Incinerator (HMIWI) state plan under sections 110(d) and 129 of the Clean Air Act. In a separate action, EPA has approved Ohio EPA's request for withdrawal of its HMIWI state plan that allows the state rules to be superseded by the Federal Plan under 40 CFR part 62, subpart HHH.

DATES: Comments must be received on or before May 13, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2018–0112 at *http://www.regulations.gov,* or via email to *blakley.pamela@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, 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. 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. 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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Francisco J. Acevedo, Mobile Source Program Manager, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6061, *acevedo.francisco@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 the background for this action?
II. What is EPA's analysis of the SIP revision?
III. What action is EPA proposing to take?
IV. Statutory and Executive Order Reviews

I. What is the background for this action?

On September 15, 1997, EPA published emission guidelines for HMIWI under 40 CFR part 60, subpart Ce (62 FR 48348). The emission guidelines applied to existing sources only, for which construction commenced on or before June 20, 1996. States were required under sections 111(d) and 129 of the CAA to submit state plans to control emissions from existing HMIWI units. New sources constructed after this date are covered by a Federal new source performance standard.

On October 18, 2005, Ohio EPA submitted the CAA section 111(d)/129 state plan for implementing 40 CFR part 60, subpart Ce ''Emission Guidelines for Existing Hospital/Medical/Infectious Waste Incinerators''. The state plan was subsequently approved by EPA on July 5, 2007 (72 FR 36605) and became effective on August 6, 2007 under 40 CFR 62.8880. As part of Ohio's HMIWI state plan, OAC Chapter 3745–75, ''Infectious Waste Incinerator Limitations,'' was amended, submitted, and approved as part of Ohio's SIP (72 FR 36605). Subsequently, on October 6, 2009 (74 FR 51367) and April 4, 2011 (76 FR 18407), EPA promulgated final revised emission guidelines and amendments under 40 CFR part 60, subpart Ce, and on May 13, 2013, EPA promulgated a final revised 40 CFR part 62, subpart HHH Federal Plan (78 FR 28052).

On January 24, 2018, Ohio EPA submitted a request to approve the removal of all OAC Chapter 3745–75 provisions from the Ohio SIP, relying instead on the Federal Plan. Ohio EPA conducted a public hearing on this matter in Columbus, Ohio on December 7, 2017.

II. What is EPA's analysis of the SIP revision?

On January 20, 2018, Ohio EPA rescinded rules in OAC 3745–75 that formerly regulated the operation of and the emissions from HMIWIs in Ohio. The most recent version of the rules contained in OAC 3745–75 were based on CAA sections 111(d) and 129 and identified the requirements applicable to the existing HMIWIs for which construction commenced on or before June 20, 1996. These rules were rescinded by Ohio EPA as they are no longer necessary since the state is relying on the Federal Plan. Consistent with this, on July 26, 2018 (83 FR 35422) EPA approved the withdrawal of the previously approved state plan and amendment of 40 CFR part 62 to reflect Ohio EPA's withdrawal. As part of that action, Ohio EPA certified that there is only one HMIWI unit, as defined under 40 CFR 60.31e, currently operating in Ohio and requested that the Federal Plan 40 CFR part 62, subpart HHH apply to that HMIWI unit.

No emissions increases will result from the removal of the OAC Chapter 3745–75 provisions from the Ohio SIP. Because the rescinded OAC Chapter 3745–75 rules will be superseded by the Federal Plan, there are no CAA section 110(l) issues to address.

III. What action is EPA proposing to take?

EPA is proposing to approve the revision to the Ohio SIP submitted by the Ohio EPA on January 24, 2018, because the removal of existing infectious waste incinerator requirements in OAC Chapter 3745–75 from the SIP meets all applicable requirements and would not interfere with reasonable further progress or attainment of any of the national ambient air quality standards.

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);
- 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).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen oxides, Ozone, Particulate matter, Volatile organic compounds.

Dated: March 25, 2019.

Cathy Stepp,

Regional Administrator, Region 5.

[FR Doc. 2019–07331 Filed 4–11–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2019–0054; FRL–9992–00–Region 8]

Approval and Promulgation of Implementation Plans; Colorado; Revisions to Regulation Number 4, New Wood Stoves and the Use of Certain Woodburning Appliances During High Pollution Days

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve State Implementation Plan (SIP) revisions to Colorado Regulation Number 4 (Reg. No. 4), ''New Wood Stoves and the Use of Certain Woodburning Appliances During High Pollution Days,'' submitted by the State on May 2, 2016, and May 14, 2018. The revisions update definitions, emission standards, certification and labeling requirements, and citation references to maintain consistency with the EPA's 2015 Standards of Performance for New Residential Wood Heaters.

DATES: Written comments must be received on or before May 13, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2019–0054, to the Federal Rulemaking Portal: *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *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. 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 *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Abby Fulton, Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6563, *fulton.abby@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background

Regulation Number 4 sets particulate matter emission standards for wood-burning stoves, pellet stoves and masonry heaters and prohibits the sale or installation of devices that do not meet the standards. On April 10, 1986 (51 FR 12321), the EPA approved Reg. No. 4 as part of the Colorado SIP and has approved various revisions to parts of Reg. No. 4 over the years. In 1987, the EPA approved revisions that established a new fee schedule for certification of new woodstoves sold after January 1, 1987 (52 FR 23446, June 22, 1987).

On February 26, 1988 (23 FR 5860), the EPA adopted a national woodstove certification program, ''Standards of Performance for New Stationary Sources; New Residential Wood Heaters.'' To provide consistency between the state and federal regulations, Colorado submitted a SIP revision that revised section I. ''Definitions'' and section II. ''Requirements for Sale of Wood Stoves'' of Reg. No. 4 to exempt wood-fired appliances, boilers, furnaces and cookstoves from the certification requirements of Reg. No. 4. The EPA approved the SIP revisions on March 8, 1989 (54 FR 9780).

In 1991 (56 FR 11672, March 20, 1991), the EPA approved revisions (1) Prohibiting any person living in certain specified areas from operating a wood burning stove or fireplace during a high pollution day; (2) amending two definitions and adding five new definitions; (3) removing three sections (Laboratory Accreditation Procedures, Laboratory Inspection, and Accreditation Criteria); and (4) adding new language and changing the numbering order of Reg. No. 4 sections II., III., IV., V., VI., VII., VIII. and IX.

Later, as part of the Denver Moderate nonattainment area PM_{10} SIP control measures, the EPA approved Reg. No. 4 revisions, adding new section VIII. ''Implementation of Local Control Strategies'' and recodifying reference sections (59 FR 37698, July 25, 1994). The EPA approved Reg. No. 4 revisions to Section VIII. as adopted by the Air Quality Control Commission (AQCC) on June 24, 1993 (62 FR 18721, April 17, 1997). Section VIII. was revised to make locally adopted regulations for certain local governments in the Denver PM_{10} nonattainment area State enforceable.

II. Analysis of the State's Submission

On March 16, 2015, the EPA published revisions to 40 Code of Federal Regulations (CFR) part 60, subpart AAA, Standards of Performance for New Residential Wood Heaters (NSPS AAA). In 2015, The AQCC revised Reg. No. 4 to update definitions, emission standards, certification and labeling requirements, and citation references, for consistency with and as referenced in the revised NSPS AAA. Colorado submitted revisions to its SIP to the EPA on May 2, 2016. Colorado later submitted revisions to its SIP to the EPA on May 14, 2018, to reestablish a definition for new wood stove [1] and clarify that the requirements for wood stove certification, testing, and labeling requirements are limited to new wood

[1] Colorado submitted revisions to its SIP to EPA on August 1, 2007. The 2007 revisions to Reg. No. 4 repealed a definition for ''new wood stove.'' The SIP was later withdrawn in full prior to EPA action because ''state only'' provisions for masonry heaters were included in the SIP revisions.

stoves state-wide and used wood stoves located in the defined Program Area.[2]

Colorado made substantive revisions to certain limited parts of Reg. No. 4, particularly Sections I., II., III., V., VI., VII., VIII. and X., and made non-substantive revisions to numerous parts of the regulation. For ease of review, Colorado submitted the full text of Reg. No. 4 as a SIP revision (with the exception of provisions designated ''State Only''). We are only seeking comment on Colorado's proposed substantive changes to the SIP-approved version of Reg. No. 4, which are described below. We are not seeking comment on incorporation into the SIP of the revised portions of the regulation that were previously approved into the SIP and have not been substantively modified by the State as part of this submission.

As noted above, Colorado designated various parts of Reg. No. 4 ''State Only.'' The EPA concludes that provisions designated ''State Only'' have not been submitted for EPA approval, but for informational purposes. Hence, we are not proposing to act on the portions of Reg. No. 4 designated ''State Only'' and this proposed rule does not discuss them further except as relevant to discussion of the portions of the regulation that Colorado intended to be federally enforceable.

The provisions we propose to approve meet the requirements of the CAA and our regulations. The specific bases for our proposed actions and our analyses and findings are discussed in this proposed rulemaking.

A. Procedural Requirements

The CAA requires that states meet certain procedural requirements before submitting SIP revisions to the EPA. Specifically, section 110(a)(2) of the CAA, 42 U.S.C. 7410(a)(2), requires that states adopt SIP revisions after reasonable notice and public hearing. For the May 2, 2016 submission, the Colorado AQCC provided notice in the Colorado Register on August 21, 2015, and held a public hearing on the SIP revisions on November 19, 2015. The Colorado AQCC adopted the SIP revisions on November 19, 2015. The SIP revisions became State-effective on January 14, 2016. For the May 14, 2018 submittal, the Colorado AQCC provided notice in the Colorado Register on December 16, 2016, and held a public hearing on March 16, 2017. The Colorado AQCC adopted the SIP revisions on March 16, 2017. The SIP revisions became State-effective on April 30, 2017. Colorado met the CAA's procedural requirements for reasonable notice and public hearing.

III. The EPA's Evaluation

a. Analysis by Section of Reg. No. 4 Changes in May 2, 2016 Submittal

The EPA proposes to approve the following changes made to Sections I., II., III., V., VI., VII. and X. with Colorado's May 2, 2016 submission.[3]

(i) Section I.A.

Section I.A. contains definitions used in Reg. No. 4. The changes made to Sections I.A.3, I.A.5, I.A.7, I.A.10 and I.A.18–20 are clerical[4] in nature and do not affect the substance of the requirements.

(a) Sections I.A.1 and I.A.21

The changes made to Sections I.A.1 and I.A.21 update the reference dates to the CFR.

(b) Sections I.A.4 and I.A.9

The changes made to Sections I.A.4 and 9 restrict boilers and furnaces affected by Reg. No. 4 to only those using wood. Reg. No. 4 applies only to wood-burning devices, so the definition changes provide clarity regarding affected sources consistent with particulate emission controls in Reg. No. 4.

(c) Sections I.A.6

Colorado's May 2, 2016 submission repeals the definitions of ''certified wood stove'' contained in Section I.A.6 for clarity. Reg. No. 4 still contains definitions for ''new wood stove'' in Section I.A.17 and ''wood-burning stove'' in Section I.A.23 consistent with NSPS AAA (2015).

(d) Sections I.A.8, I.A.11 and I.A.16

The changes made to Sections I.A.8, I.A.11 and I.A.16 expand definitions for ''dealer,'' manufacturer,'' and ''model'' to include fireplaces which were previously omitted.

(e) Section I.A.8.5

Section I.A.8.5 adds a new definition for ''exempt device'' to provide clarity and consistency with NSPS AAA (2015).

(f) Sections I.A.13–15

The changes made Sections I.A.13–15 were updated for consistency with test methods in Subpart AAA as of 2004.

(g) Section I.A.22

The changes made to Section I.A.22 correct grammatical errors and redefine the definition of wood-burning fireplace in more specific terms to clarify that they are not masonry heaters (defined as ''State only'' in Section I.A.12).

(h) Section I.A.23

The definition in Section I.A.23 for wood-burning stove was revised to correspond to the revised NSPS AAA definition of wood heater. The revised definition provides consistency with federal definitions in NSPS AAA (2015).[5]

(ii) Section II.

Section II. establishes limitations on the sale and installation of wood-burning stoves including testing, certification and labeling requirements.

(a) Section II.C.

The change made to Section II.C. adds a reference to the new definition of ''exempt devices'' in Section I.A.8.5.

(b) Section II.D.

Section II.D. corrects a grammatical error and updates the automobile inspection and readjustment (AIR) program area geography to include Broomfield County.[6]

(iii) Section III.

Section III. establishes approval procedures for pellet stoves including testing, certification and labeling requirements.

(a) Section III.A.

The revision made to Section III.A. changes the applicable date of the requirement due to the addition of new Section III.G.

(b) Section III.G.

Section III.G. revisions retain the current SIP approved emission standard of 4.1 g/hr and revises the pellet stove testing, certification and labeling requirements for consistency with Subpart AAA (2015).

(iv) Section V.

Section V. establishes provisions for enforcement of Reg. No. 4. Changes made to Section V. include correcting

[2] The Program Area is defined in the Colorado Revised Statutes, Section 42–4–304(20)(a).

[3] All other sections of Reg. No. 4 addressed in the May 2, 2016 submission have been superseded by the State's May 14, 2018 submission. The EPA is not acting on the superseded earlier submissions.

[4] When we describe changes as clerical in this proposed action, we are referring to changes such as section renumbering and references, alphabetizing of definitions, minor grammatical and editorial revisions, and changes in capitalization.

[5] Colorado uses the term ''wood-burning stove'' throughout Reg. No. 4 as opposed to the federal definition for ''wood heaters'' in 40 CFR 60.531.

[6] The AIR program area is defined in the Colorado Revised Statutes, Section 42–4–304(20)(a).

grammatical errors and adding fireplaces into the same restrictions as other wood-burning devices.

(v) Section VI.

Section VI. requires each dealer to make available a list of approved wood burning appliances and exempt devices. Changes made to this section are grammatical and the substance of the provision remains unchanged.

(vi) Section VII.

Section VII. regulates the use of wood-burning devises on high pollution days.

(a) Section VII.A.

The changes made to Section VII.A. update the AIR program geography to include Broomfield County and broadens the applicability of the provision to the use of wood-burning appliances on high pollution days.

(b) Sections VII.B. and VII.C.

Revisions in Sections VII.B. and VII.C. make grammatical changes and do not change the substance of the SIP approved provisions.

(c) Section VII.D.

Changes to Section VII.D. include clarifications of the specific types of devises prohibited, and fuel restriction use during a high pollution day.

(d) Section VII.E.

Section VII.E. changes correct grammatical errors and clarify the specific types of devices exempt during a high pollution day. The revisions provide consistency with the requirements in Section II and III, and Section I definitions.

(vii) Section X.

Section X. includes information regarding incorporation by reference material. The changes to this Section are clerical in nature and do not change the substance of the provisions.

Based on our analysis of Section I., II., III., V., VI., VII. and X. changes from Colorado's May 2, 2016 submission, we find that revisions are clerical in nature, do not change the substance of currently approved SIP provisions, or have been updated to clarify provisions and reflect current federal requirements in NSPS AAA. We therefore propose approving the changes in these sections.

b. Analysis by Section of Reg. No. 4 Changes in May 14, 2018 Submittal

The EPA proposes to approve the following changes made to Sections II. and VIII. with Colorado's May 14, 2018 submission.

(i) Section II.

As previously stated, Section II. establishes limitations on the sale and installation of wood-burning stoves including testing, certification, and labeling requirements.

(a) Section II.A.

Changes made to Section II.A. update the NSPS AAA citation reference to require new wood-burning stoves to meet testing, certification, labeling and emission requirements in revised NSPS AAA (2015).

(ii) Section VIII.

Section VIII. establishes requirements for the installation of fireplaces.

Revisions to this section are clerical in nature and do not change the substance of the provisions.

Based on our analysis of Sections II. and VIII. changes from Colorado's May 14, 2018 SIP submission, we find that revisions are clerical in nature, do not change the substance of currently approved SIP provisions, or have been updated to provide clarity and reflect current federal requirements in Subpart AAA. We therefore propose approving the changes in these sections.

IV. Proposed Action

We are proposing to approve the SIP submittals from the State of Colorado for Reg. No. 4 submitted on May 14, 2018. We also propose to approve SIP revisions to Reg. No. 4 submitted by the State on May 2, 2016, except for provisions that have been superseded by the later submission, as to which we are not taking any action. We propose these actions in accordance with section 110 and part D of the CAA.

V. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference Colorado Reg. No. 4 pertaining to regulation of the sale and installation of wood-burning appliances discussed in section II. of this preamble. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. 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 proposes to approve 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 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 proposed 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).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Greenhouse gases, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: April 5, 2019.

Debra Thomas,

Acting Regional Administrator, EPA Region 8.

[FR Doc. 2019–07156 Filed 4–11–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2019–0102; FRL–9991–36–Region 7]

Air Plan Approval; Missouri; Measurement of Emissions of Air Contaminants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of revisions to the Missouri State Implementation Plan (SIP) received by EPA on December 11, 2018. The submission revises Missouri's regulation relating to measurement of emissions of air contaminants which allows the director to obtain air contaminant emission data upon request. These revisions are administrative in nature and do not impact the stringency of the SIP. Specifically, these revisions reformat the regulations and add definitions. Approval of these revisions will not impact air quality, ensures consistency between the State and Federally-approved rules, and ensures Federal enforceability of the State's rules.

DATES: Comments must be received on or before May 13, 2019.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–R07–OAR–2019–0102 to *https://www.regulations.gov.* Follow the online instructions for submitting comments.

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: Deborah Bredehoft, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number (913) 551–7164; email address *Bredehoft.Deborah@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to the EPA.

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I. Written Comments

Submit your comments, identified by Docket ID No. EPA–R07–OAR–2019–0102, at *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from *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. 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.*

II. What is being addressed in this document?

The EPA is proposing to approve revisions to the Missouri State Implementation Plan (SIP) that were received by EPA on December 11, 2018. The SIP revision revises Missouri's regulation, Title 10 Code of State Regulations (10 CSR) 10–6.180, ''Measurement of Emissions of Air Contaminates'', which allows the director to obtain air contaminant emission data from any source responsible for the emissions of air contaminants. The revisions are administrative in nature. They restructure the rule to meet Missouri's updated standard rule organizational format and add definitions specific to the regulatory text of 10 CSR 10–6.180 including air contaminant, director, facility, qualified personnel and source. EPA's analysis of the SIP revision can be found in the Technical Support Document included in this docket.

III. Have the requirements for approval of a SIP revision been met?

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The state provided public notice on this SIP revision from May 1, 2018, to June 7, 2018, and received no comment. In addition, as explained above and in more detail in the technical support document which is part of this docket, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

IV. What action is EPA taking?

The EPA is proposing to amend the Missouri SIP by approving the State's request to amend 10 CSR 10–6.180, ''Measurement of Emissions of Air Contaminants.'' Approval of these revisions will ensure consistency between state and Federally-approved rules. The EPA has determined that these changes will not adversely impact air quality.

We are processing this as a proposed action because we are soliciting comments on this proposed action. Final rulemaking will occur after consideration of any comments.

V. Incorporation by Reference

In this document, EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the Missouri Regulations described in the proposed amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

Under the Clean Air Act (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, 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 the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; 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).

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).

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.

James Gulliford,

Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA proposes to amend 40 CFR part 52 as set forth below:

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—AA Missouri

■ 2. In § 52.1320, paragraph (c), the table is amended by revising the entry for 10–6.180 to read as follows:

§ 52.1320 Identification of Plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
*	*	*	*	*
10–6.180	Measurement of Emissions of Air Contaminants.	11/30/2018	[Date of publication of the final rule in the **Federal Register**], [**Federal Register** citation of the final rule].	
*	*	*	*	*

* * * * *

[FR Doc. 2019–07284 Filed 4–11–19; 8:45 am]

BILLING CODE 6560–50–P

SURFACE TRANSPORTATION BOARD

49 CFR Part 1250

[Docket No. EP 724 (Sub-No. 5)]

Petition for Rulemaking; Railroad Performance Data Reporting

AGENCY: Surface Transportation Board.

ACTION: Notification of commencement of proceeding and request for comments.

SUMMARY: The Surface Transportation Board (Board) is opening a rulemaking proceeding in response to a petition to amend its railroad performance data reporting rules. The Board does not rule on the merits of the petition but requests additional information regarding several issues raised in the petition and reply.

DATES: Comments addressing the information requests are due by May 6, 2019. Replies are due by May 20, 2019.

ADDRESSES: Comments and replies should reference Docket No. EP 724 (Sub-No. 5) and be submitted via the Board's e-filing format or in writing addressed to: Chief, Section of Administration, Office of Proceedings, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. Any person using e-filing should attach a document and otherwise comply with the instructions found on the Board's website at *www.stb.gov* at the E-Filing link.

FOR FURTHER INFORMATION CONTACT: Amy Ziehm, (202) 245–0391. Assistance for the hearing impaired is available through Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: On December 6, 2018, the American Chemistry Council (ACC) filed a petition for rulemaking [1] to amend the Board's railroad performance data reporting rules at 49 CFR part 1250. The rules, which became effective on March 21, 2017, require all Class I railroads and the Chicago Transportation Coordination Office, through its Class I members, to report certain service performance metrics on a weekly, semiannual, and occasional basis. ACC requests that the Board modify its rules to: (1) Include chemical and plastics (STCC 28) traffic as a distinct reporting category for the ''cars held'' metric at 49 CFR 1250.2(a)(6); (2) extend the weekly average terminal dwell time reporting requirement at 49 CFR 1250.2(a)(2) to include all Class I, terminal, and switching carriers at the Chicago gateway; and (3) extend the same types of terminal reporting requirements for the Chicago gateway (as extended by ACC's second request) to the New Orleans, East St. Louis, and Memphis gateways (together, Mississippi Gateways). (ACC Pet. 1.) Among other things, ACC argues that shippers benefit directly from railroad performance data reported under the Board's existing rules and its members use that data to identify and monitor service issues, anticipate and prepare for the impacts those issues may have as they become more severe, spot service trends that affect railcar cycle times, and mitigate the impact of cycle time variability. (*Id.* at 4.) ACC states that access to performance data also enables its members to have collaborative discussions with carriers and allows shippers to suggest service adjustments to routes, fleet sizes, and sourcing locations as viable solutions. (*Id.*)

On January 28, 2019, the Association of American Railroads (AAR) filed a reply in opposition to ACC's petition, arguing that additional commodity-specific reporting should not be adopted, that ACC failed to demonstrate the public benefit of additional Chicago reporting, and that joint Mississippi Gateways information is unnecessary and would be overly burdensome. Among other things, AAR argues that continuous changes to the Board's performance reporting rules would impose ongoing costs on railroads, which would need to make programming changes to their systems to enable compliance. (AAR Reply 3; *see also id.* (quoting AAR Reply, Jan. 7, 2018, *U.S. Rail Serv. Issues—Performance Data Reporting,* EP 724 (Sub-No. 4) (stating that ''any further changes to the list of required STCC codes [relating to fertilizer] for reporting will necessitate additional programming changes and impose other costs on rail carriers.'')).) Further, with respect to the Mississippi Gateways reporting, AAR states, because the Mississippi Gateways do not have the equivalent of the Chicago Transportation Coordination Office, any joint service report would need to be built from the ground up from data from individual carriers and would be burdensome to undertake; AAR states the burden is not justified. (AAR Reply 6.)

The Board will open a rulemaking proceeding because ACC's petition warrants further consideration. At this time, the Board is not making a determination regarding the merits of ACC's specific proposals to amend 49 CFR part 1250, but rather will direct the parties to provide additional information regarding ACC's proposed amendments to the rules.

ACC will be directed to elaborate on shippers' experiences using performance data reported under the existing rules to inform their business and supply chain decision-making, in particular to mitigate rail service problems. The Board seeks specific examples of these situations. ACC will also be directed to explain how the additional data that it proposes to be reported would materially enhance shippers' business and supply chain decision-making with reference to specific scenarios or real-world circumstances.[2] And, if possible, ACC should quantify the value of additional reporting.

The Board will also direct ACC to provide additional data supporting its selection of the Mississippi Gateways, relative to other terminal locations, both in terms of their significance to the overall rail network and specifically to chemical traffic shipments. Further, the Board requests ACC provide an explanation in greater detail of why the existing performance data reported pursuant to § 1250.2(a)(2) are insufficient indicators as to rail performance across the network, including at the Mississippi Gateways.

AAR will be directed to explain in greater detail (1) the ''programming changes'' railroads would need to make to comply with the proposed reporting requirements; (2) the ''other costs'' that would be associated with complying with the proposed reporting requirements; and (3) the specific process individual carriers would need to undertake to build ''from the ground up data'' to compile a joint service report at each proposed Mississippi Gateway location. The Board directs AAR to provide data that further describes or quantifies the ''ongoing costs'' and ''burden'' of the changes.

The Board will direct the parties to provide the information described above by May 6, 2019. Any interested stakeholders may also file comments addressing the information requests described above by May 6, 2019. Replies will be due by May 20, 2019.

It is ordered:

1. ACC's petition for rulemaking is granted to the extent discussed above.

2. The parties are directed to provide the information described above by May 6, 2019. Other initial comments are also due by May 6, 2019.

3. Replies are due by May 20, 2019.

4. This decision is effective on its date of service.

Decided: April 5, 2019.

By the Board, Board Members Begeman, Fuchs, and Oberman.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2019–07272 Filed 4–11–19; 8:45 am]

BILLING CODE 4915–01–P

[1] On December 12, 2018, ACC filed an errata to its petition.

[2] ACC need not disclose any confidential shipper information.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket Nos. FWS–R8–ES–2018–0106 and FWS–R8–ES–2018–0107; 4500030113]

RINs 1018–BD87 and 1018–BD88

Endangered and Threatened Wildlife and Plants; Threatened Status for the Bi-State Distinct Population Segment of Greater Sage-Grouse and Designation of Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment periods.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are reopening the comment period on our October 28, 2013, proposed rules to list the Bi-State distinct population segment (DPS) of greater sage-grouse (*Centrocercus urophasianus*) as threatened under the Endangered Species Act (Act) and to designate critical habitat for that DPS. We are reopening the proposed rules' comment periods for 60 days to give all interested parties an additional opportunity to comment on the proposed rules. Comments previously submitted need not be resubmitted as they are already incorporated into the public record and will be fully considered in the final rules. We will publish a final listing determination for the DPS in the **Federal Register** on or before October 1, 2019.

DATES: The comment periods on the proposed rules that published October 28, 2013 (78 FR 64358 and 78 FR 64328), are reopened. We will accept comments received or postmarked on or before June 11, 2019.

ADDRESSES: *Comment submission:* You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov*. In the Search box, enter either FWS–R8–ES–2018–0106, which is the docket number for the proposed listing determination and section 4(d) rule, or FWS–R8–ES–2018–0107, which is the docket number for the proposed critical habitat designation. Then click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on ''Comment Now!''

(2) *By hard copy:* Submit by U.S. mail or hand-deliver to: Public Comments Processing, Attn: [enter appropriate docket number: Docket No. FWS–R8–ES–2018–0106 for the proposed listing determination and section 4(d) rule, or Docket No. FWS–R8–ES–2018–0107 for the proposed critical habitat designation], U.S. Fish and Wildlife Service, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov*. This generally means that we will post any personal information you provide us (see Information Requested, below, for more information).

FOR FURTHER INFORMATION CONTACT: Carolyn Swed, Field Supervisor, U.S. Fish and Wildlife Service, Reno Fish and Wildlife Office, 1340 Financial Boulevard, Suite 234, Reno, NV 89502; telephone 775–861–6300. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

Please refer to the October 28, 2013, proposed listing rule (78 FR 64358) and the 2015 Species Report (Service 2015) for information about taxonomy, habitat (sagebrush ecosystem), seasonal habitat selection, life-history characteristics, home range, life expectancy and survival rates, historical and current range distribution, population estimates and lek (sage-grouse breeding complex) counts, population trends, and land ownership information of the Bi-State DPS of greater sage-grouse. Please also refer to our March 23, 2010, notice of 12-month petition findings (75 FR 13910) for the greater sage-grouse for a detailed evaluation of the Bi-State DPS under our DPS policy. For a detailed summary of previous public comment periods for the proposed listing with a section 4(d) rule and the proposed critical habitat designation for the Bi-State DPS of greater sage-grouse, please see the Previous Federal Actions section of our 2015 withdrawal of those proposed rules (80 FR 22828; April 23, 2015).

On October 28, 2013, we published in the **Federal Register** (78 FR 64358) a proposed rule to list the Bi-State DPS of greater sage-grouse in California and Nevada as a threatened species under the Act (16 U.S.C. 1531 *et seq.*), with a rule issued under section 4(d) of the Act. On the same day, we published in the **Federal Register** (78 FR 64328) a proposed rule to designate critical habitat for the Bi-State DPS of greater sage-grouse. On April 23, 2015, we published in the **Federal Register** (80 FR 22828) a withdrawal of the proposed rules to list the Bi-State DPS as a threatened species with a section 4(d) rule and to designate critical habitat for the DPS. This decision was based on our conclusion that the threats to the DPS as identified in the proposed listing rule were no longer as significant as believed at the time of publication of the proposed listing rule, and that conservation plans were ameliorating threats to the DPS. Thus, we concluded that the Bi-State DPS did not meet the definition of an endangered or a threatened species throughout all or a significant portion of its range.

On March 9, 2016, Desert Survivors, the Center for Biological Diversity, WildEarth Guardians, and Western Watershed Project filed suit in the U.S. District Court for the Northern District of California. The suit challenged the withdrawal of the proposal to list the Bi-State DPS. On May 5, 2018, the court issued a decision. As the result of the court order, the April 23, 2015, withdrawal was vacated and remanded to the Service for further consideration consistent with the order.

The court's action returns the process to the proposed rule stage, and the status of the Bi-State DPS has effectively reverted to that of a proposed species for the purposes of consultation under section 7 of the Act; it also reinstates the proposed 4(d) rule, as well as the proposed critical habitat designation for the Bi-State DPS (78 FR 64328; October 28, 2013). Therefore, this document notifies the public that we are reopening the comment periods on the October 28, 2013, proposed rules to list the Bi-State DPS as threatened with a section 4(d) rule (78 FR 64358), and the proposed critical habitat designation for the DPS (78 FR 65328). We also announce that we are initiating a new status review of the Bi-State DPS, to determine whether it meets the definition of an endangered or threatened species under the Act. Any listing determination we make must be made based on the best available information.

Information Requested

We will accept written comments and information during this reopened comment period on our October 28, 2013, proposed rules to list the Bi-State DPS as threatened with a section 4(d) rule (78 FR 64358), and the proposed critical habitat designation for the DPS (78 FR 65328). We also request new information regarding the Bi-State DPS that has become available since the

publication of the proposed rules to inform the status review.

We will consider information and recommendations from all interested parties. We are particularly interested in comments concerning:

(1) The Bi-State DPS's biology, distribution, population size and trend, including:

(a) Habitat requirements for feeding, breeding, and sheltering;

(b) Genetics and taxonomy;

(c) Historical and current range, including distribution patterns; and

(d) Historical and current population levels, and current and projected trends.

(2) The factors that are the basis for making a listing determination for a species under section 4(a) of the Act (16 U.S.C. 1533(a)(1)), which are:

(a) The present or threatened destruction, modification, or curtailment of its habitat or range;

(b) Overutilization for commercial, recreational, scientific, or educational purposes;

(c) Disease or predation;

(d) The inadequacy of existing regulatory mechanisms; or

(e) Other natural or manmade factors affecting its continued existence.

(3) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to this Bi-State DPS and existing regulations that may be addressing those threats.

(4) Information on current habitat conditions, including, but not limited to, quality of upland and meadow or riparian sites, presence and abundance of annual invasive grasses and weeds or other increasing plants (*e.g.,* conifer trees), and recovery of previously burned sites. This information may include larger landscape-scale assessments or smaller site-specific investigations.

(5) Application of the Bi-State Action Plan of March 15, 2012, to our determination of status under section 4(a)(1) of the Act, particularly comments or information to help us assess the certainty that the plan will be effective in conserving the Bi-State DPS of greater sage-grouse and will be implemented.

(6) Information concerning whether it would be appropriate to include in the 4(d) rule a provision for take of the Bi-State DPS of greater sage-grouse in accordance with applicable State law for educational or scientific purposes, the enhancement of propagation or survival of the DPS, zoological exhibition, and other conservation purposes consistent with the Act.

(7) Whether the Service should include in the scope of the proposed 4(d) rule the incidental take of sage-grouse within the Bi-State DPS if the take results from other agricultural activities not subject to the Sage Grouse Initiative or the Bi-state Action Plan, if those activities are compatible with the conservation of the Bi-State DPS.

(8) Past and ongoing conservation measures for the Bi-State DPS, its habitat, or both.

(9) Any new or updated information relative to our 2013 proposed designation of critical habitat for the Bi-State DPS.

If you submitted comments or information on the October 28, 2013, proposed rule to list the Bi-State DPS as threatened with a section 4(d) rule (78 FR 64358), or on the October 28, 2013, proposed rule to designate critical habitat for the DPS (78 FR 65328), during the initial comment period or on any of the subsequent comment periods in 2013 and 2014, please do not resubmit them. Any such comments are incorporated as part of the public record of the rulemaking proceeding, and we will fully consider them in the preparation of our final determinations.

Our final determinations will take into consideration all written comments and any additional information we receive during all comment periods. The final decisions may differ from the proposed rules, based on our review of all information we receive during the rulemaking proceeding. If we receive significant new scientific information, we may need to reopen the public comment period so that the public can comment on the new information.

You may submit your comments and materials concerning the proposed rules by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**. If you submit a comment via *http://www.regulations.gov,* your entire comment—including any personal identifying information—will be posted on the website. We will post all hardcopy comments on *http://www.regulations.gov* as well. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Comments and materials we receive will be available for public inspection on *http://www.regulations.gov* under Docket No. FWS–R8–ES–2018–0106 for the proposed listing determination and section 4(d) rule, and Docket No. FWS–R8–ES–2018–0107 for the proposed critical habitat designation. Supporting documentation we used in preparing the proposed rules is available for public inspection *on http://www.regulations.gov* under Docket No. FWS–R8–ES–2013–0072 for the proposed listing determination and section 4(d) rule, or Docket No. FWS–R8–ES–2013–0042 for the proposed critical habitat designation, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Reno Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**). You may obtain copies of the proposed rules on *http://www.regulations.gov* under Docket No. FWS–R8–ES–2013–0072 for the proposed listing determination and section 4(d) rule, or Docket No. FWS–R8–ES–2013–0042 for the proposed critical habitat designation, or by mail from the Reno Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**). Please note that the 2013 dockets contain documents and other information related to the proposed rules, as well as the comments received and the proposed rules themselves, while the 2018 dockets are the correct dockets for submission of comments during this public comment period (see **DATES**, above).

Authors

The primary author of this document is the Service's Reno Fish and Wildlife Office in Reno, Nevada, in coordination with the Service's Pacific Southwest Regional Office in Sacramento, California.

Authority

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), is the authority for this action.

Dated: March 17, 2019.

Margaret E. Everson,

Principal Deputy Director, U.S. Fish and Wildlife Service, Exercising the Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2019–07252 Filed 4–11–19; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register

Vol. 84, No. 71

Friday, April 12, 2019

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

Rural Utilities Service

Broadband Pilot (ReConnect) Program

AGENCY: Rural Utilities Service, Department of Agriculture.

ACTION: Notice; amendment to Funding Opportunity Announcement (FOA) and solicitation of applications and program updates.

SUMMARY: The Rural Utilities Service (RUS) published a Funding Opportunity Announcement (FOA) and solicitation of applications in the **Federal Register** on Friday, December 14, 2018, announcing its general policy and application procedures for funding under the broadband pilot program (ReConnect) established pursuant to the Consolidated Appropriations Act, 2018 which provides loans, grants, and loan/grant combinations to facilitate broadband deployment in rural areas. Since the publication of the FOA, the Consolidated Appropriations Act of 2019 (2019 Appropriations Act) became law on February 15, 2019. The purpose of this notice is to inform the public of changes made to the ReConnect Program, specifically the updated service area eligibility policies, pursuant to the 2019 Appropriations Act, and other program updates.

DATES: Actions described in this notice take effect April 12, 2019.

FOR FURTHER INFORMATION CONTACT: For general inquiries regarding the ReConnect Program, contact Chad Parker, Assistant Administrator Telecommunications Program, Rural Utilities Service, U.S. Department of Agriculture (USDA), email: *chad.parker@wdc.usda.gov,* telephone (202) 720–9554. For inquiries regarding eligible service areas, please contact ReConnect Program Staff at *https://www.usda.gov/reconnect/contact-us.*

SUPPLEMENTARY INFORMATION:

Background

On December 14, 2018, RUS published a Funding Opportunity Announcement (FOA) and solicitation of applications in the **Federal Register** at 83 FR 64315. The FOA provided the policy and application procedures for the ReConnect Program. In support of the ReConnect Program, the agency also established an eligibility area map and application mapping tool designed to assist in the determination of service area eligibility across the United States. These tools include four categories of data that indicate potential eligibility of rural areas, including data on the CAF II—Auction 903 winners, non-rural areas, pending applications, and protected broadband borrower service areas. On Monday, February 25, 2019, the Agency published a notice in the **Federal Register** (84 FR 5981) to provide the final application windows and clarification for the ReConnect Program.

Since the publication of the December 14, 2018 FOA, the 2019 Appropriations Act became law on February 15, 2019. The 2019 Appropriations Act requires that the Agency shall, in determining whether an entity may overbuild, or duplicate broadband expansion efforts made by any entity that has received a broadband loan from RUS, not consider loans that were rescinded or defaulted on, or whose loan terms and conditions were not met, if the new entity under consideration has not previously defaulted on, or failed to meet the terms and conditions of, an RUS loan or had an RUS loan rescinded. To address these issues, the actions taken in this notice will: (1) Revise the definition of Broadband loan in the FOA, as published in the **Federal Register** on December 14, 2018, as required by the 2019 Appropriations Act; (2) describe any changes to the data used in the protected broadband service areas mapping layer and, (3) announce the criteria by which applicants may challenge the determination of service area eligibility. These actions are being taken by the Agency to ensure that all eligible service areas receive fair consideration for funding under the ReConnect Program.

Summary of Program Changes

As required by the 2019 Appropriations Act, the *Broadband loan* definition in the FOA published in the **Federal Register** on December 14, 2018 FOA, must be revised.

On page 64316, in the first column, seventh paragraph, revise the definition of *Broadband loan* to read as follows:

Broadband loan means, for the purposes of this FOA, a loan that has been approved or is currently under review by RUS after the beginning of Fiscal Year 2000 in the Telecommunications Infrastructure Program, Farm Bill Broadband Program, or the Broadband Initiatives Program. Loans that were approved and then subsequently de-obligated or otherwise rescinded or defaulted on, or whose loan terms and conditions have not been met are not included in this definition.

RUS is also taking further actions to ensure that all eligible service areas receive fair consideration for funding under the ReConnect Program. These actions are as follows:

(a) Changes to the data used in the Protected Broadband Borrower Service Areas mapping layer. To ensure that the mapping resources available in the ReConnect Program are consistent with the revised definition of Broadband loan, the Agency reviewed its loan portfolio and identified loans that were fully rescinded or are in default, or whose loan terms and conditions were not met. Data associated with these loans have been removed from the Protected Broadband Borrower Service Areas mapping layer, so that the associated service areas will not appear ineligible according to this criterion. Both the eligibility area map and the application mapping tool have been updated to reflect these removals.

(b) Criteria by which applicants may challenge the determination of service area eligibility. To enhance the accuracy of the ReConnect Program's mapping resources, the Agency acknowledges the value of the applicant's analysis of broadband access available in a given service area. Therefore, an applicant may challenge the protected status of a service area if the applicant believes that at least 75 percent of the households in the part of the proposed funded service area in which they are seeking ReConnect funds are not receiving broadband service at the level for which an original RUS broadband loan was made. Note that the lack of 10/1 Mbps in the service territory of older broadband loans does not purport to non-compliance with their loan

agreement, due to then, existing service requirements. At the time the challenge is made, the original RUS broadband loan must have been rescinded, defaulted on, or the terms and conditions of the original loan must not have been met.

(c) Until further changes to a challenge system can be made in future rounds of funding, for the present round of funding, these challenges will only be considered when submitted with an application for ReConnect funding. Additionally, the agency will only validate the challenge if the application is determined to be complete, feasible, and, if applicable, scored high enough for funding consideration. The agency will assess the ability to expand its challenge process for future rounds of funding.

Dated: March 28, 2019.

Bette B. Brand,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2019–07345 Filed 4–11–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–825]

Stainless Steel Bar From Brazil: Final Results of Antidumping Duty Administrative Review; 2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) finds that stainless steel bar (SSB) from Brazil has been sold at less than normal value during the period of review (POR) February 1, 2017, through August 8, 2017.

DATES: Applicable April 12, 2019.

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3477.

SUPPLEMENTARY INFORMATION:

Background

On October 31, 2018, Commerce published the *Preliminary Results* of the administrative review of the antidumping duty order on SSB from Brazil.[1] The administrative review covers one producer or exporter of the subject merchandise, Villares Metals S.A. (Villares). We gave interested parties an opportunity to comment on the *Preliminary Results,* and we received a case brief from Villares.[2] We did not receive a rebuttal brief. Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018, through the resumption of operations on January 29, 2019.[3] If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. Accordingly, the revised deadline for the final results of this review is now April 9, 2019.

Commerce conducted this review in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise subject to the order is SSB. The SSB subject to the order is currently classifiable under subheadings 7222.10.00, 7222.11.00, 7222.19.00, 7222.20.00, 7222.30.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive. A full description of the scope of the order is contained tin the Issues and Decision Memorandum.[4]

Analysis of Comments Received

The issue raised by Villares in its case brief has been addressed in the Issues and Decision Memorandum. The Issues and Decision Memorandum is a public document and is made available to the public *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Enforcement and Compliance website at *http://enforcement.trade.gov/frn/.* A list of the topics discussed in the Issues and Decision Memorandum is attached as an Appendix to this notice.

Changes Since the Preliminary Results

We did not make any changes for these final results.

Final Results of the Administrative Review

We determine that the following weighted-average dumping margin exists for Villares for the period of February 1, 2017, through August 8, 2017.

Producer or exporter	Weighted-average dumping margin (percent)
Villares Metals S.A	1.67

Assessment

In accordance with section 751(a)(2)(C) of the Act, 19 CFR 351.212(b)(1), and the *Final Modification,*[5] Commerce intends to instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties and liquidate all appropriate entries for Villares covered by this review. For Villares, we calculated importer-specific assessment rates on the basis of the ratio of the total amount of dumping duties calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).[6]

For entries of subject merchandise during the POR produced by Villares for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company involved in the transaction. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

In the *Revocation Notice,* Commerce stated that it intends to issue instructions to CBP to terminate the suspension of liquidation and to discontinue the collection of cash deposits on entries of subject merchandise, entered or withdrawn from warehouse, on or after August 9,

[1] *See Stainless Steel Bar from Brazil: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018,* 83 FR 54715 (October 31, 2018) (*Preliminary Results*).

[2] *See* Villares' case brief, ''Stainless Steel Bar from Brazil: Case Brief of Villares Metals SA,'' dated November 30, 2018.

[3] *See* Memorandum, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[4] *See* Memorandum, ''Stainless Steel Bar from Brazil: Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review,'' dated concurrently with, and hereby adopted by, this notice.

[5] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101, 8102 (February 14, 2012) (*Final Modification*).

[6] *Id.*

2017.[7] Furthermore, because the antidumping duty order on SSB from Brazil has been revoked as a result of the *Revocation Notice,* Commerce does not intend to issue cash deposit instructions at the conclusion of this administrative review.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

We are issuing and publishing these results of an administrative review in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5).

Dated: April 9, 2019.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Issue
Whether to adjust the Comparison Time Periods for purposes of applying the Cohen's D-Test
V. Recommendation

[FR Doc. 2019–07296 Filed 4–11–19; 8:45 am]

BILLING CODE 3510–DS–P

[7] *See Stainless Steel Bar from Brazil, India, Japan, and Spain: Continuation of Antidumping Duty Order (India) and Revocation of Antidumping Duty Orders (Brazil, Japan, and Spain),* 83 FR 49910 (October 3, 2018) (*Revocation Notice*).

DEPARTMENT OF COMMERCE

International Trade Administration

Renewable Energy and Energy Efficiency Advisory Committee

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The Renewable Energy and Energy Efficiency Advisory Committee (REEEAC or the Committee) will hold a meeting on Tuesday, May 7, 2019, at the U.S. Department of Commerce Herbert C. Hoover Building in Washington, DC. The meeting is open to the public with registration instructions provided below.

DATES: May 7, 2019, from approximately 9:00 a.m. to 5:00 p.m. Eastern Standard Time (EST). Members of the public wishing to participate must register in advance with Victoria Gunderson at the contact information below by 5:00 p.m. EST on Wednesday, May 1, 2019, in order to pre-register, including any requests to make comments during the meeting or for accommodations or auxiliary aids.

ADDRESSES: To register, please contact Victoria Gunderson, Designated Federal Officer, Office of Energy and Environmental Industries (OEEI), Industry and Analysis, International Trade Administration, U.S. Department of Commerce at (202) 482–7890; email: *Victoria.Gunderson@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Victoria Gunderson, Designated Federal Officer, Office of Energy and Environmental Industries (OEEI), Industry and Analysis, International Trade Administration, U.S. Department of Commerce at (202) 482–7890; email: *Victoria.Gunderson@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Secretary of Commerce established the REEEAC pursuant to discretionary authority and in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App.), on July 14, 2010. The REEEAC was re-chartered most recently on June 7, 2018. The REEEAC provides the Secretary of Commerce with consensus advice from the private sector on the development and administration of programs and policies to expand the export competitiveness of U.S. renewable energy and energy efficiency products and services. More information regarding the REEEAC is available online at *http://export.gov/reee/reeeac.*

On May 7, 2019, the REEEAC will hold the third in-person meeting of its current charter term. The Committee, with officials from the Department of Commerce and other agencies, will discuss major issues affecting the competitiveness of the U.S. renewable energy and energy efficiency industries, hold subcommittee work sessions to discuss draft recommendations, and hear about new U.S. government regional energy initiatives. An agenda will be made available by May 1, 2019 upon request.

The meeting will be open to the public and will be accessible to people with disabilities. All guests are required to register in advance by the deadline identified under the **DATES** caption. Requests for auxiliary aids must be submitted by the registration deadline. Last minute requests will be accepted but may be impossible to fill.

A limited amount of time before the close of the meeting will be available for oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two to five minutes per person (depending on number of public participants). Individuals wishing to reserve speaking time during the meeting must contact Ms. Gunderson and submit a brief statement of the general nature of the comments, as well as the name and address of the proposed participant, by 5:00 p.m. EST on Wednesday, May 1, 2019. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to submit a copy of their oral comments by email to Ms. Gunderson for distribution to the participants in advance of the meeting.

Any member of the public may submit written comments concerning the REEEAC's affairs at any time before or after the meeting. Comments may be submitted to the Renewable Energy and Energy Efficiency Advisory Committee, c/o: Victoria Gunderson, Designated Federal Officer, Office of Energy and Environmental Industries, U.S. Department of Commerce; 1401 Constitution Avenue NW; Mail Stop: 28018; Washington, DC 20230. To be considered during the meeting, public comments must be transmitted to the REEEAC prior to the meeting. As such, written comments must be received no later than 5:00 p.m. EST on Wednesday, May 1, 2019. Comments received after

that date will be distributed to the members but may not be considered at the meeting.

Copies of REEEAC meeting minutes will be available within 30 days following the meeting.

Dated: April 1, 2019.

Man Cho,

Deputy Director, Office of Energy and Environmental Industries.

[FR Doc. 2019–07270 Filed 4–11–19; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG671

U.S. Stakeholder Meeting on Pacific Bluefin Tuna Long-Term Management Framework; Meeting Announcement

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

ACTION: Notice of public meeting; reschedule meeting.

SUMMARY: NMFS is holding a meeting to discuss the future of the U.S. West Coast Pacific bluefin tuna (PBF) fishery, including objectives and a management framework. NMFS initially scheduled this meeting for January 9, 2019, but due to the partial lapse in appropriations was unable to hold the meeting on that date. NMFS is announcing that the meeting has been rescheduled for May 2, 2019.

DATES: The meeting will be held May 2, 2019, from 9:00 a.m. to 4:00 p.m. PST, or until business concludes.

ADDRESSES: The meeting will be held in Room 3300 at the Glenn M. Anderson Federal Building, 501 W Ocean Blvd., Long Beach, California 90802. Please notify Celia Barroso, at *Celia.Barroso@noaa.gov* or (562) 432–1850, by April 25, 2019, if you plan to attend. NMFS will email instructions and background materials for the meeting participants.

FOR FURTHER INFORMATION CONTACT: Celia Barroso, West Coast Region, NMFS, at *Celia.Barroso@noaa.gov,* or at (562) 432–1850.

SUPPLEMENTARY INFORMATION: NMFS intended to host a stakeholder meeting to discuss the future of the U.S. West Coast PBF fishery, including objectives and a management framework on January 9, 2019, (83 FR 65638, December 21, 2018) but due to the partial lapse in appropriations was unable to hold the meeting. This notice announces that the meeting has been rescheduled to May 2, 2019.

Stakeholders have expressed an interest in developing management objectives and a long-term management framework for PBF. In September 2018, the Pacific Fishery Management Council (PFMC) recommended that its Highly Migratory Species Management Team develop a long-term management strategy for PBF (See the PFMC's ''September 2018 Summary Decision'' at *https://www.pcouncil.org/wp-content/uploads/2018/09/0918_Decision_Summary_DocumentV2.pdf*). During the stakeholder meeting rescheduled for May 2, 2019, NMFS will briefly review the current status of the stock and current management regime. NMFS will also solicit input from participants on potential management objectives, and strategies to achieve those objectives for the domestic PBF fishery.

PBF U.S. Stakeholder Meeting Topics

The PBF U.S. stakeholder meeting topics will include, but are not limited to, the following:

(1) An overview of international management PBF and management of the U.S. PBF fishery;

(2) Potential domestic management objectives; and,

(3) Potential domestic management strategies.

Special Accommodations

The meeting location is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Celia Barroso, at *Celia.Barroso@noaa.gov* or (562) 432–1850, by April 22, 2019.

Authority: 16 U.S.C. 951 *et seq.,* 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 6901 *et seq.*

Dated: April 9, 2019.

Jennifer M. Wallace,

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

[FR Doc. 2019–07311 Filed 4–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG915

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 submitted by the Cape Cod Commercial Fishermen's Alliance contains all of the required information and warrants further consideration. This exempted fishing permit would require participants to use electronic monitoring systems on 100 percent of sector trips for catch accounting in the Northeast multispecies fishery; additionally, vessels would be authorized to access portions of Northeast multispecies closed areas. 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 April 29, 2019.

ADDRESSES: You may submit written comments by either of the following methods:

- *Email: nmfs.gar.efp@noaa.gov.* Include in the subject line ''100 PERCENT EM 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 ''100 PERCENT EM EFP.''

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Management Specialist, 978–281–9232.

SUPPLEMENTARY INFORMATION: Northeast multispecies (groundfish) sectors are required to implement and fund an at-sea monitoring (ASM) program. Sectors may use electronic monitoring (EM) to satisfy this monitoring requirement, provided that NMFS deems the technology sufficient for catch monitoring. NMFS has yet to approve EM as a suitable alternative to ASM. However, NMFS is working with industry and other stakeholders to test the operational feasibility of EM and resolve outstanding barriers to implementation. Project partners include the Cape Cod Commercial Fishermen's Alliance, The Nature Conservancy, the Maine Coast Fishermen's Association, the Gulf of Maine Research Institute, and fishermen.

In fishing year 2017, NMFS issued an exempted fishing permit (EFP) to these project partners to develop an audit-model EM program for the groundfish

fishery. The EFP required vessels to use EM systems on 100 percent of groundfish sector trips to verify regulated groundfish discards. EM was used in lieu of human observers to meet their sector ASM requirements. Thirteen vessels using a variety of gear types (*e.g.,* hook, benthic longline, sink gillnet, bottom trawl) participated in the project. A total of 81 trips were completed in fishing year 2017. The EFP was renewed in fishing year 2018, adding exemptions to allow participating vessels to fish in closed areas during certain times of the year. A total of 258 trips suitable for quota monitoring were completed during fishing year 2018.

The project partners have submitted a renewal request for fishing year 2019. The proposed participant list includes 18 vessels, 16 of which participated in this EFP in fishing year 2018. Together, these vessels are expected to take an estimated 425 trips. The project partners expect that additional vessels may join the project in fishing year 2019.

Vessels participating in this EFP would be exempt from the regulations requiring them to adhere to their sector's ASM program, and instead would be required to use EM on 100 percent of groundfish trips. Camera systems would be used in lieu of human at-sea monitors, and in addition to Northeast Fishery Observer Program (NEFOP) observers. Vessels would adhere to a vessel-specific monitoring plan detailing at-sea catch handling protocols. Vessels would submit haul-level electronic vessel trip reports (eVTR) with count and weight estimates for all groundfish discards. Vessels would not be exempt from any other standard reporting and monitoring regulations.

The discard estimates provided in the eVTR would be used for catch accounting, and all catch of allocated groundfish would be deducted from the appropriate sector's allocation. The EM service provider would review the video footage and produce an EM summary report identifying, counting, and generating weight estimates for all groundfish discards. The provider would submit this report to NMFS. NMFS would compare the eVTR and EM summary file to ensure the submissions match within an established tolerance. If the trips do not match, the eVTR would not be used for catch accounting for that trip. For trips that carry a NEFOP observer, the NEFOP data would be used for catch accounting.

In previous years, the EM service provider reviewed 100 percent of the video footage at the outset of the fishing year with the option to reduce this percentage mid-year as part of audit-model testing, with our approval. This option was never used. In fishing year 2019, based on statistical analysis of EFP trips from 2017 and 2018, the EM service provider would use a 50 percent audit target as part of audit model testing. Audit percentage may fluctuate as part of this testing, with our approval. Following the EM service provider's review, the Northeast Fisheries Science Center would conduct a secondary review of the EM summary reports for a subset of trips.

Because participating vessels would be fully monitored, project partners requested exemptions to access to closed areas, to incentivize participation and create additional fishing opportunities for healthy stocks. Vessels would be allowed to use hook gear and sink gillnets in Closed Area II from May 1 through February 15, hook gear in Western Gulf of Maine Closure Area, and jig gear in Cashes Ledge Closure Area.

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: April 9, 2019.

Jennifer M. Wallace,

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

[FR Doc. 2019–07280 Filed 4–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG927

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 submitted by The Nature Conservancy contains all of the required information and warrants further consideration. This exempted fishing permit would allow participants to use electronic monitoring systems in lieu of at-sea monitors in support of a study to develop electronic monitoring for catch monitoring in the Northeast multispecies fishery. 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 April 29, 2019.

ADDRESSES: You may submit written comments by either of the following methods:

- *Email: nmfs.gar.efp@noaa.gov.* Include in the subject line ''TNC EM EFP RENEWAL.''
- *Mail:* Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''TNC EM EFP RENEWAL.''

FOR FURTHER INFORMATION CONTACT: Maria Vasta, Fishery Management Specialist: 978–281–9196; *maria.vasta@noaa.gov.*

SUPPLEMENTARY INFORMATION: Northeast multispecies sectors are required to implement and fund an at-sea monitoring (ASM) program. Sectors may use electronic monitoring (EM) to satisfy this monitoring requirement, provided NMFS deems the technology sufficient for catch monitoring. NMFS has yet to approve EM as a suitable alternative to ASM. However, we are working with industry and other stakeholders to test the operational feasibility of EM and resolve outstanding issues that are barriers to implementation.

In fishing year 2016, The Nature Conservancy, in partnership with the Cape Cod Commercial Fishermen's Alliance, the Maine Coast Fishermen's Association, the Gulf of Maine Research Institute, and fishermen enrolled in various groundfish sectors, obtained an exempted fishing permit (EFP) authorizing participant vessels to use EM in lieu of human observers to meet their ASM requirements. Project partners applied to renew this EFP in fishing years 2017 and 2018, and the EFP was reissued in both years.

TABLE 1—PARTICIPATION IN PREVIOUS ISSUES OF THE PARTIAL AUDIT-MODEL EM EFP

Fishing year	Number of participant vessels	ASM coverage level (percent)
2016	14	14
2017	5	16
2018	5	15

On February 15, 2019, The Nature Conservancy, along with project partners, submitted a request to renew this EFP for the 2019 fishing year, as part of an ongoing effort to pilot EM in the fishery. Work conducted under the proposed EFP would help refine proposed standards for a comprehensive EM program in the groundfish fishery. The proposed participant list includes five vessels, all of which participated in this EFP in fishing year 2018. Together, they are expected to take an estimated 235 trips in fishing year 2019. At 31 percent observer coverage, this would equate to roughly 75 EFP trips.

Vessels participating in this EFP would use EM in lieu of human ASMs, and in addition to Northeast Fishery Observer Program (NEFOP) observers, on groundfish trips selected for observer coverage. Vessels would adhere to a vessel-specific Vessel Monitoring Plan (VMP) detailing at-sea catch handling protocols. An EM service provider would review 100 percent of the video footage. The provider would also produce an EM summary report identifying, counting, and generating weight estimates for all groundfish discards, which it would submit to the NMFS Greater Atlantic Fisheries Regional Office. These data would be used for catch accounting purposes on trips selected for ASM coverage. EM data would not be used for catch accounting in place of observer data on NEFOP trips. However, the information generated through this EM project could facilitate comparisons between cameras and human observers in the future. Following the EM service provider's review, the Northeast Fisheries Science Center would conduct a secondary review of the EM summary reports for all or a subset of EFP trips.

Under this EFP, participating vessels would be exempt from minimum fish size requirements (§ 648.83(a)) for Northeast multispecies, for sampling purposes only; and ocean pout, windowpane flounder, and Atlantic wolffish possession prohibitions (§ 648.86(l)), for sampling purposes only. Vessels would also be exempt from their sector's third-party monitoring program requirements (§ 648.87(b)(1)(v)(B)) only; all other standard sector reporting and monitoring requirements, such as using dealer-reported landings and vessel trip reports, would still apply. Vessels would be assigned observer coverage at the fishing year 2019 ASM coverage level of 31 percent, which is a combination of NEFOP and ASM coverage. All catch of allocated groundfish stocks would be deducted from the appropriate sector's allocation. Legal-sized regulated groundfish would be retained and landed as required by the Northeast Multispecies Fishery Management Plan. Undersized groundfish would be handled according to the VMP guidelines in view of cameras and returned to the sea as quickly as possible. All other species would be handled per normal commercial fishing operations. No legal-size regulated groundfish would be discarded, unless otherwise permitted through regulatory exemptions granted to the participating vessel's sector.

If approved, the applicant may request minor modifications 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: April 9, 2019.

Jennifer M. Wallace,

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

[FR Doc. 2019–07283 Filed 4–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG946

Meeting of the Columbia Basin Partnership Task Force of the Marine Fisheries Advisory Committee

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

ACTION: Notice of open public meeting.

SUMMARY: This notice sets forth the proposed schedule and agenda of a forthcoming meeting of the Marine Fisheries Advisory Committee's (MAFAC's) Columbia Basin Partnership Task Force (CBP Task Force). The CBP Task Force will discuss the issues outlined in the **SUPPLEMENTARY INFORMATION** below.

DATES: The meeting will be held April 23, 2019 from 9 a.m. to 5 p.m. PT and on April 24, 2019 from 9 a.m. to 4 p.m. PT.

ADDRESSES: The meeting will be held at the Portland Marriott Downtown Waterfront, 1401 SW Naito Pkwy., Portland, OR 97201; 503–226–7600.

FOR FURTHER INFORMATION CONTACT: Katherine Cheney; NFMS West Coast Region; 503–231–6730; email: *Katherine.Cheney@noaa.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given of a meeting of MAFAC's CBP Task Force. The MAFAC was established by the Secretary of Commerce (Secretary) and, since 1971, advises the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. The MAFAC charter and meeting information are located online at *https://www.fisheries.noaa.gov/topic/partners#marine-fisheries-advisory-committee-.* The CBP Task Force reports to MAFAC and is being convened to develop recommendations for long-term goals to meet Columbia Basin salmon recovery, conservation needs, and harvest opportunities, in the context of habitat capacity and other factors that affect salmon mortality. More information is available at the CBP Task Force web page: *http://www.westcoast.fisheries.noaa.gov/columbia_river/index.html.*

Matters To Be Considered

The meeting time and agenda are subject to change. Meeting topics include beginning phase II work to explore options and strategies for achieving the provisional quantitative goals and the qualitative goals recommended through the phase I work.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Katherine Cheney, 503–231–6730, by April 17, 2019.

Dated: April 9, 2019.

Jennifer L. Lukens,

Federal Program Officer, Marine Fisheries Advisory Committee, National Marine Fisheries Service.

[FR Doc. 2019–07340 Filed 4–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG951

Marine Fisheries Advisory Committee Meeting

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

ACTION: Notice of open public meeting.

SUMMARY: This notice sets forth the proposed schedule and agenda of a forthcoming meeting of the Marine Fisheries Advisory Committee (MAFAC). The members will discuss and provide advice on issues outlined under **SUPPLEMENTARY INFORMATION** below.

DATES: The meeting will be held April 30, 2019, from 8:30 a.m. to 5 p.m., May 1, from 8:30–2:30 p.m., and May 2, from 9 a.m. to 1 p.m.

ADDRESSES: The meeting will be held at the AC Hotel Portland Downtown Waterfront, 158 Fore Street, Portland, ME 04101; 207–747–1640.

FOR FURTHER INFORMATION CONTACT: Heidi Lovett, MAFAC Assistant Director; 301–427–8034; email: *Heidi.Lovett@noaa.gov.*

SUPPLEMENTARY INFORMATION: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, notice is hereby given of a meeting of MAFAC. The MAFAC was established by the Secretary of Commerce (Secretary), and, since 1971, advises the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. The complete charter and summaries of prior meetings are located online at *https://www.fisheries.noaa.gov/topic/partners#marine-fisheries-advisory-committee-*.

Matters To Be Considered

This meeting time and agenda are subject to change.

The meeting is convened to hear presentations and updates and to discuss policies and guidance on the following topics: Columbia Basin Partnership Task Force provisional goals to conserve and restore salmon and steelhead; U.S. seafood marketing, promotion, and competitiveness; strategic aquaculture science plan; wind development in the marine environment; legislative outlook and implementation of new legislation; and budget outlook. MAFAC will discuss various administrative and organizational matters, and meetings of subcommittees and working groups may be convened.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Heidi Lovett; 301–427–8034 by April 19, 2019.

Dated: April 9, 2018.

Jennifer L. Lukens,

Federal Program Officer, Marine Fisheries Advisory Committee, National Marine Fisheries Service.

[FR Doc. 2019–07339 Filed 4–11–19; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete products and services from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: May 12, 2019.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following products and services are proposed for deletion from the Procurement List.

Products

NSN—Product Name: 7045–01–442–1631—Diskettes, Formatted, 1.44 MB, 3.5″
Mandatory Source of Supply: North Central Sight Services, Inc., Williamsport, PA
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY and DLA TROOP SUPPORT, PHILADELPHIA, PA

NSNs—Product Names:
8105–01–J19–2073—Bag, Plastic
8105–01–J19–2071—Bag, Plastic
Mandatory Source of Supply: Envision, Inc., Wichita, KS
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN—Product Name: 8465–00–965–2175—Binding, Snowshoe, Universal
Mandatory Source of Supply: RLCB, Inc., Raleigh, NC and Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSNs—Product Names:
7530–01–600–7595—Weekly Desk Planner, Dated 2019, Wire Bound, Non-refillable, Black Cover
7530–01–600–7618—Monthly Desk Planner, Dated 2019, Wire Bound, Non-refillable, Black Cover
7530–01–600–7586—Daily Desk Planner, Dated 2019, Wire bound, Non-refillable, Black Cover
7530–01–600–7610—Weekly Planner Book, Dated 2019, 5″ x 8″, Black
Mandatory Source of Supply: Chicago Lighthouse Industries, Chicago, IL
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSNs—Product Names:
7510–01–600–7572—Monthly Wall Calendar, Dated 2019, Jan–Dec, 8-1/2″ x 11″
7510–01–600–7566—Wall Calendar, Dated 2019, Wire Bound w/hanger, 15.5″ x 22″
Mandatory Source of Supply: Chicago Lighthouse Industries, Chicago, IL
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSN—Product Name: 7510–01–600–8025—Dated 2019 12-Month 2-Sided Laminated Wall Planner, 24″ x 37″
Mandatory Source of Supply: Chicago Lighthouse Industries, Chicago, IL
Contracting Activity: GSA/FAS FURNITURE SYSTEMS MGT DIV, PHILADELPHIA, PA

NSNs—Product Names: 7045–01–570–8901—Privacy Filter, Notebook, 13.3″ Widescreen
Mandatory Source of Supply: Wiscraft, Inc., Milwaukee, WI
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY and STRATEGIC ACQUISITION CENTER, FREDERICKSBURG, VA

NSN—Product Name: MR 10736—Sandwich Saver, Licensed, Includes Shipper 20735
Mandatory Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: Military Resale-Defense Commissary Agency

NSN—Product Name: MR 1066—Pad, Cleaning, Refill, Mop, Spray

Mandatory Source of Supply: Industries for the Blind and Visually Impaired, Inc., West Allis, WI
Contracting Activity: Military Resale-Defense Commissary Agency

Services

Service Type: Contract Mgt Adm Sup Svcs assoc w-contract closeout
Mandatory for: DoD Education Activity, Alexandria, VA and U.S. Army Contracting Command—New Jersey, Picatinny Arsenal, NJ
Mandatory Source of Supply: San Antonio Lighthouse for the Blind, San Antonio, TX
Contracting Activity: WASHINGTON HEADQUARTERS SERVICES (WHS), WASHINGTON HEADQUARTERS SERVICES

Service Type: Contract Mgt Adm Svcs Assoc w-Contract Closeout
Mandatory for: U.S. Army, Womack Army Medical Center, Fort Bragg, NC
Mandatory Source of Supply: Chicago Lighthouse Industries, Chicago, IL
Contracting Activity: WASHINGTON HEADQUARTERS SERVICES (WHS)

Service Type: Contract Mgt Adm Svcs Assoc w-Contract Closeout
Mandatory for: FISC, 937 North Harbor Dr., San Diego, CA; JCC I/A CCTFO, GARCIA FEDERAL BUILDING, SAN ANTONIO, TX;MICC—Fort Bragg, NC, Bldg. 2–1105, Macomb St., MICC–USAR–CENTER–FORT DIX, NJ; NCRCC Fort Huachuca, AZ; MICC Dugway Proving Ground, UT; MICC, CENTER OF FT SAM HOUSTON, BUILDING 4197, SAN ANTONIO, TX; MICC, Fort Bliss, TX; MICC, Ft. Belvoir, VA; MICC, Ft. Irwin, CA; and MICC, Ft. McPherson, GA
Mandatory Source of Supply: National Industries for the Blind, Alexandria, VA
Contracting Activity: WASHINGTON HEADQUARTERS SERVICES (WHS), WASHINGTON HEADQUARTERS SERVICES

Service Type: Vehicle Washing Service
Mandatory for: General Services Administration: Fleet Management Division, Region 2 Virgin Islands & Puerto Rico
Mandatory Source of Supply: The Corporate Source, Inc., New York, NY
Contracting Activity: FEDERAL ACQUISITION SERVICE, GSA/FSS REGIONAL FLEET MGT OFC

Service Type: Microfilm Reproduction
Mandatory for: Bangor Naval Submarine Base, Bangor, WA
Mandatory Source of Supply: UNKNOWN
Contracting Activity: DEPT OF THE NAVY, U S FLEET FORCES COMMAND

Service Type: Janitorial/Custodial
Mandatory for: Fort Hood: Physical Fitness Centers in Buildings 9301, 12018, 23001, 24006, 31006, 37017, 39008, 87019 and 91073, Fort Hood, TX
Mandatory Source of Supply: World Technical Services, Inc., San Antonio, TX
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Janitorial/Grounds Maintenance
Mandatory for: Buffumville Lake: Hodges Village Dam, Oxford, MA
Mandatory Source of Supply: UNKNOWN
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Facility Management, Grounds Maintenance Service
Mandatory for: Fort Shafter, HI, Fort Shafter, HI
Mandatory Source of Supply: Goodwill Contract Services of Hawaii, Inc., Honolulu, HI
Contracting Activity: DEPT OF THE ARMY, 0413 AQ HQ

Service Type: Facility Management, Grounds Maintenance Service
Mandatory for: Helemano Military Reservation, Wahiawa, HI
Mandatory Source of Supply: Goodwill Contract Services of Hawaii, Inc., Honolulu, HI
Contracting Activity: DEPT OF THE ARMY, 0413 AQ HQ

Service Type: Facility Management, Grounds Maintenance Service
Mandatory for: Schofield Barracks, Schofield, HI
Mandatory Source of Supply: Goodwill Contract Services of Hawaii, Inc., Honolulu, HI
Contracting Activity: DEPT OF THE ARMY, 0413 AQ HQ

Service Type: Facility Management, Grounds Maintenance Service
Mandatory for: Tripler Army Medical Center, Tripler AMC, HI
Mandatory Source of Supply: Goodwill Contract Services of Hawaii, Inc., Honolulu, HI
Contracting Activity: DEPT OF THE ARMY, 0413 AQ HQ

Service Type: Facility Management, Grounds Maintenance Service
Mandatory for: Wheeler Army Air Field, Schofield Barracks, HI
Mandatory Source of Supply: Goodwill Contract Services of Hawaii, Inc., Honolulu, HI
Contracting Activity: DEPT OF THE ARMY, 0413 AQ HQ

Service Type: Janitorial/Custodial
Mandatory for: U.S. Coast Guard, Yerba Buena Island, Building 278, San Francisco, CA
Mandatory Source of Supply: Toolworks, Inc., San Francisco, CA
Contracting Activity: U.S. COAST GUARD, BASE ALAMEDA

Service Type: Vehicle Registration Service
Mandatory for: River's Building, Information Center and: Mail Provost Marshall's Office, Fort Hood, TX
Mandatory Source of Supply: Training, Rehabilitation, & Development Institute, Inc., San Antonio, TX
Contracting Activity: DEPT OF THE ARMY, W6QM MICC–FDO FT HOOD

Service Type: Janitorial/Custodial
Mandatory for: Kilauea Armed Forces Recreation Center, Island of Hawaii, HI
Mandatory Source of Supply: The ARC of Hilo, Hilo, HI
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Janitorial/Custodial
Mandatory for: U.S. Army Reserve Center: 3810 McIntyre Avenue, Eau Claire, WI
Mandatory Source of Supply: L.E. Phillips Career Development Center, Inc., Eau Claire, WI
Contracting Activity: DEPT OF THE ARMY, W6QM MICC FT MCCOY (RC)

Service Type: Grounds Maintenance
Mandatory for: U.S. Army Reserve Center: Worcester, Worcester, MA
Mandatory Source of Supply: Seven Hills Occupational & Rehabilitation Services, Inc., Worcester, MA
Contracting Activity: DEPT OF THE ARMY, W6QM MICC CTR–FT DIX (RC)

Service Type: Janitorial/Custodial
Mandatory for: U.S. Army Reserve Center: 4900 South Lancaster Road, Dallas, TX
Mandatory Source of Supply: On Our Own Services, Inc., Houston, TX
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Janitorial/Custodial
Mandatory for: U.S. Army Reserve Center: 7 West Delaware Avenue, Marcus Hook, PA
Mandatory Source of Supply: UNKNOWN
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Housekeeping Services
Mandatory for: Camp Edwards Billeting, Camp Edwards, MA
Mandatory Source of Supply: capeAbilities, Inc., Hyannis, MA
Contracting Activity: DEPT OF DEFENSE, DOD/OFF OF SECRETARY OF DEF (EXC MIL DEPTS)

Service Type: Installation Support Services
Mandatory for: Fort Hood: Basewide, Fort Hood, TX
Mandatory Source of Supply: Training, Rehabilitation, & Development Institute, Inc., San Antonio, TX
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Catering Service
Mandatory for: Military Entrance Processing Station, 2024 Ent Ave., Bldg. 799, Niagara Falls, NY
Mandatory Source of Supply: Niagara County Chapter, NYSARC, Niagara Falls, NY
Contracting Activity: DEPT OF THE ARMY, W6QM MICC–FT KNOX

Service Type: Janitorial/Custodial
Mandatory for: Charles E. Kelly Support Facility, Oakdale, PA
Mandatory Source of Supply: Hancock County Sheltered Workshop, Inc., Weirton, WV
Contracting Activity: DEPT OF THE ARMY, W6QM MICC CTR–FT DIX (RC)

Service Type: Janitorial/Custodial
Mandatory for: Ozark Lake Park: Pool #13 and Lake Dardanelle Area, Ozark, AR
Mandatory Source of Supply: Abilities Unlimited of Ft. Smith, Inc., Van Buren, AR
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Housekeeping Services
Mandatory for: Fort Custer Education Center, Augusta, MI

Mandatory Source of Supply: Navigations, Incorporated, Battle Creek, MI
Contracting Activity: DEPT OF THE ARMY, W7NF USPFO ACTIVITY MI ARNG

Service Type: Food Service
Mandatory for: Fort McPherson, GA
Mandatory Source of Supply: Bobby Dodd Institute, Inc., Atlanta, GA
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Custodial and Grounds Maintenance Services
Mandatory for: Border Patrol Sector HDQ, 3819 Patterson Road, New Orleans, LA
Mandatory Source of Supply: Louisiana Industries for the Disabled, Inc., Baton Rouge, LA
Contracting Activity: PUBLIC BUILDINGS SERVICE, BUILDING SERVICES TEAM

Service Type: Grounds Maintenance
Mandatory for: Segura U.S. Army Reserve Center: 301 Ascarate Park Road, El Paso, TX
Mandatory Source of Supply: Let's Go To Work, El Paso, TX
Contracting Activity: DEPT OF THE ARMY, W6QM MICC–PRESIDIO (RC–W)

Service Type: Grounds Maintenance
Mandatory for: Dyer U.S. Army Reserve Center: 4100 Dyer Street, El Paso, TX
Mandatory Source of Supply: Let's Go To Work, El Paso, TX
Contracting Activity: DEPT OF THE ARMY, W6QM MICC–PRESIDIO (RC–W)

Service Type: Switchboard Operation
Mandatory for: Kirtland Air Force Base, NM
Mandatory Source of Supply: LifeROOTS, Inc., Albuquerque, NM
Contracting Activity: DEPT OF THE AIR FORCE, FA9401 AFNWC PZI

Service Type: Janitorial/Custodial
Mandatory for: Department of Agriculture: The Animal and Plant Health Inspection Service, Gulfport, MS
Mandatory Source of Supply: Mississippi Goodworks, Inc., Gulfport, MS
Contracting Activity: ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPT OF AGRIC/ANIMAL AND PLANT HLTH INSP SVC

Service Type: Janitorial/Custodial
Mandatory for: Various USARCs, Fort Pickett, VA
Mandatory Source of Supply: Goodwill Services, Inc, Richmond, VA
Contracting Activity: DEPT OF THE ARMY, W6QM MICC CTR–FT DIX (RC)

Service Type: Supply and Warehousing Service
Mandatory for: U.S. Army Corps of Engineers: 2600 East Carson Street, Pittsburgh, PA
Mandatory Source of Supply: Goodwill Commercial Services, Inc., Pittsburgh, PA
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Laundry Service
Mandatory for: Fort Richardson, AK
Mandatory Source of Supply: Relay Resources, Portland, OR
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Janitorial/Custodial
Mandatory for: Fort Belvoir: Billeting Building #81, Fort Belvoir, VA
Mandatory Source of Supply: Didlake, Inc., Manassas, VA
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Contract Support Services
Mandatory for: Fort Hood, TX
Mandatory Source of Supply: Training, Rehabilitation, & Development Institute, Inc., San Antonio, TX
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Laborer, Multi-Tasks Support Services
Mandatory for: Fort Hood: Postwide, Fort Hood, TX
Mandatory Source of Supply: Professional Contract Services, Inc., Austin, TX
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Grounds Maintenance
Mandatory for: U.S. Army Reserve Center: 4900 South Lancaster Road, Dallas, TX
Mandatory Source of Supply: On Our Own Services, Inc., Houston, TX
Contracting Activity: DEPT OF THE ARMY, W6QM MICC–PRESIDIO (RC–W)

Service Type: Janitorial/Custodial
Mandatory for: U.S. Army Reserve Center: 50 East Street, Springfield, MA
Mandatory Source of Supply: Allied Community Services, Inc., Enfield, CT
Contracting Activity: DEPT OF THE ARMY, W6QM MICC–FT DIX (RC–E)

Service Type: Janitorial/Custodial
Mandatory for: U.S. Army Reserve Center: 200 Wintergreen Avenue, New Haven, CT
Mandatory Source of Supply: Allied Community Services, Inc., Enfield, CT
Contracting Activity: DEPT OF THE ARMY, W6QM MICC–FT DIX (RC–E)

Service Type: Grounds Maintenance, Janitorial/Custodial
Mandatory for: U.S. Army Reserve Center: 10031 E Northwest Highway, Dallas, TX
Mandatory Source of Supply: On Our Own Services, Inc., Houston, TX
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Grounds Maintenance Services
Mandatory for: U.S. Army Reserve Center at Perimeter Park, Houston, TX
Mandatory Source of Supply: On Our Own Services, Inc., Houston, TX
Contracting Activity: DEPT OF THE ARMY, W6QM MICC–PRESIDIO (RC–W)

Service Type: Mailroom Operation
Mandatory for: U.S. Army Engineer District: L. Mendel Rivers Federal Building, Charleston, SC
Mandatory Source of Supply: Palmetto Goodwill Services, North Charleston, SC
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Administrative Services
Mandatory for: Sheppard AFB, 426 5th Avenue, Sheppard AFB, TX
Mandatory Source of Supply: Work Services Corporation, Wichita Falls, TX
Contracting Activity: DEPT OF THE AIR FORCE, FA3020 82 CONS LGC

Service Type: Document Image Conversion
Mandatory for: Patuxent River Naval Air Station: Aircraft Division, Patuxent River, MD
Mandatory Source of Supply: The Center for Life Enrichment, Hollywood, MD
Contracting Activity: DEPT OF THE NAVY, US FLEET FORCES COMMAND

Service Type: Janitorial/Custodial
Mandatory for: Automated Flight Service Station, Seattle, WA
Mandatory Source of Supply: Northwest Center, Seattle, WA
Contracting Activity: FEDERAL AVIATION ADMINISTRATION, DEPT OF TRANS/ FEDERAL AVIATION ADMIN

Service Type: Janitorial/Custodial
Mandatory for: United States Geological Survey Building: Colorado School of Mines, Golden, CO
Mandatory Source of Supply: Bayaud Industries, Inc., Denver, CO
Contracting Activity: OFFICE OF POLICY, MANAGEMENT, AND BUDGET, NBC ACQUISITION SERVICES DIVISION

Service Type: Facility Management, Grounds Maintenance Service
Mandatory for: Wheeler Army Air Field, Schofield Barracks, HI
Mandatory Source of Supply: Lanakila Pacific, Honolulu, HI
Contracting Activity: DEPT OF THE ARMY, 0413 AQ HQ

Service Type: Facility Management, Grounds Maintenance Service
Mandatory for: Tripler Army Medical Center, Tripler AMC, HI
Mandatory Source of Supply: Lanakila Pacific, Honolulu, HI
Contracting Activity: DEPT OF THE ARMY, 0413 AQ HQ

Service Type: Facility Management, Grounds Maintenance Service
Mandatory for: Schofield Barracks, Schofield, HI
Mandatory Source of Supply: Lanakila Pacific, Honolulu, HI
Contracting Activity: DEPT OF THE ARMY, 0413 AQ HQ

Service Type: Facility Management, Grounds Maintenance Service
Mandatory for: Helemano Military Reservation, Wahiawa, HI
Mandatory Source of Supply: Lanakila Pacific, Honolulu, HI
Contracting Activity: DEPT OF THE ARMY, 0413 AQ HQ

Service Type: Facility Management, Grounds Maintenance Service
Mandatory for: Fort Shafter, HI
Mandatory Source of Supply: Lanakila Pacific, Honolulu, HI
Contracting Activity: DEPT OF THE ARMY, 0413 AQ HQ

Service Type: Janitorial/Custodial
Mandatory for: Northwestern Bank Building, 1405 Eye Street NW, Washington, DC
Mandatory Source of Supply: Melwood Horticultural Training Center, Inc., Upper Marlboro, MD
Contracting Activity: FEDERAL PRISON

SYSTEM, TERMINAL ISLAND, FCI

Michael R. Jurkowski,

Deputy Director, Business & PL Operations.

[FR Doc. 2019–07298 Filed 4–11–19; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes services from Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date added to and deleted from the Procurement List:* May 12, 2019.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Deletions

On 2/15/2019, 2/22/2019, 3/1/2019, 3/8/2019, 3/22/2019, 3/29/2019 and 4/5/2019, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the services deleted from the Procurement List.

End of Certification

Accordingly, the following services are deleted from the Procurement List:

Services

Service Type: Administrative Services
Mandatory for: GSA, Northeast Distribution Center: Federal Supply Service (3FS), Burlington, NJ
Mandatory Source of Supply: Occupational Training Center of Burlington County, Burlington, NJ
Contracting Activity: FEDERAL ACQUISITION SERVICE, GSA/FAS TOOLS ACQUISITION DIVISION II

Service Type: Janitorial/Custodial
Mandatory for: Social Security Administration District: 22 Morris Street Office Building, Hackensack, NJ
Mandatory Source of Supply: North Jersey Friendship House, Inc., Hackensack, NJ
Contracting Activity: HEALTH AND HUMAN SERVICES, DEPARTMENT OF, DEPT OF HHS

Service Type: Administrative Services for Catalog Distribution
Mandatory for: Defense Reutilization and Marketing Service Battle Creek, MI
Mandatory Source of Supply: Peckham Vocational Industries, Inc., Lansing, MI
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA DISPOSITION SERVICES

Service Type: CSS/Custodial/Warehousing, Shelf Stocking & Custodial, Warehousing
Mandatory for: Buckley AFB, Aurora, CO
Mandatory Source of Supply: CW Resources, Inc., New Britain, CT
Contracting Activity: DEFENSE COMMISSARY AGENCY (DECA), DEFENSE COMMISSARY AGENCY

Service Type: Furniture Rehabilitation
Mandatory for: Parris Island USMC, Parris Island, SC
Mandatory Source of Supply: Beaufort Vocational Rehabilitation Center, Beaufort, SC
Contracting Activity: DEPT OF THE NAVY, COMMANDING GENERAL

Service Type: Janitorial/Custodial
Mandatory for: Puget Sound Naval Shipyard: Equipment Maintenance Shops, Bremerton, WA
Mandatory Source of Supply: Peninsula Services, Bremerton, WA
Contracting Activity: DEPT OF THE NAVY, US FLEET FORCES COMMAND

Service Type: Grounds Maintenance
Mandatory for: Loyalhanna & Conemaugh Dam: 400 Loyalhanna Dam Road, Saltsburgh, PA
Mandatory Source of Supply: The Burnley Workshop of the Poconos, Inc., Stroudsburg, PA
Contracting Activity: DEPT OF THE ARMY, W6QM MICC CTR–FT DIX (RC)

Service Type: Janitorial/Custodial
Mandatory for: U.S. Customs House: 220 NE 8th Avenue, Portland, OR
Mandatory Source of Supply: Relay Resources, Portland, OR
Contracting Activity: TREASURY, DEPARTMENT OF THE, DEPT OF TREAS

Service Type: Administrative Services
Mandatory for: GSA, Regional Emergency Management Control Center: GSA Complex, Auburn, WA
Mandatory Source of Supply: Relay Resources, Portland, OR
Contracting Activity: GENERAL SERVICES ADMINISTRATION, FPDS AGENCY COORDINATOR

Service Type: Custodial Services
Mandatory for: Army Reserve Contracting Center: 1605 Coraopolis Heights Road, Coraopolis, PA
Mandatory Source of Supply: Hancock County Sheltered Workshop, Inc., Weirton, WV
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Janitorial/Custodial
Mandatory for: U.S. Federal Building: 511 NW Broadway, Portland, OR
Mandatory Source of Supply: Relay Resources, Portland, OR
Contracting Activity: PUBLIC BUILDINGS SERVICE, GSA/PBS

Service Type: Janitorial/Custodial
Mandatory for: U.S. Army Corps of Engineers: Saylorville Lake Project, Johnston, IA
Mandatory Source of Supply: Goodwill Solutions, Inc., Johnston, IA
Contracting Activity: DEPT OF THE ARMY, W07V ENDIST ROCK ISLAND

Service Type: JWOD Staffing Services
Mandatory for: GSA, Nationwide
Mandatory Source of Supply: Columbia Lighthouse for the Blind, Washington, DC; The Lighthouse for the Blind, Inc. (Seattle Lighthouse), Seattle, WA; Blind Industries & Services of Maryland, Baltimore, MD; Alabama Industries for the Blind, Talladega, AL;
Contracting Activity: GENERAL SERVICES ADMINISTRATION, FPDS AGENCY COORDINATOR

Service Type: Shelf Stocking & Custodial
Mandatory for: Fort Monmouth, NJ
Mandatory Source of Supply: UNKNOWN,
Contracting Activity: DEFENSE COMMISSARY AGENCY (DECA), DEFENSE COMMISSARY AGENCY

Service Type: Janitorial Service
Mandatory for: US Army Corps of Engineers, Col Francis R. Hunter USARC, San Pablo, CA
Mandatory Source of Supply: Solano Diversified Services, Vallejo, CA
Contracting Activity: DEPT OF THE ARMY, W6QM MICC FT MCCOY (RC)

Service Type: Janitorial Service
Mandatory for: US Army Corps of Engineers, PFC Robert H. Young Hall USARC, Vallejo, CA
Mandatory Source of Supply: Solano Diversified Services, Vallejo, CA
Contracting Activity: DEPT OF THE ARMY, W6QM MICC FT MCCOY (RC)

Service Type: Janitorial/Custodial
Mandatory for: U.S. Army Reserve Center: 70 Rochester Hill Road, Rochester, NH
Mandatory Source of Supply: Northern New England Employment Services, Portland,

ME
Contracting Activity: DEPT OF THE ARMY, W6QM MICC CTR–FT DIX (RC)
Service Type: Janitorial/Mechanical Maintenance
Mandatory for: U.S. Federal Building, Mesa, AZ
Mandatory Source of Supply: Goodwill Community Services, Inc., Phoenix, AZ
Contracting Activity: GENERAL SERVICES ADMINISTRATION, FPDS AGENCY COORDINATOR
Service Type: Janitorial/Grounds Maintenance
Mandatory for: U.S. Border Patrol: Support Building 501, Calexico, CA
Mandatory Source of Supply: ARC-Imperial Valley, El Centro, CA
Contracting Activity: GENERAL SERVICES ADMINISTRATION, FPDS AGENCY COORDINATOR
Service Type: Janitorial/Custodial
Mandatory for: U.S. Border Patrol: Customs Building and Truck Stop, San Diego, CA
Mandatory Source of Supply: Job Options, Inc., San Diego, CA
Contracting Activity: GENERAL SERVICES ADMINISTRATION, FPDS AGENCY COORDINATOR
Service Type: Administrative Services
Mandatory for: GSA, Las Vegas: Las Vegas Field Office (sub Reno), Reno, NV
Mandatory Source of Supply: UNKNOWN
Contracting Activity: GENERAL SERVICES ADMINISTRATION, FPDS AGENCY COORDINATOR
Service Type: Administrative Services
Mandatory for: GSA, Federal Supply Service: 300 Ala Moana, Honolulu, HI
Mandatory Source of Supply: Goodwill Contract Services of Hawaii, Inc., Honolulu, HI
Contracting Activity: GENERAL SERVICES ADMINISTRATION, FPDS AGENCY COORDINATOR
Service Type: Custodial Services
Mandatory for: Internal Revenue Service Building: 106 S 15th Street, Omaha, NE
Mandatory Source of Supply: Goodwill Specialty Services, Inc., Omaha, NE
Contracting Activity: PUBLIC BUILDINGS SERVICE, GSA/PUBLIC BUILDINGS SERVICE
Service Type: Laundry Service
Mandatory for: US Navy, Naval Hospital Medical Center Clinic, 2000 West Marine View Drive, Everett, WA
Mandatory Source of Supply: Northwest Center, Seattle, WA
Contracting Activity: DEPT OF THE NAVY, NAVAL HOSPITAL
Service Type: Mailroom Operations
Mandatory for: US Army, Corpus Christi Army Depot, Corpus Christi, TX
Mandatory Source of Supply: Goodwill Industries of South Texas, Inc., Corpus Christi, TX
Contracting Activity: DEPT OF THE ARMY, W6QK CCAD CONTR OFF
Service Type: Janitorial/Custodial
Mandatory for: Naval & Marine Corps Reserve Center, Broken Arrow, OK
Mandatory Source of Supply: UNKNOWN
Contracting Activity: DEPT OF THE NAVY, US FLEET FORCES COMMAND
Service Type: Janitorial/Mechanical Maintenance
Mandatory for: U.S. Federal Building: 3rd Avenue and 1st Street, Cullman, AL
Mandatory Source of Supply: Alabama Goodwill Industries, Inc., Birmingham, AL
Contracting Activity: PUBLIC BUILDINGS SERVICE, ACQUISITION DIVISION/ SERVICES BRANCH

Michael R. Jurkowski,
Deputy Director, Business & PL Operations.

[FR Doc. 2019–07315 Filed 4–11–19; 8:45 am]
BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Revise Collection Numbers 3038–0087, Reporting, Recordkeeping, and Daily Trading Records Requirements for Swap Dealers and Major Swap Participants

AGENCY: Commodity Futures Trading Commission.
ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (''CFTC'' or ''Commission'') is announcing an opportunity for public comment on the proposed renewal of three collections of certain information by the agency. Under the Paperwork Reduction Act (''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. This notice solicits comments on the collections of information mandated by Commission regulations 23.201 through 23.205 (Reporting, Recordkeeping, and Daily Trading Records Requirements For Swap Dealers and Major Swap Participants).

DATES: Comments must be submitted on or before June 11, 2019.

ADDRESSES: You may submit comments, identified by ''Reporting, Recordkeeping, and Daily Trading Records Requirements for Swap Dealers and Major Swap Participants,'' and Collection Number 3038–0087 by any of the following methods:

- The Agency's website, at *http://comments.cftc.gov/.* Follow the instructions for submitting comments through the website.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

Please submit your comments using only one method.

All comments must be submitted in English, or if not, accompanied by an English translation.

FOR FURTHER INFORMATION CONTACT: Gregory Scopino, Special Counsel, Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, (202) 418–5175; email: *gscopino@cftc.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA,[1] 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 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, the CFTC is publishing notice of the proposed collection of information listed below. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Title: Reporting, Recordkeeping, and Daily Trading Records Requirements for Swap Dealers and Major Swap Participants (OMB Control Nos. 3038–0087). This is a request for an extension of currently approved information collection.

Abstract: On April 3, 2012, the Commission adopted Commission regulations 23.201 through 23.205 (Reporting, Recordkeeping, and Daily Trading Records Requirements For Swap Dealers and Major Swap Participants)[2] pursuant to sections 4s(f)[3] and 4s(g)[4] of the Commodity Exchange Act (''CEA'').[5] Commission regulations 23.201 through 23.205 require, among other things, swap

[1] 44 U.S.C. 3501 *et seq.*
[2] 17 CFR 23.201–23.205.
[3] 7 U.S.C. 6s(f).
[4] 7 U.S.C. 6s(g).
[5] 77 FR 20128.

dealers (''SD'')[6] and major swap participants (''MSP'')[7] to maintain transaction and position records of their swaps (including daily trading records) and to maintain specified business records (including records related to the governance and financial status of the swap dealer or major swap participant, complaints received by such SD or MSP and such SD or MSP's marketing and sales materials). They also require SDs and MSPs to report certain swap transaction data to swap data repositories, to satisfy certain real time public reporting requirements, and to maintain records of information reported to swap data depositories and for real time reporting purposes.[8] The Commission believes that the information collection obligations imposed by Commission regulations 23.201 through 23.205 are necessary to implement sections 4s(f) and 4s(g) of the CEA, including ensuring that each SD and MSP maintains the required records of their business activities and an audit trail sufficient to conduct comprehensive and accurate trade reconstruction. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of 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.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[9]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the information collection request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The Commission is revising its estimate of the burden for this collection to reflect the current number of respondents and estimated burden hours. The respondent burden for this collection is estimated to be as follows:

Number of Registrants: 103.

Estimated Average Burden Hours per Registrant: 2,096.

Estimated Aggregate Burden Hours: 215,888.

Frequency of Recordkeeping: As applicable.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: April 9, 2019.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2019–07306 Filed 4–11–19; 8:45 am]

BILLING CODE 6351–01–P

[6] For the definition of SD, see section 1a(49) of the CEA and Commission regulation 1.3. 7 U.S.C. 1a(49) and 17 CFR 1.3.

[7] For the definitions of MSP, see section 1a(33) of the CEA and Commission regulation 1.3. 7 U.S.C. 1a(33) and 17 CFR 1.3.

[8] See 17 CFR 23.201–23.205.

[9] 17 CFR 145.9.

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Revise Collection 3038–0089, Swap Data Recordkeeping and Reporting Requirements: Pre-Enactment and Transition Swaps

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (''CFTC'') is announcing an opportunity for public comment on the proposed renewal of an information collection by the agency. Under the Paperwork Reduction Act (''PRA''), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment. This notice solicits comments on the swap data recordkeeping and reporting requirements codified in 17 CFR 46. This part imposes recordkeeping and reporting requirements on the following entities: Swap Dealers (''SDs''), Major Swap Participants (''MSPs''), and swap counterparties that are neither swap dealers nor major swap participants (''non-SD/MSP counterparties'').

DATES: Comments must be submitted on or before June 11, 2019.

ADDRESSES: You may submit comments, identified by ''Renewal of Collection Pertaining to Swap Data Recordkeeping and Reporting Requirements: Pre-Enactment and Transition Swaps,'' and 3038–0089, by any of the following methods:

- The Agency's website, at *http://comments.cftc.gov/.* Follow the instructions for submitting comments through the website.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

Please submit your comments using only one method.

FOR FURTHER INFORMATION CONTACT: Meghan Tente, Division of Market Oversight, Commodity Futures Trading Commission, 1155 21st Street NW, (202) 418–5785, email: *mtente@cftc.gov,* and refer to OMB Control No. 3038–0089.

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501 *et seq.,* 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 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 before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed amendment to the collection of information listed below.

Title: Swap Data Recordkeeping and Reporting Requirements: Pre-Enactment and Transition Swaps (OMB Control No. 3038–0089). This is a request for extension of a currently approved information collection.

Abstract: The collection of information is needed to ensure that the CFTC and other regulators have access to data regarding pre-enactment and transition swaps, as required by the Commodity Exchange Act as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act''). The Dodd-Frank Act directed the CFTC to adopt rules providing for the reporting of data relating to swaps entered into before the date of enactment of the Dodd-Frank Act, the terms of which had not expired as of the date of enactment of the Dodd-Frank Act (''pre-enactment swaps'') and data relating to swaps entered into on or after the date of enactment of the Dodd-Frank Act and prior to the compliance date specified in the the CFTC's final swap data reporting rules (''transition swaps''). On June 12, 2012, the CFTC adopted regulation 46, which imposes recordkeeping and reporting requirements relating to pre-enactment and historical swaps.

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the CFTC, including whether the information will have a practical use;
- The accuracy of the CFTC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of 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.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the CFTC to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the CFTC's regulations.[1]

The CFTC reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the Information Collection Request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: Provisions of CFTC Regulations 46.2, 46.3, 46.4, 46.8, 46.10, and 46.11 result in information collection requirements within the meaning of the PRA. With respect to the ongoing reporting and recordkeeping burdens associated with pre-enactment and transition swaps, the CFTC believes that SDs, MSPs, and non-SD/MSP counterparties incur an annual time-burden of 17,328 hours. This time-burden represents a proportion of the burden responents incur to operate and maintain their swap data recordkeeping and reporting systems.

17 CFR 45 imposes swap recordkeeping and reporting requirements on respondents related to swaps that are not pre-enactment or transition swaps. The CFTC believes that respondents use the same recordkeeping and reporting systems to compy with both parts 45 and 46. The CFTC has computed the estimated burden for 17 CFR 46 by estimating the burden incurred by respondents to operate and maintain their swap data recordkeeping and reporting systems and then estimating the percentage of that burden associated with pre-enactment and transition swaps. Since the enactment of 17 CFR 45, the vast majority of pre-enactment and transition swaps have been terminated by the parties to the swaps or are otherwise no longer in existence. As 17 CFR 46 only requires respondents to make ongoing reports regarding pre-enactment and transition swaps that continue to be in existence, the number of reports being made pursuant to 17 CFR 46 has declined significantly over time. As the volume of reports made pursuant to 17 CFR 46 is estimated to be very small releative to the estimated volume of reports made pursuant to 17 CFR 45, the Commission's burden estimate has allocated the vast majority of the estimated burden to operate and maintain respondents' swap data recordkeeping and reporting systems to the burden estimate associated with 17 CFR 45.

Respondents/Affected Entities: Swap Dealers, Major Swap Participants, and other counterparties to a swap transaction (*i.e.,* end-user, non-SD/non-MSP counterparties).

Estimated number of respondents: 30,125.

Estimated total annual burden on respondents: 17,328 hours.

Frequency of collection: Ongoing.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: April 9, 2019.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2019–07307 Filed 4–11–19; 8:45 am]

BILLING CODE 6351–01–P

[1] 17 CFR 145.9.

DEPARTMENT OF DEFENSE

Department of the Air Force

Board of Visitors of the U.S. Air Force Academy; Notice of Federal Advisory Committee Meeting

AGENCY: Board of Visitors of the U.S. Air Force Academy, Department of the Air Force, Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Board of Visitors (BoV) of the U.S. Air Force Academy (USAFA) will take place.

DATES: Open to the Public Wednesday May 1, 2019 from 8:00 a.m. to 3:45 p.m. (Mountain Time)

ADDRESSES: United States Air Force Academy, Polaris Hall, Colorado Springs, CO.

FOR FURTHER INFORMATION CONTACT: Dan Anderson, Designated Federal Officer (DFO), at (703) 693–9575 (Voice), 703–693–4244 (Facsimile), *daniel.l.anderson55.civ@mail.mil* (Email). Mailing address is SAF/MRM, 1660 Air Force Pentagon, Washington, DC 20330–1660. Website: *https://www.usafa.edu/about/bov/.*

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to review morale and

discipline, social climate, athletics, diversity, curriculum and other matters relating to the USAFA.

Agenda:

0730–0800 Arrive at Polaris Hall
0800–0805 Introductions & opening remarks by Designated Federal Officer
0805–0815 Call to Order, Agenda Overview, and Opening Comments BoV Chairman: Gen (Ret) Rice
0815–0845 Superintendent's Update
0845–0900 Comfort Break
0900–0940 Commandant's Update
0940–1020 Dean's Update
1020–1030 Athletic Director Update
1030–1130 SAPR Office Update
1130–1215 BREAK: Group Photo, Lunch served
1215–1315 Discuss Report on National Discussion on Sexual Assault and Sexual Harassment at Colleges
1315–1330 Comfort Break/Admin Time
1330–1345 New Action Item Review
1345–1400 Superintendent's Closing Remarks
1400–1430 Public Comment (DFO)
1430–1530 Board Discussion
1530–1545 Chairman's Concluding Remarks/Adjourn
End of Board of Visitors Meeting

Meeting Accessibility: Open to the public subject to the availability of space. Registration of members of the public who wish to attend the meeting will begin upon publication of this meeting notice and end three business days (26 April) prior to the start of the meeting. All members of the public must contact Lt Col Caltagirone at the phone number or email listed below in the section titled **FOR FURTHER INFORMATION CONTACT**. Seating is limited and is on a first-to-arrive basis. Attendees will be asked to provide their name, title, affiliation, and contact information to include email address and daytime telephone number to the point of contact (POC) listed in the **FOR FURTHER INFORMATION CONTACT** section. Any interested person may attend the meeting, file written comments or statements with the committee, or make verbal comments from the floor during the public meeting, at the times, and in the manner, permitted by the BoV.

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the FACA, the public or interested organizations may submit written comments or statements to the BoV about its mission and/or the topics to be addressed in this public meeting. Written comments or statements should be submitted to the BoV Executive Secretary, Lt Col Caltagirone, via electronic mail, the preferred mode of submission, at the email address listed in the **FOR FURTHER INFORMATION CONTACT** section in the following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, and daytime telephone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the BoV Executive Secretary at least five (5) business days (24 April) prior to the meeting so that they may be made available to the BoV Chairman for their consideration prior to the meeting. Written comments or statements received after this date (24 April) may not be provided to the BoV until its next meeting. Please note that because the BoV operates under the provisions of the FACA, as amended, all written comments will be treated as public documents and will be made available for public inspection.

Verbal Comments: Members of the public will be permitted to make verbal comments during the meeting only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three (3) business days (26 April) in advance, via electronic mail, the preferred mode of submission, at the email address listed in the **FOR FURTHER INFORMATION CONTACT** section. The BoV DFO will log each request to make a comment, in the order received, and the DFO and BoV Chairman will determine whether the subject matter of each comment is relevant to the BoV's mission and/or the topics to be addressed in this public meeting. A period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described in this paragraph, will be allotted no more than five (5) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO. For the benefit of the public, rosters that list the names of BoV members and any releasable materials presented during the BoV meeting shall be made available upon request.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel Angela Caltagirone, Directorate of Force Management Policy, BoV Executive Secretary, AF/A1PT, 1040 Air Force Pentagon, Washington, DC 20330, (703) 692–4572, *angela.k.caltagirone.mil@mail.mil.*

Carlinda N. Lotson,

Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–07226 Filed 4–11–19; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[A59–190104A–JA]

Notice of Intent To Grant an Exclusive Patent License

AGENCY: Department of Defense, Department of the Air Force.

ACTION: Notice of intent.

SUMMARY: Pursuant to the Bayh-Dole Act and implementing regulations, the Department of the Air Force hereby gives notice of its intent to grant an exclusive patent license agreement to University of California, San Diego, having a place of business at 9500 Gilman Drive, La Jolla, California 92093–0910.

DATES: Written objections must be filed no later than fifteen (15) calendar days after the date of publication of this Notice.

ADDRESSES: Submit written objections to the Air Force Materiel Command Law Office, AFMCLO/JAZ, 2240 B Street, Room 260, Wright-Patterson AFB, OH 45433–7109; Facsimile: (937) 255–3733; or Email: *afmclo.jaz.tech@us.af.mil.* Include Docket No. A59–190104A–JA in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Air Force Materiel Command Law Office, Chastity D.S. Whitaker, AFMCLO/JAZ, 2240 B Street, Rm. 260, Wright-Patterson AFB, OH 45433–7109; Facsimile: (937) 255–3733; Email: *afmclo.jaz.tech@us.af.mil.*

SUPPLEMENTARY INFORMATION: The Department of the Air Force intends to grant the exclusive patent license agreement for the invention described in:

—U.S. Patent No. 9,534,007, entitled, ''METHODS AND COMPOSITION FOR TREATMENT OF CYANIDE AND HYDROGEN SULFIDE TOXICITY,'' and issued 3 January 2017.

The Department of the Air Force may grant the prospective license unless a timely objection is received that sufficiently shows the grant of the license would be inconsistent with the Bayh-Dole Act or implementing regulations. A competing application for

a patent license agreement, completed in compliance with 37 CFR 404.8 and received by the Air Force within the period for timely objections, will be treated as an objection and may be considered as an alternative to the proposed license.

Authority: 35 U.S.C. 209; 37 CFR 404.

Carlinda N. Lotson,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2019–07287 Filed 4–11–19; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Grant an Exclusive License for U.S. Government-Owned Invention

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with applicable laws and regulations, announcement is made of the intent to grant an exclusive within a field of use, royalty-bearing, revocable biological materials license.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Director, Office of Research and Technology Applications, 1520 Freedman Drive, Suite 227, Fort Detrick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Michaels, Office of Research & Technology Applications, (301) 619–4145.

SUPPLEMENTARY INFORMATION: In accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i), announcement is made of the intent to grant an exclusive within a field of use, royalty-bearing, revocable biological materials license to topical paromomycin formulation for the treatment of Leishmaniasis, to Appili Therapeutics, Inc., having its principal place of business at #21–1344 Summer Street, Halifax, NS B3H0A8, Canada.

Anyone wishing to object to grant of this license can file written objections along with supporting evidence, if any, within 15 days from the date of this publication. Written objections are to be filed with the Director, Office of Research and Technology Applications (see **ADDRESSES**).

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2019–07294 Filed 4–11–19; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2018–OS–0019]

Joint Rules of Appellate Procedure for Courts of Criminal Appeals

AGENCY: Joint Rules of Appellate Procedure for Courts of Criminal Appeals Committee, Department of Defense.

ACTION: Notice of availability of final changes to the Joint Rules of Appellate Procedure for Courts of Criminal Appeals (JRAP).

SUMMARY: DoD updated the JRAP, which prescribe uniform procedures for the service Courts of Criminal Appeals. The changes implement the Military Justice Act of 2016 of the National Defense Authorization Act of 2017 and the 2018 Amendments to the Manual for Courts-Martial, United States. The approval authorities for these changes are the Judge Advocates General of the Army, Department of the Navy, Air Force, and Coast Guard.

DATES: The JRAP updates are effective January 1, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Sarah Valdez, Clerk of the Court, United States Coast Guard Court of Criminal Appeals, (202) 795–6906, *sarah.p.valdes@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Department of Defense published a notice of availability of proposed changes to the Joint Rules of Appellate Procedure for Courts of Criminal Appeals on April 17, 2018 (83 FR 16841) for a 30-day public comment period. No public comments were received. The revisions to the JRAP are substantial and need to be read in their entirety. The JRAP revisions are available electronically at the Federal eRulemaking Portal at *http://www.regulations.gov* within Docket ID: DOD–2018–OS–0019. A summary of the most significant changes to the Joint Rules of Appellate Procedure are as follows:

Rule 5—Jurisdiction

Currently, appellants are entitled to an appeal as of right in cases in which the approved sentence extends to death, a punitive discharge, or confinement for a year or more. The Military Justice Act of 2016 of the National Defense Authorization Act of 2017 (MJA '16) changes provide for automatic review in cases where confinement of two years or more is approved instead of one. Additionally, if an appellant affirmatively requests review, Court of Criminal Appeals (CCA) now have jurisdiction in cases in which the appellant received an approved sentence of over six months, cases in which the United States has filed an appeal under Article 62 or 56(d) UCMJ. The new rule conforms to this new jurisdiction.

The new Rule 5 also conforms to the changes in jurisdiction noted below, including appeals of sentences by the United States and the review of contempt findings by military judges and magistrates.

Rule 20—Appeals by the United States, Including the Appeal of Sentences

MJA '16 provides for the United Sates to appeal sentences to the CCAs on the basis that the sentence violates the law or is plainly unreasonable. The new Rule 20 (formerly Rule 21) provides for the filing of such an appeal within 60 days of the entry of judgment.

Rule 22—Briefs by Amicus Curiae

This is a new rule not responsive to an MJA '16 provision and addresses a subject not previously addressed in the joint rules, though service court rules have permitted amici. The new rule permits amici to file briefs by invitation of the court or my motion for leave to file. Unless the movant is a victim of an offense, potential amici must state whether the parties have consented to the filing.

Rule 28—Contempt

This is an entirely new rule necessitated by MJA '16 changes. CCAs may now review contempt findings made by military judges and magistrates. The new rule provides a procedure for this review.

Rule 29—Article 66(f) Proceedings

This is an entirely new rule necessitated by MJA '16 changes creating Art. 66(f)(3)(''Additional Proceedings'') and RCM 810, which effectively codify and expand *DuBay.* The rule mimics FRAP language, specifies that the Court retains jurisdiction when it orders a remand unless it explicitly dismisses the appellate proceedings, and it provides procedural guidance for hearings.

This notice is intended only to improve the internal management of the Federal Government. It is not intended to create any right or benefit, substantive or procedural, enforceable at law by any party against the United States, its agencies, its officers, or any person.

Dated: April 9, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–07297 Filed 4–11–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Termination of the Defense Acquisition University Board of Visitors

AGENCY: Department of Defense.

ACTION: Termination of Federal Advisory committee.

SUMMARY: The Department of Defense is publishing this notice to announce that it is terminating the Defense Acquisition University Board of Visitors (''the Board''), effective April 15, 2019.

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: The Board is being terminated under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix) and 41 CFR 102–3.55, and the Government in the Sunshine Act of 1976 (5 U.S.C. 552b), effective April 15, 2019.

Dated: April 8, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–07234 Filed 4–11–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Intent To Prepare an Environmental Impact Statement for the Willamette Valley System Operations and Maintenance; Correction

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice; correction.

SUMMARY: The Department of the Army, Corps of Engineers published a document in the **Federal Register** of April 1, 2019, concerning the Portland District, U.S. Army Corps of Engineers intending to prepare an Environmental Impact Statement to address the continued operations and maintenance of the Willamette Valley System. The document contained an incorrect website address.

FOR FURTHER INFORMATION CONTACT: Suzanne Hill, Environmental Resources Specialist, (503) 808–4767.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of April 1, 2019, in FR Doc. 84 FR 12237, on page 12238, in the first column, under the heading ''*Scoping Process/Public Involvement*'', the correct address is: *https://www.nwp.usace.army.mil/Locations/Willamette-Valley/Evaluation/.*

Amy C. Gibbons,

Chief, Environmental Resources Branch.

[FR Doc. 2019–07293 Filed 4–11–19; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF ENERGY

DOE/FESAC Fusion Energy Sciences Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Fusion Energy Sciences Advisory Committee. The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Tuesday, April 30, 2019; 4:00 p.m. to 6:00 p.m. EDT.

ADDRESSES: Teleconference Remote Attendance Only. Instructions will be posted on the FESAC website *http://science.energy.gov/fes/fesac/meetings/).*

FOR FURTHER INFORMATION CONTACT: Samuel J. Barish, Acting Designated Federal Officer, Office of Fusion Energy Sciences (FES); U.S. Department of Energy; 1000 Independence Avenue SW; Washington, DC 20585–1290; Telephone: (301) 903–2917; email: *sam.barish@science.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the meeting: To discuss a long-range strategic plan for the Fusion Energy Sciences program.

Tentative Agenda Items:

- Continuing FESAC discussions on a long-range strategic plan for the Fusion Energy Sciences program
- Public Comment
- Adjourn

Note: Remote attendance of the FESAC meeting will be via Zoom.

Instructions will be posted on the FESAC website *http://science.energy.gov/fes/fesac/meetings/* prior to the meeting and can also be obtained by contacting Dr. Samuel J. Barish by email (*sam.barish@science.doe.gov)* or by phone (301) 903–2917.

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make an oral statement regarding any of the items on the agenda, you should contact Dr. Samuel J. Barish at 301–903–8584 (fax) or *sam.barish@science.doe.gov* (email). Reasonable provision will be made to include the scheduled oral statements during the Public Comments time on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of the meeting will be available for public review and copying within 30 days at the Freedom of Information Public Reading Room; 1G–033, Forrestal Building; 1000 Independence Avenue SW; Washington, DC 20585; between 9:00 a.m. and 4:00 p.m., Monday through Friday, except holidays, and on the Fusion Energy Sciences Advisory Committee website—*http://science.energy.gov/fes/fesac/*

Signed in Washington, DC.

Antionette M. Watkins,

Acting Deputy Committee Management Officer.

[FR Doc. 2019–07301 Filed 4–11–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2837–033]

Notice of Settlement Agreement, Soliciting Comments, and Modification of Procedural Schedule: Erie Boulevard Hydropower, LP

Take notice that the following settlement agreement has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Offer of Settlement (Settlement).

b. Project No.: P–2837–033.

c. Date filed: March 29, 2019.

d. *Applicant:* Erie Boulevard Hydropower, L.P. (Erie).

e. *Name of Project:* Granby Hydroelectric Project (Granby Project).

f. *Location:* On the Oswego River in the town of Fulton in Oswego County, New York. The project does not affect federal lands.

g. *Filed Pursuant to:* Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602.

h. *Applicant Contact:* Steven P. Murphy, Director, U.S. Licensing, Erie Boulevard Hydropower, L.P., 33 West 1st Street South, Fulton, NY 13069; (315) 598–6130; *steven.murphy@brookfieldrenewable.com.*

i. *FERC Contact:* Allyson Conner, (202) 502–6082 or *allyson.conner@ferc.gov.*

j. *Deadline for filing comments:* Comments on the Settlement, and comments, recommendations, terms and conditions, and prescriptions in response to the Commission's November 16, 2018 Notice of Application Ready for Environmental Analysis (REA Notice) [1] are due within 20 days from the issuance date of this notice. Reply comments are due within 65 days of the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–2837–033.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. Erie filed the Granby Hydroelectric Project Offer of Settlement (Settlement) on behalf of itself, the United States Department of the Interior—Fish and Wildlife Service, and the New York State Department of Environmental Conservation (Settlement Parties). Erie states that the goal of the Settlement is to provide for the continued operation of the Granby Project with appropriate long-term environmental protection, enhancement, and mitigation measures that meet the diverse objectives for maintaining a balance of non-power and power values on the Oswego River. The Settlement provides for the resolution of operational, fisheries, wildlife, water quality, and recreational issues raised by the Settlement Parties. Erie requests that the Commission incorporate language included in the Settlement for a 34-year license term into any new license issued. This would allow for the alignment of future Granby Project relicensing proceedings with the Oswego River Project No. 2474; the Granby Project shares a dam with the Fulton Development of the Oswego Project. Lastly, the Settlement incorporates, by reference, an Invasive Species Management Plan (Appendix A), a Bat and Bald Eagle Protection Plan (Appendix B), and a Trashrack and Fishway Operations and Maintenance Plan (Appendix C).

l. A copy of the Settlement is available for review at the Commission in the Public Reference Room, or may be viewed on the Commission's website at *http://www.ferc.gov,* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

All filings must (1) bear in all capital letters the title ''Comments,'' ''Reply Comments,'' ''Recommendations,'' ''Preliminary Terms and Conditions,'' or ''Preliminary Fishway Prescriptions;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

m. *Procedural Schedule:*

The Commission's February 11, 2019 Notice of Comment Period Extension established April 4, 2019 as the deadline for filing comments, recommendations, terms and conditions, and fishway prescriptions regarding Erie's license application. However, in order to allow adequate time for stakeholder comments regarding the Settlement, we have modified the comment period to allow stakeholders to submit comments on the Settlement and comments, recommendations, terms and conditions, and fishway prescriptions regarding the license application on the same date, and allow Erie sufficient time to submit reply comments. The application will be processed according to the following revised Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate. If the due date falls on a weekend or holiday, the due date is the following business day.

Milestone	Target date
Filing of comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions (per the REA Notice) and comments on the Settlement.	April 28, 2019.
Reply comments due	June 12, 2019.
Commission Issues EA	October 2019.
Comments on EA	November 2019.

[1] The Commission's Notice of Comment Period Extension issued on February 11, 2019 extended the deadline for filing comments, recommendations, terms and conditions, and prescriptions in response to the REA Notice until April 4, 2019.

Dated: April 8, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–07289 Filed 4–11–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL19–59–000]

Consumers Energy Company v. Midcontinent Independent System Operator, Inc. and Michigan Electric Transmission Company, LLC; Notice of Complaint

Take notice that on April 3, 2019, pursuant to sections 201 and 206 of the Federal Power Act, 16 U.S.C. 824, 824e, and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Consumers Energy Company (Complainant) filed a formal complaint against Midcontinent Independent System Operator, Inc. (MISO) and Michigan Electric Transmission Company, LLC (METC) (collectively Respondents), alleging that MISO improperly approved a proposed METC project for inclusion in MISO's 2018 Transmission Expansion Plan, all as more fully explained in the complaint.

The Complainant certifies that copies of the complaint were served on the contacts listed for Respondent's, as well as affected regulatory agencies and other entities under Rule 206(c) of the Commission's Rules of Practice and Procedure, 18 CFR 385.206(c), as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commissions' Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondents' answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on May 3, 2019.

Dated: April 5, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–07225 Filed 4–11–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP17–495–000 and CP17–494–000]

Notice of Availability of the Draft Environmental Impact Statement for the Proposed Jordan Cove Energy Project, Correction

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of availability; correction.

SUMMARY: This document corrects the Notice of Availability of the Draft Environmental Impact Statement for the proposed Jordan Cove Energy Project (CP17–495–000 and CP17–494–000) which published in the **Federal Register** on Friday, April 5, 2019. The attachment to the Notice, which contained the Forest Service Planning Rule Requirements, was inadvertently omitted. This corrects the omission by republishing the Notice in its entirety with the attachment.

DATES: Comments are due July 5, 2019.

Kimberly D. Bose,

Secretary.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

	Docket Nos.
Jordan Cove Energy Project LP	CP17–495–000
Pacific Connector Gas Pipeline L.P	CP17–494–000

Notice of Availability of the Draft Environmental Impact Statement for the Proposed Jordan Cove Energy Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) with the participation of the cooperating agencies listed below, has prepared a draft environmental impact statement (EIS) for the Jordan Cove Liquefied Natural Gas Project proposed by Jordan Cove Energy Project LP (Jordan Cove) and the Pacific Connector Gas Pipeline Project proposed by Pacific Connector Gas Pipeline L.P. (Pacific Connector) (collectively referred to as the Jordan Cove Energy Project or Project). Under Section 3 of the Natural Gas Act (NGA), Jordan Cove requests authorization to liquefy at a terminal in Coos Bay, Oregon up to 1.04 billion cubic feet of natural gas per day for export for to overseas markets. Pacific Connector seeks a Certificate of Public Convenience and Necessity under Section 7 of the NGA to construct and operate an interstate natural gas transmission pipeline providing about 1.2 billion cubic feet per day of natural gas from the Malin hub to the Jordan Cove terminal, crossing portions of Klamath, Jackson, Douglas, and Coos Counties, Oregon.

The draft EIS assesses the potential environmental effects of the construction and operation of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA). As described in the draft EIS, the FERC staff concludes that approval of the Project would result in a number of significant environmental impacts; however, the majority of impacts would be less than significant because of the impact avoidance, minimization, and mitigation measures proposed by Jordan Cove and Pacific Connector and those recommended by staff in the draft EIS.

The United States Department of the Interior Bureau of Land Management (BLM); U.S. Department of Agriculture Forest Service (Forest Service); Bureau of Reclamation (Reclamation); U.S. Department of Energy; U.S. Army Corps of Engineers; U.S. Environmental Protection Agency; U.S. Department of the Interior Fish and Wildlife Service; U.S. Department of Commerce National Oceanic and Atmospheric Administration's National Marine Fisheries Service; U.S. Department of Homeland Security Coast Guard; the Coquille Indian Tribe; and the Pipeline and Hazardous Materials Safety Administration within the U.S. Department of Transportation

participated as cooperating agencies in preparation of this EIS. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The cooperating agencies provided input into the conclusions and recommendations presented in the draft EIS. Following issuance of the final EIS, the cooperating agencies will issue subsequent decisions, determinations, permits or authorizations for the Project in accordance with each individual agency's regulatory requirements.

The BLM, with the concurrence of the Forest Service and Reclamation, would adopt and use the EIS to consider issuing a right-of-way grant for the portion of the Project on federal lands. Other cooperating agencies would use this EIS in their regulatory process, and to satisfy compliance with NEPA and other related federal environmental laws (*e.g.,* the National Historic Preservation Act).

The BLM and the Forest Service would also use this EIS to evaluate proposed amendments to their District or National Forest land management plans that would make provision for the Pacific Connector pipeline. In order to consider the Pacific Connector right-of-way grant, the BLM must amend the affected Resource Management Plans (RMPs). The BLM therefore proposes to amend the RMPs to re-allocate all lands within the proposed temporary use area and right-of-way to a District-Designated Reserve, with management direction to manage the lands for the purposes of the Pacific Connector right-of-way. Approximately 885 acres would be re-allocated. District-Designated Reserve allocations establish specific management for a specific use or to protect specific values and resources. In accordance with Code of Federal Regulations (CFR) part 36 CFR 219.16, the Forest Service gives notice of its intent to consider amendments of Land and Resource Management Plans (LRMP) for the Umpqua, Rogue River and Winema National Forests. Proposed amendments of LRMPs include reallocation of matrix lands to Late Successional Reserves and site-specific exemptions from standards and guidelines and other LRMP requirements to allow construction of the Pacific Connector pipeline. Exemptions from standards and guidelines include requirements to protect known sites of Survey and Manage species, changes in visual quality objectives at specific locations, limitations on detrimental soil conditions, removal of effective shade at perennial stream crossings and the construction of utility corridors in riparian areas. Further information on Forest Service LRMP amendments is included below.

The Commission mailed a copy of the Notice of Availability of the draft EIS to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Indian Tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the Project area. The draft EIS is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the Environmental Documents page (*https://www.ferc.gov/industries/gas/enviro/eis.asp*). In addition, the draft EIS may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://www.ferc.gov/docs-filing/elibrary.asp*), click on General Search, and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP17–494 or CP17–495). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Any person wishing to comment on the draft EIS may do so. Your comments should focus on the draft EIS's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. To ensure consideration of your comments on the proposal in the final EIS, it is important that the Commission receive your comments on or before 5:00 p.m. Eastern Time on July 5, 2019.

For your convenience, there are four methods you can use to submit your comments to the Commission.[1] The Commission will provide equal consideration to all comments received, whether filed in written form or provided verbally. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the Project docket numbers (CP17–494–000 and CP17–495–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

(4) In lieu of sending written or electronic comments, the Commission invites you to attend a public comment session that will be held in the Project area to receive comments on the draft EIS. The dates, locations, and times of these sessions will be provided in a supplemental notice.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.* Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. *Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.* Subsequent decisions, determination, permits, and authorization by the cooperating agencies are subject to the administrative procedures of each respective agency.

Questions?

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary link also provides access to the texts of all formal

[1] The contents of your comment including your address, phone number, email address, or other personal identifying information may be made available to the public. While you may request that your personal identifying information be withheld from public view, we cannot guarantee that we will be able to do so.

documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: March 29, 2019.

Kimberly D. Bose,

Secretary.

Forest Service Planning Rule Requirements

Proposed Actions of the Forest Service

The purpose of and need for the proposed action by the Forest Service is to consider amending affected National Forest land and resource management plans to make provision for the Pacific Connector right-of-way.

Responsible Official for the Forest Service Amendments

The Forest Supervisor of the Umpqua National Forest is responsible for all LRMP amendments. If the Forest Service adopts the FERC EIS for the Pacific Connector Pipeline Project, the Forest Supervisor of the Umpqua National Forest will decide whether to amend the LRMPs of the Umpqua, Rogue River, and Winema National Forests as proposed or as described in an alternative.

Pursuant to Title 40 of the Code of Federal Regulations, Part 1506.3(c) (40 CFR 1506.3(c)), the Forest Service may adopt and use the EIS developed by FERC to consider amendments to the LRMPs that would be required for the proposed crossings of the three National Forests affected. The Forest Service will prepare a final Record of Decision for the plan amendments decisions, after issuance of the FERC final EIS.

The following amendments have been proposed by the Forest Service as part of the proposed action in the FERC draft EIS:

Amendment of Forest Service Land Management Plans

Forest Service–1—Project-Specific Amendment to Exempt Management Recommendations for Survey and Manage Species on the Umpqua National Forest, Rogue River National Forest, and Winema National Forest LRMPs:

Applicable National Forest LRMPs would be amended to exempt certain known sites within the area of the proposed Pacific Connector right-of-way grant from the Management Recommendations required by the 2001 ''Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines. This is a project-specific plan amendment applicable only to the Pacific Connector Pipeline Project and would not change future management direction for any other project. The amendment would provide an exception from these standards for the Pacific Connector Project and include specific mitigation measures and project design requirements for the project.

Amendment of the Umpqua National Forest LRMP

UNF–1—Project-Specific Amendment to Allow Removal of Effective Shade on Perennial Streams:

The Umpqua National Forest LRMP would be amended to exempt the Standards and Guidelines for Fisheries (Umpqua National Forest LRMP, page IV–33, Forest-Wide) to allow the removal of effective shading vegetation where perennial streams are crossed by the Pacific Connector right-of-way. The amendment would provide an exception from these standards for the Pacific Connector Pipeline Project and include specific mitigation measures and project design requirements for the project. This is a project-specific plan amendment applicable only to the Pacific Connector Pipeline Project and would not change future management direction for any other project.

UNF–2—Project-Specific Amendment to Allow the Pacific Connector Pipeline Project in Riparian Areas:

The Umpqua National Forest LRMP would be amended to change prescriptions C2–II (LRMP IV–173) and C2–IV (LRMP IV–177) to allow the Pacific Connector pipeline route to run parallel to the East Fork of Cow Creek for approximately 0.1 mile. The amendment would provide an exception from these standards for the Pacific Connector Pipeline Project and include specific mitigation measures and project design requirements for the project. This is a project-specific plan amendment applicable only to the Pacific Connector Pipeline Project and would not change future management direction for any other project.

UNF–3—Project-Specific Amendment to Exempt Limitations on Detrimental Soil Conditions within the Pacific Connector Right-of-Way in All Management Areas:

The Umpqua National Forest LRMP would be amended to exempt limitations on the area affected by detrimental soil conditions from displacement and compaction within the Pacific Connector right-of-way. The amendment would provide an exception from these standards for the Pacific Connector Pipeline Project and include specific mitigation measures and project design requirements for the project. This is a project-specific plan amendment applicable only to the Pacific Connector Pipeline Project and would not change future management direction for any other project.

UNF–4—Reallocation of Matrix Lands to LSR:

The Umpqua National Forest LRMP would be amended to change the designation of approximately 588 acres from Matrix land allocations to the LSR land allocation. This change in land allocation is proposed to partially mitigate the potential adverse impact of the Pacific Connector Pipeline Project on LSR 223 on the Umpqua National Forest. This is a plan level amendment that would change future management direction for the lands reallocated from Matrix to LSR.

Amendment of the Rogue River National Forest LRMP

RRNF–2—Project Specific Amendment of Visual Quality Objectives (VQO) on the Big Elk Road:

The Rogue River National Forest LRMP would be amended to change the VQO where the Pacific Connector pipeline route crosses the Big Elk Road. The amendment would provide an exception from these standards for the Pacific Connector Pipeline Project and include specific mitigation measures and project design requirements for the project. This is a project-specific plan amendment that would apply only to the Pacific Connector Pipeline Project in the vicinity of Big Elk Road and would not change future management direction for any other project.

RRNF–3—Project-Specific Amendment of VQO on the Pacific Crest Trail:

The Rogue River National Forest LRMP would be amended to change the VQO where the Pacific Connector pipeline route crosses the Pacific Crest Trail. The amendment would provide an exception from these standards for the Pacific Connector Pipeline Project and include specific mitigation measures and project design requirements for the project. This is a project-specific plan amendment that would apply only to the Pacific Connector Pipeline Project in the vicinity of the Pacific Crest Trail and

would not change future management direction for any other project.

RRNF–4—Project-Specific Amendment of Visual Quality Objectives Adjacent to Highway 140:

The Rogue River National Forest LRMP would be amended to allow 10–15 years to meet the VQO of Middleground Partial Retention. The amendment would provide an exception from these standards for the Pacific Connector Pipeline Project and include specific mitigation measures and project design requirements for the project. This is a project-specific plan amendment that would apply only to the Pacific Connector Pipeline Project in Sections 11 and 12, T.37S., R.3E., W.M., OR, and would not change future management direction for any other project.

RRNF–5—Project-Specific Amendment to Allow the Pacific Connector Pipeline Project in Management Strategy 26, Restricted Riparian Areas:

The Rogue River National Forest LRMP would be amended to allow the Pacific Connector right-of-way to cross the Restricted Riparian land allocation. The amendment would provide an exception from these standards for the Pacific Connector Pipeline Project and include specific mitigation measures and project design requirements for the project. This is a site-specific amendment applicable only to the Pacific Connector Pipeline Project and would not change future management direction for any other project.

RRNF–6—Project-Specific Amendment to Exempt Limitations on Detrimental Soil Conditions within the Pacific Connector Right-of-Way in All Management Areas:

The Rogue River National Forest LRMP would be amended to exempt limitations on areas affected by detrimental soil conditions from displacement and compaction within the Pacific Connector right-of-way in all affected Management Strategies. The amendment would provide an exception from these standards for the Pacific Connector Pipeline Project and include specific mitigation measures and project design requirements for the project. This is a project-specific plan amendment applicable only to the Pacific Connector Pipeline Project and would not change future management direction for any other project.

RRNF–7—Reallocation of Matrix Lands to LSR:

The Rogue River National Forest LRMP would be amended to change the designation of approximately 512 acres from Matrix land allocations to the LSR. This is a plan level amendment that would change future management direction for the lands reallocated from Matrix to LSR.

Amendment of the Winema National Forest LRMP

WNF–1—Project -Specific Amendment to Allow Pacific Connector Pipeline Project in Management Area 3:

The Winema National Forest LRMP would be amended to change the Standards and Guidelines for Management Area 3 (MA–3). The amendment would provide an exception from these standards for the Pacific Connector Pipeline Project and include specific mitigation measures and project design requirements. This is a project-specific plan amendment applicable only to the Pacific Connector Pipeline Project and would not change future management direction for any other project.

WNF–2—Project-Specific Amendment of VQO on the Dead Indian Memorial Highway:

The Winema National Forest LRMP would be amended to allow 10–15 years to achieve the VQO of Foreground Retention where the Pacific Connector right-of-way crosses the Dead Indian Memorial Highway. The amendment would provide an exception from these standards for the Pacific Connector Pipeline Project and include specific mitigation measures and project design requirements for the project. This is a project-specific plan amendment that would apply only to the Pacific Connector Pipeline Project in the vicinity of the Dead Indian Memorial Highway and would not change future management direction for any other project.

WNF–3—Project-Specific Amendment of VQO Adjacent to the Clover Creek Road:

The Winema National Forest LRMP would be amended to allow 10–15 years to meet the VQO for Scenic Management, Foreground Partial Retention, where the Pacific Connector right-of-way is adjacent to the Clover Creek Road. The amendment would provide an exception from these standards for the Pacific Connector Pipeline Project and include specific mitigation measures and project design requirements for the project. This is a project-specific plan amendment that would apply only to the Pacific Connector Pipeline Project in the vicinity of Clover Creek Road and would not change future management direction for any other project.

WNF–4—Project-Specific Amendment to Exempt Limitations on Detrimental Soil Conditions within the Pacific Connector Right-of-Way in All Management Areas:

The Winema National Forest LRMP would be amended to exempt restrictions on detrimental soil conditions from displacement and compaction within the Pacific Connector right-of-way in all affected management areas. The amendment would provide an exception from these standards for the Pacific Connector Pipeline Project and include specific mitigation measures and project design requirements for the project. This is a project-specific plan amendment applicable only to the Pacific Connector Pipeline Project and would not change future management direction for any other project.

WNF–5—Project-Specific Amendment to Exempt Limitations on Detrimental Soil Conditions within the Pacific Connector Right-of-Way in Management Area 8:

The Winema National Forest LRMP would be amended to exempt restrictions on detrimental soil conditions from displacement and compaction within the Pacific Connector right-of-way within the Management Area 8, Riparian Area (MA–8). The amendment would provide an exception from these standards for the Pacific Connector Pipeline Project and include specific mitigation measures and project design requirements for the project. This is a project-specific plan amendment applicable only to the Pacific Connector Pipeline Project and would not change future management direction for any other project.

Comments and Administrative Review of Forest Service Decisions To Amend Land Management Plans

The Forest Service is requesting public comments on proposed amendments of the LRMPs that would allow the Pacific Connector Gas Pipeline to cross the UNF, RRNF, and WNF. All comments must be submitted to the FERC as directed in this notice.

All comments must be submitted to the FERC, the lead federal agency, within the timeframe stated in this Notice of Availability. Refer to Docket No. CP17–494–000 in all correspondence to ensure that your comments are correctly filed in the record. You may submit your comments to the FERC using one of the four methods listed in this notice. Only those who submit timely and specific written comments during the public comment period are eligible to file an objection with the Forest Service.

The proposed Forest Service plan amendments are being developed in accordance with the planning regulations at 36 CFR 219 (2012).

Decisions by the Forest Service to approve ''plan level'' amendments to Land Management Plans (proposed amendments UNF–4 and RRNF–7 in this Notice) are subject to the Pre-Decisional Administrative Review Process Regulations at 36 CFR 219 subpart B. The term ''plan level'' refers to plan amendments that would apply to future management actions.

Decisions by the Forest Service to approve ''project-specific'' plan amendments (proposed amendments UNF–1 thru 3, RRNF–2 thru 6, and WNF–1 thru 5 in this Notice) are subject to the Administrative Review Process of 36 CFR 218 subpart A and B, in accordance with 36 CFR 219.59(b). The term ''project specific'' refers to amendments that would only apply to the proposed project and would not apply to any future management actions. Refer to the applicable administrative review regulations for eligibility requirements.

The Forest Service concurrence to BLM to issue a right-of-way grant would not be a decision subject to NEPA and, therefore, would not be subject to the Forest Service administrative review procedures.

[FR Doc. 2019–07313 Filed 4–11–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Revocation of Market-Based Rate Authority and Termination of Electric Market-Based Rate Tariff

	Docket Nos.
Electric Quarterly Reports	ER02–2001–020
AmericaWide Energy, LLC	ER11–4386–001
K&R Energy Partners LLC	ER17–2512–000
Bluesource Energy LLC	ER13–1120–001
Greenbelt Energy	ER11–3019–001
PJLB LLC	ER15–2466–000

On February 25, 2019, the Commission issued an order announcing its intent to revoke the market-based rate authority of several public utilities that had failed to file their required Electric Quarterly Reports.[1] The Commission directed those public utilities to file the required Electric Quarterly Reports within 15 days of the date of issuance of the order or face revocation of their authority to sell power at market-based rates and termination of their electric market-based rate tariffs.[2]

The time period for compliance with the February 25 Order has elapsed. The above-captioned companies failed to file their delinquent Electric Quarterly Reports. The Commission hereby revokes, effective as of the date of issuance of this notice, the market-based rate authority and terminates the electric market-based rate tariff of each of the companies who are named in the caption of this order.

Dated: April 5, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–07224 Filed 4–11–19; 8:45 am]

BILLING CODE 6717–01–P

[1] *Electric Quarterly Reports,* 166 FERC 61,147 (2019) (February 25 Order).

[2] *Id.* at Ordering Paragraph A.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–137–000]

Columbia Gas Transmission, LLC; Notice of Revised Schedule for Environmental Review of the Buckeye Xpress Project

This notice identifies the Federal Energy Regulatory Commission staff's revised schedule for the completion of the environmental assessment (EA) for Columbia Gas Transmission, LLC's (Columbia) Buckeye Xpress Project. The first notice of schedule, issued on February 28, 2019, identified April 8, 2019 as the EA issuance date based on receiving input from the U.S. Forest Service, our cooperating agency in preparation of this EA. The U.S. Forest Service is responsible for acting on Columbia's requested Special Use Permit necessary to cross the Wayne National Forest. An extension is required for the U.S. Forest Service to review Columbia's responses to recent information requests issued on March 1 and March 7, 2019, and to complete its respective input and to ensure that the EA will satisfy the needs of the federal permitting agencies. As a result, staff has revised the schedule for issuance of the EA.

Schedule for Environmental Review

Issuance of Notice of Availability of the EA May 20, 2019

90-day Federal Authorization Decision Deadline August 18, 2019

If a schedule change becomes necessary, an additional notice will be provided so that the relevant agencies are kept informed of the project's progress.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP18–137), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: April 4, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–07222 Filed 4–11–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3023–014; Project No. 2972–027]

Blackstone Hydro, Inc., City of Woonsocket, Rhode Island; Notice of Scoping Meetings and Environmental Site Review and Soliciting Scoping Comments

Take notice that the following hydroelectric applications have been filed with Commission and are available for public inspection:

a. *Type of Application:*

New Major License (P–3023–014)
Subsequent Minor License (P–2972–027)

b. *Project Nos.:* 3023–014 and 2972–027.

c. *Dates filed:*

October 1, 2018 (P–3023–014)
November 1, 2018 (P–2972–027)

d. *Submitted By:*

Blackstone Hydro, Inc. (Blackstone Hydro) (P–3023–014)
City of Woonsocket, Rhode Island (City) (P–2972–027)

e. *Names of Project:*
Blackstone Hydroelectric Project (P–3023–014)
Woonsocket Falls Project (P–2972–027)

f. *Location:* The Blackstone Hydroelectric Project is located on the Blackstone River in Providence County, Rhode Island and Worchester County, Massachusetts. The Woonsocket Falls Project is located on the Blackstone River in the City of Woonsocket, Providence County, Rhode Island. The Blackstone Hydroelectric and Woonsocket Falls Projects do not occupy any federal land.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts:* Blackstone Hydroelectric Project—Lewis C. Loon, General Manager, Operations and Maintenance—USA/QC, KEI USA Power Management, Inc., 423 Brunswick Avenue, Gardiner, ME 04345; (207) 203–3027, or *lewis.loon@kruger.com.*

Woonsocket Falls Project—Mr. Michael Debroisse, City of Woonsocket, Engineering, 169 Main Street, Woonsocket, RI 02895; (401) 767–9213.

i. *FERC Contact:* Patrick Crile, (202) 502–8042 or *Patrick.Crile@ferc.gov.*

j. *Deadline for filing scoping comments:* June 9, 2019.

The Commission strongly encourages electronic filing. Please file scoping comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. All filings must clearly identify the project name and docket number on the first page: Blackstone Hydroelectric Project No. 3023–014 and/or Woonsocket Falls Project No. 2972–027.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. The applications are not ready for environmental analysis at this time.

l. *The existing Blackstone Hydroelectric Project consists of:* (1) A 210-foot-long, 12-foot-high arch-type masonry dam and spillway (Blackstone Dam) with 12-inch-high flashboards and a crest elevation of 192.8 feet above mean sea level (msl) at the top of the flashboards; (2) an approximately 2-mile-long impoundment with a normal maximum elevation of 192.8 feet msl; (3) water conveyance structures that consist of: (a) A 1,100-foot-long, 60- to 100-foot-wide power canal located 700 feet upstream of the Blackstone Dam; (b) an 11.5-acre headpond at a normal maximum elevation of 192.8 feet msl; (c) a 46-foot-long, 16-foot-high headgate dam structure with four 7-foot-high, 8-foot-wide intake gates; (d) a 300-foot-long, 40-foot-wide headrace canal structure; and (e) four 8-foot-diameter, 22-foot-long buried penstocks; (4) a concrete and brick powerhouse containing four vertical Francis turbine-generator units with a total authorized capacity of 1,724 kilowatts; (5) a 100-foot-long, 40-foot-wide tailrace channel that discharges into the Blackstone River; (6) outlet work structures located downstream of the headgate dam structure in the headrace canal that consist of: (a) A 37-foot-long, 12-foot-high emergency spillway with a crest elevation of 196 feet msl located at the north end of the headrace; (b) two 5-foot-wide, 5-foot-high outlet gates; (c) a 60-foot-long outlet channel; and (d) two 36-inch-diameter, 150-foot-long concrete conduits that empty into a 190-foot-long, 20-foot-wide channel that discharges into the Blackstone River downstream from the tailrace; (7) a 90-foot-long, 4.16-kilovolt (kV) transmission line, a 4.16/13.8-kV step-up transformer, and a 1,300-foot-long, 13.8-kV transmission line connecting the project generators to the regional electric grid; and (8) appurtenant facilities.

Blackstone Hydro operates the project in a run-of-river mode with an annual average generation of approximately 4,027 megawatt-hours. The project bypasses approximately 1 mile of the Blackstone River, and there is currently no required minimum instream flow for the bypassed reach. However, Blackstone Hydro voluntarily maintains a flow between 11 and 21 cubic feet per second (cfs) over the crest of the Blackstone Dam to the bypassed reach using an automatic pond level controller.

Blackstone Hydro proposes to: (1) Continue operating the project in a run-of-river mode; (2) provide a year-round minimum flow of 35 cfs to the bypassed reach; (3) provide upstream eel passage at the project, following installation of an upstream eel passage facility at the downstream Woonsocket Falls Project; (4) implement nighttime turbine shutdowns during the downstream eel passage season to facilitate downstream passage, 10 years after the installation of the upstream eel passage facility; and (5) provide a continuous flow through the intake canal to improve dissolved oxygen levels in the power canal under certain flow conditions from June 1 to October 31.

The existing Woonsocket Falls Project utilizes water from an impoundment that is created by the U.S. Army Corps of Engineers' (Corps) Woonsocket Falls Dam. The project consists of: (1) A 14-foot-wide, 20.5-foot-high concrete intake structure located about 60 feet upstream of the Woonsocket Falls Dam and fitted with a 12-foot-wide, 18-foot-high steel trash rack having 3.5-inch clear bar spacing; (2) a 275-foot long, 12-foot-wide, 10-foot-high concrete penstock; (3) a steel headgate integral with the powerhouse; (4) a 65-foot-long, 25-foot-wide, 20-foot-high concrete powerhouse containing one adjustable blade turbine-generator unit with an authorized capacity of 1,200 kilowatts; (5) a 50-foot-long, 12.5-foot-diameter steel draft tube; (6) an approximately 50-foot-long, 20-foot-wide, 15-foot-deep tailrace; (7) a 35-foot-long 4.16 kilovolt (kV) generator lead line, a 4.16/13.8-kV step-up transformer, and a 1,200-foot-long, 13.8-kV transmission line connecting the project generator to the regional grid; and (8) appurtenant facilities.

The dam and impoundment are operated in a run-of-river mode. The Woonsocket Falls Project bypasses approximately 360 feet of the Blackstone River and there is currently no required minimum instream flow for the bypassed reach. However, a flow of 20 cfs is provided to the bypassed reach over the crest of the dam. The Woonsocket Falls project has an average annual generation of approximately 4,584 megawatt-hours.

The City proposes to: (1) Operate the impoundment in a run-of-river mode pursuant to an operating plan and Memorandum of Agreement (MOA) with the Corps; (2) provide a year-round minimum flow of 20 cfs to the bypassed reach pursuant to an operating plan and MOA with the Corps; (3) provide upstream eel passage at the dam pursuant to an operating plan and MOA

with the Corps; and (4) implement nighttime turbine shutdowns during the downstream eel passage season to protect eels during passage.

m. Copies of the applications are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. Copies are also available for inspection and reproduction at the addresses in item h above. Additionally, copies of the Blackstone project license application are available for viewing during normal business hours at the Blackstone Public Library located at 86 Main Street, Blackstone, MA 01504 and at the North Smithfield Public Library located at 20 N Main St., Slatersville, Rhode Island 02876.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Scoping Process

The Commission intends to prepare an environmental assessment (EA) on the project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

Scoping Meetings

FERC staff will conduct one agency scoping meeting and one public meeting. The agency scoping meeting will focus on resource agency and non-governmental organization (NGO) concerns, while the public scoping meeting is primarily for public input. All interested individuals, organizations, and agencies are invited to attend one or both of the meetings, and to assist the staff in identifying the scope of the environmental issues that should be analyzed in the EA. The times and locations of these meetings are as follows:

Evening Scoping Meeting
Date: Thursday, May 9, 2019
Time: 6:00 p.m. (ET)
Place: Holiday Inn Express & Suites
Address: 194 Fortin Drive,
Woonsocket, Rhode Island 02895

Daytime Scoping Meeting
Date: Friday, May 10, 2019
Time: 9:00 a.m. (ET)
Place: Holiday Inn Express & Suites
Address: 194 Fortin Drive,
Woonsocket, Rhode Island 02895

Copies of the Scoping Document (SD1) outlining the subject areas to be addressed in the EIS were distributed to the parties on the Commission's mailing list. Copies of the SD1 will be available at the scoping meeting or may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link (see item m above).

Environmental Site Review

Blackstone Hydro and FERC staff will conduct an environmental site review of the Blackstone Hydroelectric Project beginning at 9:00 a.m. on May 9, 2019. All interested individuals, organizations, and agencies are invited to attend. All participants should meet at the project powerhouse located at 2 Tupperware Drive, North Smithfield, Rhode Island 02896. All participants interesting in seeing the inside of the project powerhouse will be required to wear steel-toed safety shoes. All participants interested in seeing the project dam, which is located approximately 0.5 mile from the project powerhouse, are responsible for their own transportation. Directions to the dam from the powerhouse will be provided during the environmental site review. Anyone planning to attend the environmental site review should contact Sherri Loon at (207) 203–3026 or *Sherri.Loon@kruger.com* by May 3, 2019, and indicate how many participants will be attending with you.

The City and FERC staff will conduct a project environmental site review of the Woonsocket Falls Project beginning at 1:00 p.m. on May 9, 2019. All interested individuals, organizations, and agencies are invited to attend. All participants should meet at the City Park located at 0 South Main Street, Woonsocket, RI 02895. The City Park is located adjacent to the Woonsocket Falls Dam, on the east riverbank, near the intersection of South Main and River Streets. All participants are responsible for their own transportation to the site. Anyone planning to attend the environmental site review should contact Bruce DiGennaro at (401) 835–1185 or *bruce@essexpartnership.com* by May 3, 2019, and indicate how many participants will be attending with you.

Objectives

At the scoping meetings, the staff will: (1) Summarize the environmental issues tentatively identified for analysis in the EA; (2) solicit from the meeting participants all available information, especially quantifiable data, on the resources at issue; (3) encourage statements from experts and the public on issues that should be analyzed in the EA, including viewpoints in opposition to, or in support of, the staff's preliminary views; (4) determine the resource issues to be addressed in the EA; and (5) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis.

Procedures

The meetings are recorded by a stenographer and become part of the formal record of the Commission proceeding on the projects.

Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meeting and to assist the staff in defining and clarifying the issues to be addressed in the EA.

Dated: April 8, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–07292 Filed 4–11–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL19–60–000]

City of Prescott, Arkansas v. Southwestern Electric Power Company, and Midcontinent Independent System Operator, Inc.; Notice of Complaint

Take notice that on April 5, 2019, pursuant to section 206, 306, and 309 of the Federal Power Act, 16 U.S.C. 824e, 825e, and 825h, and Rule 206 and 212 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 and 385.212, the City of Prescott, Arkansas (Complainant) filed a formal complaint against Southwestern Electric Power Company (SWEPCO) and Midcontinent Independent System Operator, Inc. (MISO) (collectively Respondents) alleging that, (a) the Power Supply Agreement (PSA) is unjust and unreasonable and should be amended in certain respects or terminated; (b) the PSA requires SWEPCO to implement the effective MISO congestion hedging strategy; or, in the alternative, that the PSA violates the public interest by depriving the Complainant of an effective hedge for MISO congestion charges and justifies termination of the PSA; and (c) MISO violated the Joint Operating Agreement between MISO and Southwest Power Pool (SPP) with respect to the assessment of certain congestion charges

associated with SWEPCO loads that are pseudo-tied out of MISO and into SPP, all as more fully explained in the complaint.

The Complainant certifies that copies of the complaint were served on the contacts listed for Respondent in the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondents' answer and all interventions, or protests must be filed on or before the comment date. The Respondents' answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on April 25, 2019.

Dated: April 5, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–07223 Filed 4–11–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC19–7–000]

Commission Information Collection Activities (FERC–915); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection FERC–915 (Public Utility Market-Based Rate Authorization Holders—Records Retention Requirements) and submitting the information collection to the Office of Management and Budget (OMB) for review. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. On February 20, 2019, the Commission published a Notice in the **Federal Register** in Docket No. IC19–7–000 requesting public comments. The Commission received no public comments and is noting that in the related submittal to OMB.

DATES: Comments on the collection of information are due May 13, 2019.

ADDRESSES: Comments filed with OMB, identified by OMB Control No. 1902–0250, should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer.

A copy of the comments should also be sent to the Commission, in Docket No. IC19–7–000, by either of the following methods:

- *eFiling at Commission's Website: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–915, Public Utility Market-Based Rate Authorization Holders—Records Retention Requirements.

OMB Control No. 1902–0250.

Type of Request: Three-year extension of the FERC–915 information collection requirements with no changes to the current record retention requirements.

Abstract: In accordance with the Federal Power Act, the Department of Energy Organization Act (DOE Act), and the Energy Policy Act of 2005 (EPAct 2005), the Commission regulates the transmission and wholesale sales of electricity in interstate commerce, monitors and investigates energy markets, uses civil penalties and other means against energy organizations and individuals who violate FERC rules in the energy markets, administers accounting and financial reporting regulations, and oversees conduct of regulated companies.

The Commission imposes the FERC–915 record retention requirements, in 18 CFR 35.41(d), on applicable sellers to retain, for a period of five years, all data and information upon which they bill the prices charged for ''electric energy or electric energy products it sold pursuant to Seller's market-based rate tariff, and the prices it reported for use in price indices.''

The record retention period of five years is necessary due to the importance of records related to any investigation of possible wrongdoing and related to assuring compliance with the codes of conduct and the integrity of the market. The requirement is necessary to ensure consistency with the rule prohibiting market manipulation (adopted in Order No. 670) and the generally applicable five-year statute of limitations where the Commission seeks civil penalties for violations of the anti-manipulation rules or other rules, regulations, or orders to which the price data may be relevant.

Type of Respondent: Public Utility Market-Based Rate Authorization Holders.

Estimate of Annual Burden: [1] The Commission estimates the annual public

[1] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide

Continued

reporting burden and cost [2] (rounded) for the information collection as follows:

FERC–915, PUBLIC UTILITY MARKET-BASED RATE AUTHORIZATION HOLDERS—RECORDS RETENTION REQUIREMENTS

FERC requirement	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden & cost per response (4)	Total annual burden hours & cost (3) * (4) = (5)	Annual cost per respondent ($) (5) ÷ (1)
FERC–915	2,510	1	2,510	1 hr.; $33.00	2,510 hrs.; $82,830	$33.00
Total			2,510		2,510 hrs.; $82, 830	

In addition, there are records storage costs. For all respondents, we estimate a total of 65,000 cu. ft. of records in off-site storage. Based on an approximate storage cost of $0.24 per cubic foot, we estimate total annual storage cost to be $15,600.00 (or $6.22 annually per respondent). The total annual cost for all respondents (burden cost plus off-site storage) is $98,430.00 (or $82,830 + $15,600); the average total annual cost per respondent is $39.22 ($6.22 + $33.00).

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: April 8, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–07288 Filed 4–11–19; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9044–3]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa/.*

Weekly receipt of Environmental Impact Statements

Filed 04/01/2019 Through 04/05/2019

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20190052, Final, NRC, TN, Environmental Impact Statement for an Early Site Permit at the Clinch River Nuclear Site, Review Period Ends: 05/13/2019, Contact: Tamsen Dozier 301–415–2272

EIS No. 20190053, Draft, USACE, FL, East Lake Tohopekaliga Drawdown and Habitat Enhancement, Comment Period Ends: 05/28/2019, Contact: Jeffrey S. Collins 321–504–3771, ext. 13

EIS No. 20190054, Draft, NSF, AQ, Continuation and Modernization of McMurdo Station Area Activities, Comment Period Ends: 07/11/2019, Contact: Dr. Polly A. Penhale 703–292–7420

EIS No. 20190055, Draft, FHWA, NC, U–4738 Draft Environmental Impact Statement, Comment Period Ends: 05/28/2019, Contact: Ron Lucas 919–747–7019

EIS No. 20190056, Draft, BR, CA, B.F. Sisk Dam Safety of Dams Modification Project Draft Environmental Impact Statement/Environmental Impact Report, Comment Period Ends: 05/28/2019, Contact: Jamie LeFevre 916–987–5035

Amended Notice:

EIS No. 20190048, Draft, NYCOMB, NY, East Side Coastal Resiliency (ESCR), Comment Period Ends: 08/15/2019, Contact: Eram Qadri 212–788–6282 Revision to FR Notice Published 04/05/2109; Correction Lead Agency from HUD to NYCOMB.

Dated: April 9, 2019.

Robert Tomiak,

Director, Office of Federal Activities.

[FR Doc. 2019–07285 Filed 4–11–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2006–0894; FRL– 9992–23–OAR]

Proposed Information Collection Request; Comment Request; Registration of Fuels and Fuel Additives—Requirements for Manufacturers (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR) ''Registration of Fuels and Fuel Additives—Requirements for Manufacturers'' (EPA ICR No. 0309.15, OMB Control No. 2060–0150) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through October 31, 2019. An Agency

information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

[2] The estimated hourly cost (for wages plus benefits) provided in this section are based on the figures posted by the Bureau of Labor Statistics (BLS) for the Utilities section available (at *https://www.bls.gov/oes/current/naics2_22.htm*) and benefits information (for December 2017, issued March 20, 2018, at *https://www.bls.gov/news.release/ecec.nr0.htm*). The hourly estimates for salary plus benefits are:

File Clerk (Occupation code: 43–4071), $33.39 an hour. We are rounding the hourly cost to $33.00.

may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before June 11, 2019.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2006–0894, online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: James W. Caldwell, Compliance Division, Office of Transportation and Air Quality, Mail Code 6405A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 343–9303; fax number: (202) 343–2800; email address: *caldwell.jim@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: In accordance with the regulations at 40 CFR part 79, subparts A, B, C, and D, Registration of Fuels and Fuel Additives, manufacturers (including importers) of motor-vehicle gasoline, motor-vehicle diesel fuel, and additives to those fuels, are required to have these products registered by EPA prior to their introduction into commerce. Registration involves providing a chemical description of the fuel or additive, and certain technical, marketing, and health-effects information. Manufacturers are also required to submit periodic reports (annually for additives, quarterly and annually for fuels) on production volume and related information. The information is used to identify products whose evaporative or combustion emissions may pose an unreasonable risk to public health, thus meriting further investigation and potential regulation. The information is also used to ensure that fuel additives comply with EPA requirements for protecting catalytic converters and other automotive emission controls. The data have been used to construct a comprehensive data base on fuel and additive composition. The Mine Safety and Health Administration of the Department of Labor restricts the use of diesel additives in underground coal mines to those registered by EPA. Most of the information has been claimed by the manufacturers as CBI.

Form Numbers: EPA Forms 3520–12, 3520–12A, 3520–12Q, 3520–13, 3520–13A, and 3520–13B.

Respondents/affected entities: Manufacturers and importers of motor-vehicle gasoline, motor-vehicle diesel fuel, and additives to those fuels.

Respondents obligation to respond: Mandatory per 40 CFR part 79.

Estimated number of respondents: 1,915.

Frequency of response: On occasion, quarterly, annually.

Total estimated burden: 22,550 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $2.3 million per year, includes $53,500 annualized capital or operation & maintenance costs.

Changes in estimates: There is an increase of 1,550 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to an increase in the number of registered fuels and fuel additives for which periodic reports are required.

Dated: April 5, 2019.

Byron J. Bunker,

Director, Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2019–07333 Filed 4–11–19; 8:45 am]

BILLING CODE 6560–50–P

EXPORT–IMPORT BANK

[Public Notice 2019–3007]

Agency Information Collection Activities: Final Collection; Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

SUMMARY: The Export-Import Bank of the United States (EXIM), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. This collection of information is necessary to determine whether or not a company has a good payment history.

This form will enable EXIM to make a credit decision on a foreign buyer credit limit request submitted by a new or existing policy holder. Additionally, this form is used by those EXIM policy holders granted delegated authority to commit the Bank to a foreign buyer credit limit.

DATES: Comments should be received on or before May 13, 2019 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *WWW.REGULATIONS.GOV* (EIB 99–14) or by mail to Office of Information and Regulatory Affairs, 725 17th Street NW, Washington, DC 20038, Attn: OMB 3048–0042. The form can be viewed at *http://www.exim.gov/sites/default/files/pub/pending/eib99-14.pdf.*

SUPPLEMENTARY INFORMATION:

Titles and Form Number: EIB 99–14 Export-Import Bank Trade Reference form.

OMB Number: 3048–0042.

Type of Review: Renew.

Need and Use: This form provides essential credit information used by

EXIM credit officers when analyzing requests for export credit insurance/financing support, both short-term (360 days and less) and medium-term (longer than 360 days), for the export of their U.S. goods and services. Additionally, this form is an integral part of the short term Multi-Buyer export credit insurance policy for those policy holders granted foreign buyer discretionary credit limit authority (DCL). Multi-Buyer policy holders given DCL authority may use this form as the sole source or one piece among several sources of credit information for their internal foreign buyer credit decision which, in turn, commits EXIM's insurance.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 6,500.

Estimated Time per Respondent: 15 minutes.

Annual Burden Hours: 1,625 hours.

Frequency of Reporting or Use: As needed.

Government Expenses:

Reviewing time per year: 1,625 hours.

Average Wages per Hour: $42.50.

Average Cost per Year: $69,062 (time * wages).

Benefits and Overhead: 20%.

Total Government Cost: $82,875.

Bassam Doughman,

IT Specialist.

[FR Doc. 2019–07277 Filed 4–11–19; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreement Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments on the agreement to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 201294.

Agreement Name: CMA CGM/Crowley Miami-Jamaica Space Charter Agreement.

Parties: CMA CGM S.A. and Crowley Caribbean Services, LLC.

Filing Party: Wayne Rohde; Cozen O'Connor.

Synopsis: The Agreement authorizes CMA CGM to charter space to Crowley in the trade between Miami, FL and Jamaica. The Parties request expedited review.

Proposed Effective Date: 5/20/2019.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/21363.

Dated: April 9, 2019.

Rachel Dickon,

Secretary.

[FR Doc. 2019–07319 Filed 4–11–19; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Investment in Bank Premises Notification (FR 4014; OMB No. 7100–0139).

DATES: Comments must be submitted on or before June 11, 2019.

ADDRESSES: You may submit comments, identified by *FR 4014,* by any of the following methods:

- *Agency website: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include OMB number 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 on the Board's website at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your 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 security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the Paperwork Reduction Act (PRA) OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, if approved. These documents will also be made available on the Board's public website at *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed

information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Report title: Investment in Bank Premises Notification.

Agency form number: FR 4014.

OMB control number: 7100–0139.

Frequency: Event generated.

Respondents: State member banks.

Estimated number of respondents: 15.

Estimated average hours per response: 30 minutes.

Estimated annual burden hours: 8 hours.

General description of report: The Board requires a state member bank to seek the prior approval of the appropriate Federal Reserve Bank before making an investment in bank premises that exceeds certain thresholds. There is no required reporting form (the FR 4014 designation is for internal purposes only), and each request for prior approval must be filed with the Reserve Bank that has direct supervisory responsibility for the requesting state member bank. The Federal Reserve uses the information provided in the notice to supervise state member banks.

Legal authorization and confidentiality: The FR 4014 is authorized by section 24A(a) of the Federal Reserve Act, which requires that state member banks obtain prior Board approval before making an investment in bank premises that exceeds certain statutory thresholds.[1] The FR 4014 notification is required to obtain a benefit because banks wanting to make an investment in bank premises that exceed a certain threshold are required to notify the Federal Reserve. Generally, respondent data would not be confidential; however, individual respondents may request that the data be kept confidential on a case-by-case basis. If a respondent requests confidential treatment, the Board will determine whether the information is entitled to confidential treatment on an ad hoc basis in connection with the request. Any such determination will be made in accordance with the Freedom of Information Act (5 U.S.C. 552) and the Board's rules regarding availability of information (12 CFR 261).

Board of Governors of the Federal Reserve System, April 9, 2019.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2019–07274 Filed 4–11–19; 8:45 am]

BILLING CODE 6210–01–P

[1] 12 U.S.C. 371d(a). The Board has the authority to require state member banks to submit information as the Board deems necessary (12 U.S.C. 248(a)).

FEDERAL TRADE COMMISSION

Granting of Requests for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott- Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination—on the dates indicated—of the waiting period provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

EARLY TERMINATIONS GRANTED SEPTEMBER 1, 2018 THRU SEPTEMBER 30, 2018

09/04/2018		
20181782	G	DocuSign, Inc.; SpringCM Inc.; DocuSign, Inc.
20181871	G	ABRY Partners VIII, L.P.; Donuts Inc.; ABRY Partners VIII, L.P.
20181885	G	PAI Europe VII–1 SCSp; Eurazeo SE; PAI Europe VII–1 SCSp.
20181892	G	Vista Equity Partners Fund V, L.P.; Susquehanna Growth Equity Fund II, LLLP; Vista Equity Partners Fund V, L.P.
20181893	G	Vista Equity Partners Fund V, L.P.; Gwo Liou; Vista Equity Partners Fund V, L.P.
20181894	G	Jura Holdings Limited; John Laing Infrastructure Fund Limited; Jura Holdings Limited.
20181897	G	Energy Transfer Equity, L.P.; Energy Transfer Partners, L.P.; Energy Transfer Equity, L.P.
20181899	G	Movado Group, Inc.; Mr. Jacob Kassan; Movado Group, Inc.
20181901	G	Movado Group, Inc.; Mr. Kramer LaPlante; Movado Group, Inc.
20181903	G	Fortune Brands Home & Security, Inc.; Douglas Mancosh; Fortune Brands Home & Security, Inc.
20181904	G	Cabot Microelectronics Corporation; KMG Chemicals, Inc.; Cabot Microelectronics Corporation.
20181916	G	Snow Phipps III, L.P.; Brazos Equity Fund III, L.P.; Snow Phipps III, L.P.
20181922	G	Newco, a to-be-formed corporation; RTI Parent, Inc.; Newco, a to-be-formed corporation.
20181923	G	Alphabet Inc.; Mulberry Health Inc.; Alphabet Inc.
20181928	G	Agiliti, Inc.; Irving Place Capital Parnters III SPV, L.P.; Agiliti, Inc.
09/05/2018		
20181907	G	Golden Gate Capital Opportunity Fund. LP; Aperio Group. LLC; Golden Gate Capital Opportunity Fund. LP.
20181912	G	Crestview Partners III, L.P.; Matlin & Partners Acquisition Corporation; Crestview Partners III, L.P.

EARLY TERMINATIONS GRANTED SEPTEMBER 1, 2018 THRU SEPTEMBER 30, 2018—Continued

		09/06/2018
20181799	G	RELX PLC; Lyndon S. Holmes; RELX PLC.
20181800	G	RELX NV; Lyndon S. Holmes; RELX NV.
		09/07/2018
20181704	G	Thoma Bravo Discover Fund, L.P.; Marsh & McLennan Companies, Inc.; Thoma Bravo Discover Fund, L.P.
		09/10/2018
20181609	G	NextEra Energy, Inc.; The Southern Company; NextEra Energy, Inc.
20181610	G	NextEra Energy, Inc.; The Southern Company; NextEra Energy, Inc.
20181873	G	Titan DI Holdings, Inc.; Accel-KKR Capital Partners IV, LP; Titan DI Holdings, Inc.
20181930	G	Northern Star Resources Limited; Sumitomo Corporation; Northern Star Resources Limited.
20181931	G	3i Infrastructure plc; EQT Infrastructure II (No. 1) Feeder Limited Partnership; 3i Infrastructure plc.
20181932	G	Arbejdsmarkedets Tillaegspension; EQT Infrastructure II (No.1) Feeder Limited Partnership; Arbejdsmarkedets Tillaegspension.
20181933	G	David Lilley; Quilvest S.A.; David Lilley.
20181941	G	Best Buy Co., Inc.; GTCR Fund XI/A LP; Best Buy Co., Inc.
20181942	G	Donald M. Berman; Nationwide Mutual Insurance Company; Donald M. Berman.
20181943	G	Diamondback Energy, Inc.; Energen Corporation; Diamondback Energy, Inc.
20181953	G	Hamilton Infrastructure Trust; Plains All American Pipeline, L.P.; Hamilton Infrastructure Trust.
20181954	G	Hamilton Infrastructure Trust; Magellan Midstream Partners, L.P.; Hamilton Infrastructure Trust.
20181955	G	PJT Partners Inc.; CamberView Partners Holdings, LLC; PJT Partners Inc.
20181958	G	Century Focused Fund III, L.P.; Mario J. Flores Jr.; Century Focused Fund III, L.P.
20181961	G	MIP IV (ECI) AIV, L.P.; Tunnel Hill Partners, LP; MIP IV (ECI) AIV, L.P.
20181962	G	CCMP Capital Investors III, L.P.; NB Parent Company, Inc.; CCMP Capital Investors III, L.P.
20181964	G	Societe Investissement Deconinck; H.I.G. Capital Partners IV, L.P.; Societe Investissement Deconinck.
20181972	G	Rhone Partners V L.P.; MaxamCorp Holdings, S.L.; Rhone Partners V L.P.
20181975	G	Carlyle Partners VII, L.P.; 1Life Healthcare, Inc.; Carlyle Partners VII, L.P.
		09/11/2018
20181853	G	Elliott International Limited; Nielsen Holdings plc; Elliott International Limited.
20181854	G	Elliott Associates, L.P.; Nielsen Holdings plc; Elliott Associates, L.P.
20181890	G	VanEck Vectors ETF Trust; Pan American Silver Corp.; VanEck Vectors ETF Trust.
20181945	G	Liberty Expedia Holdings, Inc.; Expedia Group, Inc.; Liberty Expedia Holdings, Inc.
20181949	G	LG Chem, Ltd.; Koch Enterprises, Inc.; LG Chem, Ltd.
20181951	G	Malibu Boats, Inc.; S2 Yachts, Inc.; Malibu Boats, Inc.
20181971	G	Avista Healthcare Public Acquisition Corp.; Organogenesis Inc.; Avista Healthcare Public Acquisition Corp.
20181976	G	Apax IX USD L.P.; The PNC Financial Services Group, Inc.; Apax IX USD L.P.
		09/12/2018
20181925	G	The CVRF Trust; Dell Technologies Inc.; The CVRF Trust.
20181926	G	The CBEF Master Trust; Dell Technologies Inc.; The CBEF Master Trust.
20181927	G	Canyon Value Realization Fund, L.P.; Dell Technologies Inc.; Canyon Value Realization Fund, L.P.
		09/13/2018
20181944	G	Graphic Packaging Holding Company; RPC Group Plc; Graphic Packaging Holding Company.
		09/14/2018
20181911	G	Audax Private Equity Fund V–A, L.P.; Looking Glass I Holdings, Inc.; Audax Private Equity Fund V–A, L.P.
20181974	G	The Allstate Corporation; InfoArmor, Inc.; The Allstate Corporation.
20181983	G	Lindsay Goldberg IV L.P.; P.H. Glatfelter Company; Lindsay Goldberg IV L.P.
20181998	G	Ronald M. Shaich; Zoe's Kitchen, Inc.; Ronald M. Shaich.
20181999	G	Stichting Administratiekantoor Westend; Zoe's Kitchen, Inc.; Stichting Administratiekantoor Westend.
20182000	G	Cava Group, Inc.; Zoe's Kitchen, Inc.; Cava Group, Inc.
20182001	G	Stichting Administratiekantoor Westend; Cava Group, Inc.; Stichting Administratiekantoor Westend.
20182002	G	Ronald M. Shaich; Cava Group, Inc.; Ronald M. Shaich.
		09/17/2018
20180981	G	Cigna Corporation; Express Scripts Holding Company; Cigna Corporation.
20180982	G	Express Scripts Holding Company; Cigna Corporation; Express Scripts Holding Company.
20181902	G	HG Vora Special Opportunities Fund, Ltd.; Caesars Entertainment Corporation; HG Vora Special Opportunities Fund, Ltd.
20181920	G	Arbejdsmarkedets Tillaegspension; EQT Infrastructure (No. 1) Limited Partnership; Arbejdsmarkedets Tillaegspension.
20181924	G	3i Infrastructure plc; EQT Infrastructure (No. 1) Limited Partnership; 3i Infrastructure plc.
		09/18/2018
20181913	G	CSC Sapphire Holdings, L.P.; U.S. Convention Corp.; CSC Sapphire Holdings, L.P.

EARLY TERMINATIONS GRANTED SEPTEMBER 1, 2018 THRU SEPTEMBER 30, 2018—Continued

20181963	G	Epsilon Holdings, LLC; Accel-KKR Capital Partners IV, LP; Epsilon Holdings, LLC.
20181989	G	Vista Foundation Fund III, L.P.; Spredfast, Inc.; Vista Foundation Fund III,L.P.
20182007	G	Industrea Acquisition Corp.; PGP Investors, LLC; Industrea Acquisition Corp.
20182008	G	PGP Investors, LLC; Industrea Acquisition Corp.; PGP Investors, LLC.
20182011	G	George's Prepared Foods, LLC; Edward O. Fryar, Jr.; George's Prepared Foods, LLC.
09/19/2018		
20181990	G	Dell Technologies Inc.; CloudHealth Technologies, Inc.; Dell Technologies Inc.
09/21/2018		
20182009	G	Mitsubishi Corporation; Specialty Foods Group, LLC; Mitsubishi Corporation.
20182014	G	City & County Credit Union; Mill City Credit Union; City & County Credit Union.
20182017	G	Golden Gate Capital Opportunity Fund, L.P.; NCI Building Systems, Inc.; Golden Gate Capital Opportunity Fund, L.P.
20182023	G	Greenbriar Equity Fund IV, L.P.; Spireon, Inc.; Greenbriar Equity Fund IV, L.P.
20182025	G	AEA Investors Fund VI LP; LLR Equity Partners III, L.P.; AEA Investors Fund VI LP.
20182027	G	Charles S. Luck, IV; John D. Stephens; Charles S. Luck, IV.
20182033	G	Carlyle Europe Partners IV, L.P.; Investindustrial V L.P.; Carlyle Europe Partners IV, L.P.
20182034	G	American Securities Partners VII, L.P.; GGEP/CPM Holdings, LLC; American Securities Partners VII, L.P.
20182035	G	Kayne Private Energy Income Fund II, L.P.; Southwestern Energy Company; Kayne Private Energy Income Fund II, L.P.
09/24/2018		
20181756	G	H.I.G. Advantage Buyout Fund, L.P.; Audax Private Equity Fund III, L.P.; H.I.G. Advantage Buyout Fund, L.P.
20181757	G	H.I.G. Advantage Buyout Fund, L.P.; Frazier Health Care VI, L.P.; H.I.G. Advantage Buyout Fund, L.P.
20182012	G	Carlyle Power Partners II, L.P.; General Electric Company; Carlyle Power Partners II, L.P.
20182015	G	Evolent Health, Inc.; Water Street Healthcare Partners II, L.P.; Evolent Health, Inc.
20182036	G	Dr. August Oetker KG; TowerBrook Investors III (Parallel), L.P.; Dr. August Oetker KG.
20182038	G	William P. Stiritz; Post Holdings, Inc.; William P. Stiritz.
09/26/2018		
20182048	G	Markel Corporation; William R. Martin and Joan P. Martin; Markel Corporation.
09/27/2018		
20181947	G	Francisco Partners IV, L.P.; Frontier Fund IV, L.P.; Francisco Partners IV, L.P.
20182031	G	The Resolute Fund IV, L.P.; Ryan Daube; The Resolute Fund IV, L.P.
09/28/2018		
20181723	G	Allied Universal Topco LLC; U.S. Security Associates. L.P.; Allied Universal Topco LLC.
20181969	G	Wellforce Inc.; Home Health Foundation, Inc.; Wellforce Inc.
20182020	G	Alpine Investors VI, LP; Houghton Mifflin Harcourt Company; Alpine Investors VI, LP.
20182049	G	ArcLight Energy Partners Fund VI, L.P.; Targa Resources Corp.; ArcLight Energy Partners Fund VI, L.P.
20182050	G	EFR Group Holdings S.a.r.l.; TravelCenters of America LLC; EFR Group Holdings S.a.r.l.
20182052	G	CGP Big Show Holdco, L.P.; NEP Group, Inc.; CGP Big Show Holdco, L.P.
20182054	G	Serent Capital III, L.P.; Joseph Kucik; Serent Capital III, L.P.
20182059	G	SoftBank Vision Fund (AIV M1) L.P.; Zume, Inc.; SoftBank Vision Fund (AIV M1) L.P.
20182063	G	Carlyle Partners VII Cayman, L.P.; Sedgwick, Inc.; Carlyle Partners VII Cayman, L.P.
20182066	G	Industrial Growth Partners V, L.P.; Tenex Capital Partners, LP; Industrial Growth Partners V, L.P.
20182067	G	SS&C Technologies Holdings, Inc.; Impala Private Investments, LLC; SS&C Technologies Holdings, Inc.
20182071	G	Arbor Investments IV, L.P.; Mars Incorporated; Arbor Investments IV, L.P.
20182073	G	Avenue Energy Opportunities Fund II AIV, L.P.; AltaGas Ltd.; Avenue Energy Opportunities Fund II AIV, L.P.

FOR FURTHER INFORMATION CONTACT: Theresa Kingsberry, Program Support Specialist, Federal Trade Commission Premerger Notification Office, Bureau of Competition, Room CC–5301, Washington, DC 20024, (202) 326–3100.

By direction of the Commission.

April J. Tabor,

Acting Secretary.

[FR Doc. 2019–07325 Filed 4–11–19; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

Granting of Requests for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination—on the dates indicated—of the waiting period provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The grants were made by the Federal Trade Commission and the

Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

EARLY TERMINATIONS GRANTED OCTOBER 1, 2018 THRU OCTOBER 31, 2018

10/01/2018		
20180586	G	Penn National Gaming, Inc.; Pinnacle Entertainment, Inc.; Penn National Gaming, Inc.
20181994	G	Francisco Partners V, L.P.; The Veritas Capital Fund IV, L.P.; Francisco Partners V, L.P.
20182044	G	Strategic Value Special Situations Feeder Fund IV, L.P.; GenOn Energy, Inc.; Strategic Value Special Situations Feeder Fund IV, L.P.
20182045	G	Littlejohn Fund V, L.P.; REP CBG Holdings, LLC; Littlejohn Fund V, L.P.
20182046	G	Michael S. Dell; Dell Technologies Inc.; Michael S. Dell.
20182076	G	Star Parent, L.P.; The Dun & Bradstreet Corporation; Star Parent, L.P.
10/02/2018		
20181980	G	Tyson 2009 Family Trust; Marfrig Global Foods S.A.; Tyson 2009 Family Trust.
20182083	G	MDU Resources Group, Inc.; Patrick Sweetman; MDU Resources Group, Inc.
20182089	G	AIF IX International Holdings, L.P.; Aspen Insurance Holdings Limited; AIF IX International Holdings, L.P.
10/03/2018		
20182047	G	Blackstone Energy Partners II Q L.P.; Energy Spectrum Partners VII L.P.; Blackstone Energy Partners II Q L.P.
10/04/2018		
20181763	G	Ahlstrom-Munksjo Oyj; Specialty Papers Holdings, L.P.; Ahlstrom-Munksjo Oyj.
20182039	G	VanEck Vectors ETF Trust; OceanaGold Corporation; VanEck Vectors ETF Trust.
20182043	G	Wright Medical Group N.V.; Cartiva, Inc.; Wright Medical Group N.V.
20182061	G	U.S. Farming Realty Trust III, LP; Valley Fruit III, LLC; U.S. Farming Realty Trust III, LP.
10/05/2018		
20181905	G	The Energy & Minerals Group Fund IV, LP; Genesis Energy, L.P.; The Energy & Minerals Group Fund IV, LP.
20181906	G	Tailwater Energy Fund III LP; Genesis Energy, L.P.; Tailwater Energy Fund III LP.
20182041	G	Insignia Capital Partners, L.P.; Tobias Dengel; Insignia Capital Partners, L.P.
20182042	G	Apax IX USD L.P.; Paycor, Inc.; Apax IX USD L.P.
20182072	G	The Hershey Trust Company, as Trustee for Milton Hershey Sch; B&G Foods, Inc.; The Hershey Trust Company, as Trustee for Milton Hershey Sch.
20182080	G	FS Investment Corporation; Corporate Capital Trust, Inc.; FS Investment Corporation.
20182084	G	Altaris Health Partners IV, L.P.; Taseer Bader; Altaris Health Partners IV, L.P.
20182090	G	Eldorado Resorts, Inc.; William Hill PLC; Eldorado Resorts, Inc.
20182092	G	Consolidated Edison, Inc.; Sempra Energy; Consolidated Edison, Inc.
20182098	G	Equinox Gold Corp.; New Gold Inc.; Equinox Gold Corp.
20182101	G	OCP Trust; Outcomes Group Holdings, LLC; OCP Trust.
10/09/2018		
20182062	G	Baptist Health; Community Health Systems, Inc.; Baptist Health.
20182109	G	Tailwind Capital Partners III, L.P.; Paul Michael Leach; Tailwind Capital Partners III, L.P.
20182110	G	Tailwind Capital Partners III, L.P.; Jonathan Carlisle Leach; Tailwind Capital Partners III, L.P.
20182113	G	Global Payments Inc.; LLR Equity Partners IV L.P.; Global Payments Inc.
20182114	G	H&F Wand AIV I, L.P.; Donald R. Wood; H&F Wand AIV I, L.P.
20190001	G	Phillip G. Ruffin; Fronton Investors Holdings, LLC; Phillip G. Ruffin.
10/10/2018		
20182075	G	Holley Parent Holdings, LLC; Lincolnshire Equity Fund IV–A, L.P.; Holley Parent Holdings, LLC.
20182086	G	Marsh & McLennan Companies, Inc; Jardine Lloyd Thompson Group plc; Marsh & McLennan Companies, Inc.
10/12/2018		
20181135	G	CME Group Inc.; NEX Group plc; CME Group Inc.
10/15/2018		
20190009	G	Roark Capital Partners II, L.P.; Sonic Corp.; Roark Capital Partners II, L.P.
20190010	G	Brooks Automation, Inc.; GENEWIZ Group; Brooks Automation, Inc.
20190011	G	Western & Southern Mutual Holding Company; Nestle S.A.; Western & Southern Mutual Holding Company.
20190015	G	The Resolute Fund IV, L.P.; Wicks Capital Partners IV, L.P.; The Resolute Fund IV, L.P.
20190032	G	Calera Capital Partners V, L.P.; Jeffrey A. Berstein; Calera Capital Partners V, L.P.
20190034	G	American International Group, Inc.; Arthur J. Glatfelter Agency, Inc.; American International Group, Inc.
10/16/2018		
20182081	G	Vifor Pharma Ltd.; ChemoCentryx, Inc.; Vifor Pharma Ltd.

EARLY TERMINATIONS GRANTED OCTOBER 1, 2018 THRU OCTOBER 31, 2018—Continued

20190037	G	ACOF IV CWC AIV Blocked Feeder, L.P.; Unified Women's Healthcare PL; ACOF IV CWC AIV Blocked Feeder, L.P.
20190040	G	Ulysses Parent, Inc.; American Securities Partners V, L.P.; Ulysses Parent, Inc.
20190042	G	InnovaCare, Inc.; Jorge L. Garcia; InnovaCare, Inc.
20190046	G	Toyota Motor Corporation; Uber Technologies, Inc.; Toyota Motor Corporation.
10/17/2018		
20182085	Y	Cerberus Institutional Partners VI, L.P.; TE Connectivity Ltd.; Cerberus Institutional Partners VI, L.P.
20190045	G	LendingTree, Inc.; QuoteWizard.com, LLC; LendingTree, Inc.
20190050	G	Hanwha Chemical Corporation; Hanwha General Chemical Co., Ltd.; Hanwha Chemical Corporation.
10/18/2018		
20182087	G	Michael Kors Holdings Limited; Allegra Versace Beck; Michael Kors Holdings Limited.
20190041	G	E.P. Hamilton Trusts, LLC; KKR 2006 Fund L.P.; E.P. Hamilton Trusts, LLC.
10/19/2018		
20182118	G	AlixPartners Blocker, Inc.; ZC Holdco LLC; AlixPartners Blocker, Inc.
20190023	G	Sensata Technologies Holding plc; Gigavac, LLC; Sensata Technologies Holding plc.
20190043	G	Starwood Energy Infrastructure Fund III U.S. Investor, L.P.; Dominion Energy, Inc.; Starwood Energy Infrastructure Fund III U.S. Investor, L.P.
20190047	G	Cognizant Technology Solutions Corporation; SPI Holdco, LLC; Cognizant Technology Solutions Corporation.
20190055	G	BCEC—GFL Holdings (Guernsey) L.P.; Wrangler Aggregator Holdings, L.P.; BCEC—GFL Holdings (Guernsey) L.P.
20190056	G	Charlesbank Equity Fund IX, Limited Partnership; VF Corporation; Charlesbank Equity Fund IX, Limited Partnership.
20190058	G	Peabody Energy Corporation; Drummond Company, Inc.; Peabody Energy Corporation.
20190059	G	James A. Ratcliffe; Koch Industries, Inc.; James A. Ratcliffe.
20190060	G	Orsted A/S; D.E. Shaw Composite International Fund; Orsted A/S.
20190061	G	Focus Financial Partners Inc.; Loring Ward Holdings Inc.; Focus Financial Partners Inc.
20190062	G	Siemens Aktiengesellschaft; John H. Russell; Siemens Aktiengesellschaft.
20190065	G	CenterPoint Energy, Inc.; Energy Spectrum Partners VI LP; CenterPoint Energy, Inc.
20190066	G	Murphy Oil Corporation; MP Gulf of Mexico, LLC; Murphy Oil Corporation.
20190067	G	Agnaten SE; Core Nutrition, LLC; Agnaten SE.
20190069	G	H.I.G. Capital Partners V, L.P.; Vision Integrated Holdings, LLC; H.I.G. Capital Partners V, L.P.
20190070	G	SJL PEF a to be formed Korean Limited Partnership; MPM Holdings Inc.; SJL PEF a to be formed Korean Limited Partnership.
10/22/2018		
20171557	G	Linde AG; Praxair, Inc.; Linde AG.
20190035	G	GI Partners Fund V LP; Bayside Dolan, LLC; GI Partners Fund V LP.
20190053	G	PWP Growth Equity Fund II LP; BB&T Corporation; PWP Growth Equity Fund II LP.
20190063	G	Medtronic Public Limited Company; Mazor Robotics Ltd.; Medtronic Public Limited Company.
20190076	G	Webster Capital IV, L.P.; Sundance Holding Company, LLC; Webster Capital IV, L.P.
10/23/2018		
20190028	G	Vista Global Holding Ltd.; TPG Star XO Jet, LLC; Vista Global Holding Ltd.
10/24/2018		
20190022	G	Daniel Dines; UiPath, Inc.; Daniel Dines.
20190038	G	Finlav S.p.A.; Mars, Incorporated; Finlav S.p.A.
10/25/2018		
20182105	G	Adobe Systems Incorporated; Milestone Topco, Inc.; Adobe Systems Incorporated.
10/26/2018		
20181938	G	Bertelsmann Verwaltungsgesellschaftt mbH; CIP OCL Investmnets, LLC; Bertelsmann Verwaltungsgesellschaftt mbH.
20190030	G	Mason Capital, L.P.; Dell Technologies Inc.; Mason Capital, L.P.
20190039	G	Johnson & Johnson; Arrowhead Pharmaceuticals, Inc.; Johnson & Johnson.
20190068	G	Carl C. Icahn; Dell Technologies, Inc.; Carl C. Icahn.
20190074	G	The Blackstone Group L.P.; Clarus Ventures Holdings, LP; The Blackstone Group L.P.
20190077	G	AF V Energy III Delaware Feeder B, L.P.; Southcross Holdings LP; AF V Energy III Delaware Feeder B, L.P.
20190081	G	Dhiraj Rajaram; Dhiraj Rajaram; Dhiraj Rajaram.
20190082	G	Bain Capital Fund XII, L.P.; Rocket Software, Inc.; Bain Capital Fund XII, L.P.
20190090	G	Merck & Co. Inc.; NGM Biopharmaceuticals, Inc.; Merck & Co. Inc.
20190092	G	Zensho Holdings Co. Ltd. (Zensho); Ryuji Ishii; Zensho Holdings Co. Ltd. (Zensho).
20190093	G	Air Transport Services Group, Inc.; Omni Air International Holdings Inc.; Air Transport Services Group, Inc.
20190094	G	Air Transport Services Group, Inc.; T7 Aviation Leasing Holdings, LLC; Air Transport Services Group, Inc.
20190095	G	Air Transport Services Group, Inc.; Omni Aviation Leasing Holdings, LLC; Air Transport Services Group, Inc.
20190096	G	CenterOak Equity Fund I, L.P.; GNAP Holdings, LLC; CenterOak Equity Fund I, L.P.
20190098	G	Valero Energy Corporation; Green Plains Inc.; Valero Energy Corporation.

EARLY TERMINATIONS GRANTED OCTOBER 1, 2018 THRU OCTOBER 31, 2018—Continued

20190099	G	Gerald W. Schwartz; Impakt Holdings, LLC; Gerald W. Schwartz.
20190100	G	The E.W. Scripps Company; Vector Capital IV International, L.P.; The E.W. Scripps Company.
20190102	G	Matterhorn Parent, LLC; Greencore Group plc; Matterhorn Parent, LLC.
20190110	G	Snow Phipps III, L.P.; James M. Traube; Snow Phipps III, L.P.
20190111	G	Snow Phipps III, L.P.; Mario Gleijeses; Snow Phipps III, L.P.
20190114	G	Robert L. Moody, Sr.; Charles N. Sharpe trust Dated August 28,1987; Robert L. Moody, Sr.
20190118	G	Hildred Holdings LLC; GlaxoSmithKline, plc; Hildred Holdings LLC.
10/29/2018		
20190083	G	CVC Capital Partners Asia Pacific IV L.P.; UnitedLex BPO Private Limited; CVC Capital Partners Asia Pacific IV L.P.
20190126	G	Audax Private Equity Fund V–A, L.P.; Tailwind Capital Partners II, L.P.; Audax Private Equity Fund V–A, L.P.
20190128	G	Macquarie Infrastructure Partners IV, L.P.; Wheelabrator Technologies, Inc.; Macquarie Infrastructure Partners IV, L.P.
10/30/2018		
20190085	G	Howard W. Lutnick; Nasdaq, Inc.; Howard W. Lutnick.
20190117	G	SP Plus Corporation; Craig C. Mateer; SP Plus Corporation.
20190119	G	HGGC Fund III–A, L.P.; General Atlantic Partners 100, L.P.; HGGC Fund III–A, L.P.
20190127	G	Apollo Infra Equity US Fund, L.P. (Infra Equity); General Elecric Company; Apollo Infra Equity US Fund, L.P. (Infra Equity).
20190131	G	IRI Parent, L.P.; New Mountain Partners III, L.P.; IRI Parent, L.P.
10/31/2018		
20190075	G	Pamlico Capital III, L.P.; National Restaurant Association; Pamlico Capital III, L.P.
20190103	G	Precision Drilling Corporation; Trinidad Drilling Ltd.; Precision Drilling Corporation.
20190120	G	Blackstone Energy Partners II Q L.P.; ISQ Global Infrastructure Fund II, L.P; Blackstone Energy Partners II Q L.P.
20190136	G	Sentinel Management Holdings, LLC; LCP VIII (AIV I), L.P.; Sentinel Management Holdings, LLC.

FOR FURTHER INFORMATION CONTACT: Theresa Kingsberry, Program Support Specialist, Federal Trade Commission Premerger Notification Office, Bureau of Competition, Room CC–5301, Washington, DC 20024, (202) 326–3100.

By direction of the Commission.

April J. Tabor,

Acting Secretary.

[FR Doc. 2019–07326 Filed 4–11–19; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0083; Docket No. 2019–0003; Sequence No. 3]

Information Collection; Qualification Requirements

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of reinstatement request for an information collection requirement regarding an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning Qualification Requirements.

DATES: Submit comments on or before June 11, 2019.

ADDRESSES: The FAR Council invites interested persons to submit comments on this collection by either of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. Go to *http://www.regulations.gov* and follow the instructions on the site.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Flowers/IC 9000–0083, Qualification Requirements.

Instructions: All items submitted must cite Information Collection 9000–0083, Qualification Requirements. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail). This information collection is pending at the FAR Council. The Council will submit it to OMB within 60 days from the date of this notice.

FOR FURTHER INFORMATION CONTACT: Ms. Camara Francis, Procurement Analyst, Office of Governmentwide Acquisition Policy, GSA, 202–550–0935, or *camara.francis@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Solicitation of Public Comment

Written comments and suggestions from the public should address one or more of the following four points:

(1) Evaluate whether the 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 submission of responses.

B. Purpose

FAR subpart 9.2 and the associated clause at FAR 52.209–1, implement the statutory requirements of 10 U.S.C. 2319 and 41 U.S.C. 3311, which allow an agency to establish a qualification requirement for testing or other quality assurance demonstration that must be completed by an offeror before award of a contract. Under the qualification requirements, an end item, or a component thereof, may be required to be prequalified.

The clause at FAR 52.209–1, Qualification Requirements, requires offerors who have met the qualification requirements to identify the offeror's name, the manufacturer's name, source's name, the item name, service identification, and test number (to the extent known). This eliminates the need for an offeror to provide new information when the offeror, manufacturer, source, product or service covered by qualification requirement has already met the standards specified by an agency in a solicitation.

The contracting officer uses the information to determine eligibility for award when the clause at 52.209–1 is included in the solicitation. Alternatively, items not yet listed may be considered for award upon the submission of evidence of qualification with the offer.

C. Annual Reporting Burden

Respondents: 7,998.

Responses per Respondent: 5.

Annual Responses: 39,990.

Hours per Response: 1.0.

Total Burden Hours: 39,990.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0083, Qualification Requirements, in all correspondence.

Dated: April 8, 2019.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2019–07268 Filed 4–11–19; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Supplemental Evidence and Data Request on Skin Substitutes for Treating Chronic Wounds

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Request for supplemental evidence and data submissions.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is seeking scientific information submissions from the public. Scientific information is being solicited to inform our review on *Skin Substitutes for Treating Chronic Wounds,* which is currently being conducted by the AHRQ's Evidence-based Practice Centers (EPC) Program. Access to published and unpublished pertinent scientific information will improve the quality of this review.

DATES: *Submission Deadline* on or before May 13, 2019.

ADDRESSES:

Email submissions: epc@ahrq.hhs.gov.

Print submissions:

Mailing Address: Center for Evidence and Practice Improvement, Agency for Healthcare Research and Quality, ATTN: EPC SEADs Coordinator, 5600 Fishers Lane, Mail Stop 06E53A, Rockville, MD 20857

Shipping Address (FedEx, UPS, etc.): Center for Evidence and Practice Improvement, Agency for Healthcare Research and Quality, ATTN: EPC SEADs Coordinator, 5600 Fishers Lane, Mail Stop 06E77D, Rockville, MD 20857

FOR FURTHER INFORMATION CONTACT: Jenae Benns, Telephone: 301–427–1496 or Email: *epc@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Agency for Healthcare Research and Quality has commissioned the Evidence-based Practice Centers (EPC) Program to complete a review of the evidence for *Skin Substitutes for Treating Chronic Wounds.* AHRQ is conducting this systematic review pursuant to Section 902(a) of the Public Health Service Act, 42 U.S.C. 299a(a).

The EPC Program is dedicated to identifying as many studies as possible that are relevant to the questions for each of its reviews. In order to do so, we are supplementing the usual manual and electronic database searches of the literature by requesting information from the public (*e.g.,* details of studies conducted). We are looking for studies that report on *Skin Substitutes for Treating Chronic Wounds,* including those that describe adverse events. The entire research protocol, including the key questions, is also available online at: *https://www.ahrq.gov/research/findings/ta/index.html.*

This is to notify the public that the EPC Program would find the following information on Skin Substitutes for Treating Chronic Wounds helpful:

- A list of completed studies that your organization has sponsored for this indication. In the list, please *indicate whether results are available on ClinicalTrials.gov along with the ClinicalTrials.gov trial number.*
- *For completed studies that do not have results on ClinicalTrials.gov,* please provide a summary, including the following elements: Study number, study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, primary and secondary outcomes, baseline characteristics, number of patients screened/eligible/enrolled/lost to follow-up/withdrawn/analyzed, effectiveness/efficacy, and safety results.
- *A list of ongoing studies that your organization has sponsored for this indication.* In the list, please provide the *ClinicalTrials.gov* trial number or, if the trial is not registered, the protocol for the study including a study number, the study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, and primary and secondary outcomes.
- Description of whether the above studies constitute ALL Phase II and above clinical trials sponsored by your organization for this indication and an index outlining the relevant information in each submitted file.

Your contribution will be very beneficial to the EPC Program. Materials submitted must be publicly available or able to be made public. Materials that are considered confidential; marketing materials; study types not included in the review; or information on indications not included in the review cannot be used by the EPC Program. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter.

The draft of this review will be posted on AHRQ's EPC Program website and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the email list at: *https://www.effectivehealthcare.ahrq.gov/email-updates.*

The systematic review will answer the following questions. This information is provided as background. AHRQ is not requesting that the public provide answers to these questions.

The Key Questions

1. *What skin substitutes currently used to treat chronic wounds are being regulated by the U.S. Food and Drug Administration (FDA) under the following pathways: Premarket Approval (PMA), Premarket Notification (510[k]), Section 361 of the Public Health Service Act (21 CFR 1270 and 1271)?*

2. *What classification systems have been developed to categorize skin substitutes?*

a. What are important skin substitute parameters and active components currently being used when classifying skin substitutes?

3. *What are the study design characteristics (such as those listed below) in each included investigation for each chronic wound type?*

a. Comparator to skin substitute
b. Inclusion/exclusion criteria of patients including at least age, gender, and general health requirements (*e.g.,* status of HbA1c, diabetes, peripheral vascular disease, obesity, smoking, renal)
c. Inclusion/exclusion criteria of wounds including at least wound type, wound size/depth/duration/severity, vascular status, infection status, and prior treatment requirements (*e.g.,* no treatment with growth factors or negative pressure wound therapy)
d. Patient characteristics of enrollees including at least age, gender, general health (*e.g.,* status of HbA1c, diabetes, peripheral vascular disease, obesity, smoking, renal), and prior and concurrent wound treatments
e. Wound characteristics of enrollees including at least wound type, wound size/depth/duration/severity, vascular status, and infection status
f. Basic study design and conduct information including at least method of patient enrollment, care setting, and use of run-in period
g. Definition of wound characteristics: definition of ''failure to heal'', and definition of a successfully healed wound
h. Method of applying skin substitutes including provider, frequency of application, definition of standard of care, and handling of infections
i. Measurement and assessment methods including method of assessment(s); frequency and time points for assessment(s); and blinding of assessors
j. Statistical methods including power calculations, intent-to-treat analysis for studies designed to test superiority, and handling of drop-outs

4. *What are the outcomes of treatment strategies including skin substitutes alone and/or in addition to other wound care modalities compared to other wound care modalities in patients with different types of chronic wounds, for patient oriented outcomes such as the following? Consider at least:*

a. Number/percentage of completely closed/healed wounds (skin closure with complete re-epithelialization without drainage or dressing requirements versus failure to heal)
b. Time to complete wound closure
c. Wound reoccurrence (include time when initial wound healing was measured, and follow-up to assess durability of healed wounds)
d. Wound infection
e. Need for amputation
f. Need for hospitalization (frequency and duration)
g. Return to baseline activities of daily living and function
h. Pain reduction
i. Exudate and odor reduction
j. Adverse effects (besides those above)

5. *What skin substitutes are currently being investigated in ongoing trials?*

6. *What best practices in study design could be used to produce high quality evidence on skin substitutes?*

Gopal Khanna,

Director.

[FR Doc. 2019–07302 Filed 4–11–19; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project ''*Evaluating and Implementing the Six Building Blocks Team Approach to Improve Opioid Management in Primary Care.*''

DATES: Comments on this notice must be received by June 11, 2019.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by emails at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Evaluating and Implementing the Six Building Blocks Team Approach To Improve Opioid Management in Primary Care

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection. The project ''Evaluating and Implementing the Six Building Blocks Team Approach to Improve Opioid Management in Primary Care'' fully supports AHRQ's mission. The ultimate aim of this project is to further validate and expand the Six Building Blocks to Safer Opioid Management (6BBs) intervention and its associated resources and guidance to support primary care providers in safer opioid prescribing.

Opioid overdose deaths have increased dramatically since 1999, and despite recent decreases in the national opioid prescribing rate, prescribing rates remain high in many U.S. counties. Primary care providers (PCPs) are responsible for about half of all dispensed opioid pain relievers. To address the emerging opioid epidemic, the Six Building Blocks to Safer Opioid Management (6BBs) Toolkit has been developed to support primary care providers in safer opioid prescribing, largely concordant with the Centers for Disease Control and Prevention's Guideline for Prescribing Opioids for Chronic Pain. The 6BBs is a structured, systems-based approach for improving management of patients on long-term opioid therapy that targets six work areas a primary care practice needs to redesign in order to improve their clinic's management of patients on long-term opioid therapy.

Building upon previous work supported by AHRQ to address the opioid epidemic, this research has the following goals:

1. To improve the guidance for the 6BBs Toolkit,

2. To further implement the 6BBs in primary care practices, and

3. To understand the facilitators and barriers to implementing the Six Building Blocks to Safer Opioid Management.

This study is being conducted by AHRQ through its contractor, Abt Associates Inc., pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of health care services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

To achieve the goals of this project the following data collections will be implemented:

(1) *Clinical Staff Survey.* A brief survey will be administered electronically to all clinical staff, including primary care physicians, nurse practitioners, physician assistants, social workers, medical assistants, registered nurses, pharmacists and behavioral health workers, toward the beginning of 6BBs Toolkit implementation and approximately 12 months later. A quality improvement (QI) point person will provide email addresses for the staff who will be invited to complete the survey from each participating organization. These email addresses will be used to send clinical staff the surveys at both time points. The survey will collect information about staff's self-reported use of evidence-based opioid prescribing practices; procedures in place around opioid prescribing management; self efficacy regarding safe opioid prescribing; knowledge, beliefs and attitudes regarding opioid prescribing; adaptive reserve; self-reported burnout; and reported implementation experiences. The survey will also collect information about staffs' background (*e.g.,* clinic role and tenure). The survey will consist largely of closed-ended questions (*e.g.,* scale or Likert response options) with several open-ended questions.

(2) *Staff Interviews.* Interviews will be conducted with 5 staff at each of the 12 participating health care organizations. AHRQ will conduct 2 rounds of interviews, with the first round occurring within several months after the How-To-Guide is distributed to the organization and the second round occurring 12 months later. The evaluation team will conduct in-depth interviews with:

a. The quality improvement (QI) lead and

b. Four additional staff who are involved in 6BBs implementation at each organization, that might include a clinician, information technology analyst, social worker, behavioral health specialist, and/or care coordinator.

Staff interviewees will be selected by the QI lead at each organization, who will be asked to nominate a range of staff from those who embraced changes to those who were less willing to implement changes. Interviews will capture qualitative data regarding the organization's history with efforts to curb opioid prescribing, experiences using the How-To-Guide, implementation of the 6BB intervention and associated opioid management interventions, and lessons learned that can be shared with other health care organizations.

(3) *Virtual Launch Meeting.* A virtual launch meeting will be held for organization liaisons and quality improvement leaders participating health care organizations to launch 6BBs Toolkit implementation. The meeting will be conducted by web-conference, and will last up to 2 hours.

(4) *Quarterly Check-In Calls.* A project team member will hold a quarterly check-in call with organization liaisons and quality improvement leaders to assess the progress of implementation of the 6BBs intervention and improvement initiatives at each organization. Check-in calls will occur quarterly for up to 12 months. Each call will be up to 60 minutes in duration, and notes will be taken by an evaluation team member during each call.

(5) *QI Measures.* Each health care organization will be asked to report quarterly on the number of patients on long-term opioid therapy and the proportion of those who are on greater than 90 morphine milligram equivalents, co-prescribed a benzodiazepine, and had the prescription drug monitoring program checked and a urine drug screen. Organizations may also select other outcome measures aligned to their own goals.

(6) *Other outcome and output data from administrative records, electronic medical records, and organizational documents (Secondary Data).* Health care organizations may also report their progress on implementing the 6BB intervention and associated changes in care processes through completion of worksheets contained in or associated with the How-To-Guide. Since these data collections involve simply submitting worksheets they complete for their own benefit while working through the How-To-Guide, they pose only minimal data collection burden to the health care organization, specifically the person who completes the worksheets (*i.e.,* QI lead). The project team will also obtain relevant organizational documents (*e.g.,* opioid prescribing policies, quality improvement plans, sample patient agreements, relevant practice workflows, screen shots of data dashboards).

The purpose of the proposed data collection effort is to obtain information needed to modify and enhance the 6BB How-To-Guide and to provide information to health care organizations considering using the How-To-Guide to improve their opioid prescribing practices and relevant outcomes. Since this is only a study conducted in 12 organizations, outcomes or impacts will not be generalizable.

The data collected will help the project team: (1) Understand the facilitators and barriers of using the 6BB Toolkit and recommended improvements to processes of care and opioid prescribing practices, and (2) assess the effectiveness of using the 6BB Toolkit to improve processes of care and opioid prescribing practices. The data collection effort may also provide insights that could guide dissemination of the Toolkit. For example, if it was found that a specific type of organization included in this pilot study (*e.g.,* small, stand-alone clinic in a rural area) particularly benefitted from using the Toolkit, then AHRQ could tailor and target its dissemination of the Toolkit to similar organizations. Once revisions are made based on results of this evaluation, the How-To-Guide corresponding to the Toolkit will be published on AHRQ's website. A manuscript describing the pilot study and its results will also be produced for publication in a peer-reviewed journal.

Estimated Annual Respondent Burden

Exhibit 1 presents estimates of the reporting burden hours for the data collection efforts. Time estimates are based on prior experiences and what can reasonably be requested of participating health care organizations. The number of respondents listed in column A, Exhibit 1 reflects a projected 75% response rate for data collection efforts 2a and 2b below.

1. *Clinical Staff Survey.* A brief survey will be emailed to all clinicians both toward the beginning of 6BBs Toolkit implementation and approximately 12 months later. We assumed 20 clinical staff per clinical site, and approximately 33 clinical sites overall (with a range from 1 clinic to 17 per organization), for a total of 660 staff across all 12 organizations. We assumed 495 clinical

staff will complete the survey based on a 75% response rate. It is expected to take up to 15 minutes to complete.

2. *Staff Interviews.* In-depth interviews will occur with 5 staff at each health care organization, for a total of up to 60 individuals. The evaluation team will conduct these interviews, each lasting up to 1 hour, at 2 points in time with:

a. One QI lead per organization (toward the start of and at the end of the project).

b. Four additional staff (*e.g.,* clinician, information technology analyst, social worker) per organization (midway through and at the end of the project).

3. *Virtual Launch Meeting.* The meeting will occur with the quality improvement (QI) leads at participating health care organizations to launch 6BBs Toolkit implementation. The meeting will be conducted by web-conference, and will last up to 2 hours.

4. *Quarterly Check-In Calls.* Calls will occur with QI leads, clinical champions, and other relevant staff the QI lead identifies, for a total of no more than 5 individuals per organization. These calls will assess progress with the organization's use of the Toolkit and implementation of associated practice changes, and will occur quarterly over 15 months, for a total of 5 quarterly check-in calls. Each call will take up to 60 minutes.

5. *QI Measures.* Aggregate reports of the specified quality measures will be provided on a quarterly basis over the course of an 18-month period by a data analyst at each organization, for a total of 12 individuals across all 12 organizations. We assume 40 hours total (10 hours per quarter) for each data analyst to collect and provide these data.

6. *Other outcome and output data from administrative records and organizational documents (Secondary Data).* These secondary data will be provided by the QI lead at each organization, for a total of 12 individuals across all 12 organizations. We assume 4 hours per month for 12 months for a total of 48 hours for each QI lead to collect and provide these data.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Data collection method or project activity	Number of respondents A.	Number of responses per respondent B.	Hours per response C.	Total burden hours D.
1. Clinical Staff Survey *	495	2	15/60	248
2a. Staff Interview—QI Lead	12	2	1	24
2b. Staff Interview—Additional Staff	48	2	1	96
3. Virtual Launch Meeting	12	1	2	24
4. Quarterly Check-In Calls	60	5	1	300
5. QI Measures	12	4	10	480
6. Secondary data	12	12	4	576
Total	651	na	Na	1,748

* Number of respondents (Column A) reflects a sample size assuming a 75% response rate for this data collection effort.

Exhibit 2, below, presents the estimated annualized cost burden associated with the respondents' time to participate in this research. The total cost burden is estimated to be about $70,779.

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Data collection method or project activity	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
1. Clinical Staff Survey	495	248	$48.45	$12,016
2a. Staff Interview—QI Lead	12	24	53.69	1,289
2b. Staff Interview—Additional Staff	48	96	38.83	3,728
3. Virtual Launch Meeting	12	24	53.69	1,289
4. Quarterly Check-In Calls	60	300	38.83	11,649
5. QI Measures	12	480	20.59	9,883
6. Secondary data	12	576	53.69	30,925
Total				70,779

The average hourly rate of $48.45 for the clinical staff survey was calculated based on the 2017 mean hourly wage rate for health diagnosing and treating practitioners, $48.45 (occupation code 29–1000).

The average hourly rate of $53.69 for QI lead interviews was calculated based on the 2017 mean hourly wage rate for medical and health services managers, $53.69 (occupation code 11–9111).

The average hourly rate of $38.83 for staff interviews was calculated based on the 2017 mean hourly wage rate for health care practitioners and technical occupations, $38.83 (occupation code 29–0000).

The average hourly rate of $53.69 for the virtual launch meeting was calculated based on the 2017 mean hourly wage rate for medical and health services managers, $53.69 (occupation code 11–9111).

The average hourly wage rate of $38.83 for quarterly check-in calls was calculated based on the 2017 mean hourly wage rate for health care practitioners and technical occupations, $38.83 (occupation code 29–0000).

The average hourly rate of $20.59 for QI measures was calculated based on the 2017 mean hourly wage rate for medical records and health information

technicians, $20.59 (occupation code 29–2071).

The average hourly rate of $53.69 for secondary data was calculated based on the 2017 mean hourly wage rate for medical and health services managers, $53.69 (occupation code 11–9111).

Mean hourly wage rates for these groups of occupations were obtained from the Bureau of Labor & Statistics on ''Occupational Employment and Wages, May 2017'' found at the following URL: *http://www.bls.gov/oes/current/oes_nat.htm#b29-0000.htm.*

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ's health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Gopal Khanna,

Director.

[FR Doc. 2019–07303 Filed 4–11–19; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended, and the Determination of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—RFA–CE–19–006, Grants to Support New Investigators in Addressing Cross-Cutting Violence Prevention and Opioid Overdose Prevention.

Date: June 11, 2019.

Time: 11:00 a.m.–5:00 p.m., EDT.

Place: Teleconference.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Kimberly Leeks, Ph.D., M.P.H., Scientific Review Official, NCIPC, CDC, 4770 Buford Highway NE, Mailstop F–63, Atlanta, Georgia 30341, Telephone (770)488–6562, *KLeeks@cdc.gov.*

The Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Sherri Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2019–07266 Filed 4–11–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—CK19–002, Quantifying Contact Rates and Mixing Patterns in Workers in Non-healthcare Work Settings in the United States; CK19–004, Study To Assess the Risk of Blood Borne Transmission of Classic Forms of Creutzfeldt-Jakob Disease (CJD); and CK17–005SUPP, Vector-Borne Disease Regional Centers of Excellence

Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP); CK19–002, Quantifying Contact Rates and Mixing Patterns in Workers in Non-healthcare Work Settings in the United States; CK19–004, Study To Assess the Risk of Blood Borne Transmission of Classic Forms of Creutzfeldt-Jakob Disease (CJD); and CK17–005SUPP, Vector-Borne Disease Regional Centers of Excellence; May 7, 2019; 10:00 a.m.—5:00 p.m., (EDT) which was published in the **Federal Register** on March 15, 2019, Volume 84, Number 51, pages 9523.

The meeting is being amended to remove CK17–005SUPP, Vector-Borne Disease Regional Centers of Excellence. The meeting is closed to the public.

FOR FURTHER INFORMATION CONTACT: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road NE, Mailstop E60, Atlanta, Georgia 30329, (404) 718–8833, *gca5@cdc.gov.*

The Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Sherri Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2019–07265 Filed 4–11–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Rural Communities Opioid Response Program Performance Measures, OMB No. 0906–xxxx, New

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than June 11, 2019.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Rural Communities Opioid Response Program Performance Measures, OMB No. 0906–xxxx, New.

Abstract: The Rural Communities Opioid Response Program (RCORP) is a multi-initiative program that aims to: (1) Support treatment for and prevention of substance use disorder (SUD), including opioid use disorder (OUD); and (2) reduce morbidity and mortality associated with SUD, to include OUD, by improving access to and delivering prevention, treatment, and recovery support services to high-risk rural communities. To support this purpose, RCORP grant initiatives include:

- RCORP-Planning grants to strengthen the capacity of multi-sector consortia to collaborate and develop plans to deliver SUD/OUD prevention, treatment, and recovery services in high-risk rural communities;
- RCORP-Implementation grants to fund established networks and consortia to deliver SUD/OUD prevention, treatment, and recovery activities in high-risk rural communities; and
- RCORP-Medication Assisted Treatment Expansion grants to enhance access to medication-assisted treatment within eligible hospitals, health clinics, or tribal organizations in high-risk rural communities.

Additionally, all RCORP grant award recipients will be supported by five cooperative agreements: RCORP-Technical Assistance, which provides extensive technical assistance to award recipients; RCORP-Evaluation, which will evaluate the impact of the RCORP initiative on rural communities; and three RCORP-Centers of Excellence, which will disseminate best practices related to the treatment for and prevention of substance use disorders within rural communities.

Need and Proposed Use of the Information: For this program, performance measures were developed to provide data on each RCORP initiative and to enable HRSA to provide aggregate program data required by Congress under the Government Performance and Results Act of 1993. These measures cover the principal topic areas of interest to the Federal Office of Rural Health Policy (FORHP), including: (a) Provision of, and referral to, substance use disorder treatment and support services; (b) substance use disorder prevention, treatment, and recovery process and outcomes; (c) education of health care providers and community members; (d) number of fatal and non-fatal opioid-related overdoses; and (e) consortium strength and sustainability. All measures will speak to FORHP's progress toward meeting the goals set.

Likely Respondents: The respondents will be the grant award recipients of the Rural Communities Opioid Response Program initiatives.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent (annually)	Total responses	Average burden per response (in hours)	Total burden hours
Rural Communities Opioid Response Program Performance Measures	243	2	486	5.66	2,750
Total	243		486		2,750

HRSA specifically requests comments on: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2019–07221 Filed 4–11–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meeting of the Advisory Committee on Organ Transplantation

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: Notice; correction.

SUMMARY: The Advisory Committee on Organ Transplantation (ACOT) meeting has been rescheduled due to an unanticipated conflict and will now be held on Monday, May 20, 2019, from

10:00 a.m.–4:00 p.m. Eastern Time. The meeting will be held by webinar and conference call. The webinar link, conference call-in number, agenda, and instructions for registration will be posted 15 business days before the meeting on the ACOT website at *https://www.organdonor.gov/about-dot/acot.html.*

FOR FURTHER INFORMATION CONTACT: Robert Walsh, Designated Federal Officer, at the Healthcare Systems Bureau, Division of Transplantation, HRSA, 5600 Fishers Lane, 8W60, Rockville, Maryland 20857; 301–443–6839; or *RWalsh@hrsa.gov.*

New meeting date: Monday, May 20, 2019, rather than April 16, 2019, as previously announced.

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2019–07278 Filed 4–11–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Statement of Organization, Functions, and Delegations of Authority

AGENCY: Office of the Assistant Secretary for Health, Office of Infectious Disease Policy, HHS.

ACTION: Notice.

SUMMARY: The Office of the Assistant Secretary for Health, National Vaccine Program Office organization has modified its organizational structure.

DATES: This new organizational structure was approved by the Secretary of Health and Human Services and takes effect on April 6, 2019.

FOR FURTHER INFORMATION CONTACT: Tara Broido, Acting Director, Office of Communications, Office of the Assistant Secretary for Health, 200 Independence Ave. SW, Room 715–G, Washington, DC 20201, Phone 202.690.7694.

SUPPLEMENTARY INFORMATION: Part A (Office of the Secretary, U.S. Department of Health and Human Services) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (60 FR 27804, dated October 31, 1995, and corrected at 75 FR 53304, August 31, 2010, and amended most recently at 82 FR 3005, dated January 5, 2017) is amended to reflect the merger of the National Vaccine Prevention Office, Office of the Assistant Secretary for Health (OASH) with the Office of HIV/AIDS and Infectious Disease Policy, OASH and create the Office of Infectious Disease Policy (OIDP), OASH, which will be responsible for administering and implementing the statutory responsibilities of the National Vaccine Program, as well as the current responsibilities of the Office of HIV/AIDS and Infectious Disease Policy. This reorganization is being undertaken to create a more effective structure that better reflects the two offices' missions and streamlines operations.

Under Part C, Section C–P, Organization and Function, make the following changes:

- Retitle all references to the National Vaccine Program Office (ACP) and to the Office of Infectious Disease Policy (ACP).
- Add the current reference to the Office of Infectious Disease Policy (ACP), The Office of Infectious Disease Policy, headed by the Deputy Assistant Secretary for Infectious Disease, will be responsible for providing advice and recommendations to the Assistant Secretary for Health on issues pertaining to: blood and tissues safety and availability; HIV/AIDS, viral hepatitis and other infectious diseases; and vaccines and immunization. The Office of Infectious Disease Policy will be responsible for administering and implementing the statutory responsibilities of the National Vaccine Program.

Under Part C, Section C–J, Organization and Function, make the following changes:

- Delete all references to the organizational structure of the Office of HIV/AIDS and Infectious Disease Policy (ACJ).
- Retitle all references to the function of the Office of HIV/AIDS and Infectious Disease Policy (ACJ) to the Office of Infectious Disease Policy (ACP).

II. Delegations of Authority: All delegations and re-delegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegation, if allowed, provided they are consistent with this reorganization.

(Authority: 44 U.S.C. 3101)

Alex M. Azar II,

Secretary.

[FR Doc. 2019–07126 Filed 4–10–19; 4:15 pm]

BILLING CODE 4150–44–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Statement of Organization, Functions, and Delegations of Authority

AGENCY: Office of the Assistant Secretary for Health, Office of Population Affairs, HHS.

ACTION: Notice.

SUMMARY: The Office of the Assistant Secretary for Health, Office of Population Affairs organization has modified its organizational structure.

DATES: This new organizational structure was approved by the Secretary of Health and Human Services and takes effect on April 6, 2019.

FOR FURTHER INFORMATION CONTACT: Tara Broido, Acting Director, Office of Communications, Office of the Assistant Secretary for Health, 200 Independence Ave. SW, Room 715–G, Washington, DC 20201, Phone 202.690.7694.

SUPPLEMENTARY INFORMATION: Part A (Office of the Secretary, U.S. Department of Health and Human Services) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (60 FR 27804, dated October 31, 1995, and corrected at 75 FR 53304, August 31, 2010, and amended most recently at 82 FR 3005, dated January 5, 2017) is amended to reflect the reorganization of the Office of Population Affairs (OPA), Office of the Assistant Secretary for Health (OASH). This reorganization is being undertaken to create a more effective structure that better reflects OPA's priorities and streamlines operations. This reorganization realigns Title X family planning project staff in the 10 HHS Regional Offices, currently reporting to the OASH Regional Health Administrators, to report directly to OPA Headquarters; and merges the Office of Adolescent Health along with the Teen Pregnancy Prevention program and other adolescent health activities that it currently administers, into the Office of Population Affairs.

Under Part C, Section C–G, add the current reference: The Office of Population Affairs, headed by the Deputy Assistant Secretary for Population Affairs, will include the Office of Adolescent Health. The Office of Population Affairs will be responsible for implementing and administering the Title X family planning program and will manage the Office of Adolescent Health, which will be headed by a director, will implement and administer the Teen Pregnancy Prevention program and other adolescent health activities.

- Office of Population Affairs
  - Office of Adolescent Health—Teen Pregnancy Prevention Program

Under Part C, section C–G, Organization, revise to include that the Office of Population Affairs will manage the Office of Adolescent Health (OAH) and the activities managed by OAH. Section C–G will incorporate the current reference to section C–R:

The Office of Adolescent Health is headed by a Director who reports to the Assistant Secretary for Health.

Under Section C–G. Functions, retitle all references to the Office of Adolescent Health (ACR) under Part C, Section C–R, to the Office of Population Affairs (ACG).

Under Section C–R. Delete all other organizational references to the Office of Adolescent Health (AGR).

II. Delegations of Authority: All delegations and redelegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegation, if allowed, provided they are consistent with this reorganization.

(Authority: 44 U.S.C. 3101)

Alex M. Azar II,

Secretary.

[FR Doc. 2019–07124 Filed 4–10–19; 4:15 pm]

BILLING CODE 4150–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Statement of Organization, Functions, and Delegations of Authority

AGENCY: Office of the Assistant Secretary for Health, Office of Disease Prevention and Health Promotion, HHS.

ACTION: Notice.

SUMMARY: The Office of the Assistant Secretary for Health, Office of Disease Prevention and Health Promotion organization has modified its organizational structure.

DATES: This new organizational structure was approved by the Secretary of Health and Human Services and takes effect on April 6, 2019.

FOR FURTHER INFORMATION CONTACT: Tara Broido, Acting Director, Office of Communications, Office of the Assistant Secretary for Health, 200 Independence Ave. SW, Room 715–G, Washington, DC 20201 Phone 202.690.7694.

SUPPLEMENTARY INFORMATION: Part A (Office of the Secretary, U.S. Department of Health and Human Services) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (60 FR 27804, dated October 31, 1995, and corrected at 75 FR 53304, August 31, 2010, and amended most recently at 82 FR 3005, dated January 5, 2017) is amended to reflect the reorganization of the Office of Disease Prevention and Health Promotion (ODPHP) to merge the President's Council on Sports, Fitness and Nutrition (PCSFN), Office of the Assistant Secretary for Health (OASH) activities to be managed under the Office of Disease Prevention and Health Promotion. This reorganization is being undertaken to create a more effective structure that better reflects the two offices' missions and streamlines the office's operations.

Under Part C, Section C–L, add the current reference: The Office of Disease Prevention and Health Promotion (ODPHP) is headed by the Director, will comprise of the following: The Office of Disease Prevention and Health Promotion and the Office of the President's Council on Sports, Fitness, and Nutrition (PCSFN). The ODPHP will be responsible for managing the activities of ODPHP and will manage the PCSFN, to be headed by the Executive Director of the PCSFN. The Executive Director of PCSFN will be a Senior Advisor to ODPHP and report to the Deputy Assistant Secretary for Health for Operations.

- Office of Disease Prevention and Health Promotion
  - Office of the President's Council on Sports, Fitness, and Nutrition

Under Part C, Section C–E, Organization and Function, make the following changes:

- Retitle all references to the function of the Office of the President's Council on Sports, Fitness, and Nutrition (ACE) to the Office of the President's Council on Sports, Fitness, and Nutrition (ACL).
- Delete all references to the organizational structure of the Office of the President's Council on Sports, Fitness, and Nutrition (ACE) and replace with: The Office of the President's Council on Sports, Fitness, and Nutrition (ACL) is headed by the Executive Director of the PCSFN. The Executive Director of PCSFN will be a Senior Advisor to ODPHP and report to the Deputy Assistant Secretary for Health for Operations.

II. Delegations of Authority: All delegations and re-delegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegation, if allowed, provided they are consistent with this reorganization.

(Authority: 44 U.S.C. 3101)

Alex M. Azar II,

Secretary.

[FR Doc. 2019–07125 Filed 4–10–19; 4:15 pm]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Complications of Hemolysis and Transfusion Therapy.

Date: May 7, 2019.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Melissa E. Nagelin, Ph.D., Scientific Review Officer, Office of Scientific Review, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7202, Bethesda, MD 20892, 301–827–7951, *nagelinmh2@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; MESA Field Centers.

Date: May 20, 2019,

Time: 8:00 a.m. to 9:00 a.m.

Agenda: To review and evaluate contract proposals,

Place: Crowne Plaza Washington National Airport, 1489 Jefferson Davis Hwy., Arlington, VA 22202.

Contact Person: William J. Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892–7924, 301–827–7938, *johnsonw@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; MESA Coordinating Center.

Date: May 20, 2019.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Crowne Plaza Washington National Airport, 1480 Crystal Drive, Arlington, VA 22202.

Contact Person: William J. Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892–7924, 301–827–7938, *johnsonw@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Mechanisms of Blood Pressure Regulation Program Project Grant Review.

Date: May 23, 2019.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Shelley S. Sehnert, Ph.D., Scientific Review Officer, Office of Scientific Review, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7206, Bethesda, MD 20892–7924, 301–435–0303, *ssehnert@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Short-Term Experience in Research.

Date: May 29, 2019.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Giuseppe Pintucci, Ph.D., Scientific Review Officer, Office of Scientific Review, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892, 301–827–7969, *Pintuccig@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Institutional Training Grants.

Date: May 30, 2019.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Giuseppe Pintucci, Ph.D., Scientific Review Officer, Office of Scientific Review, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892, 301–827–7969, *Pintuccig@nhlbi.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: April 8, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–07250 Filed 4–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Interagency Coordinating Committee on the Validation of Alternative Methods; Notice of Public Meeting; Request for Public Input

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) will hold a public forum to share information and facilitate direct communication of ideas and suggestions from stakeholders. Interested persons may attend in person or view the meeting remotely by webcast. Time will be set aside for questions and public statements on the topics discussed. Registration is requested for both public attendance and oral statements, and required for remote access. Information about the meeting and registration are available at *http://ntp.niehs.nih.gov/go/iccvamforum-2019.*

DATES: Meeting: May 23, 2019, 9:00 a.m. to approximately 4:00 p.m. Eastern Daylight Time (EDT).

Registration for Onsite Meeting: Deadline is May 10, 2019.

Registration for Webcast: Deadline is May 23, 2019.

Submission of Oral Public Statements: Deadline is May 10, 2019.

ADDRESSES: Meeting Location: William H. Natcher Conference Center, National Institutes of Health, Bethesda, MD 20892.

Meeting web page: The preliminary agenda, registration, and other meeting materials are at *http://ntp.niehs.nih.gov/go/iccvamforum-2019.*

FOR FURTHER INFORMATION CONTACT: Dr. Warren Casey, Director, National Toxicology Program Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM); email: *warren.casey@nih.gov;* telephone: (984) 287–3118.

SUPPLEMENTARY INFORMATION:

Background: ICCVAM, a congressionally mandated committee, promotes the development and validation of alternative testing strategies that protect human health and the environment while replacing, reducing, or refining animal use.

ICCVAM's goals include promotion of national and international partnerships between governmental and nongovernmental groups, including academia, industry, advocacy groups, and other key stakeholders. To foster these partnerships ICCVAM initiated annual public forums in 2014 to share information and facilitate direct communication of ideas and suggestions from stakeholders (79 FR 25136).

This year's meeting will be held on May 23, 2019, at the National Institutes of Health (NIH) in Bethesda, MD. The meeting will include presentations by NICEATM and ICCVAM members on current activities related to the development and validation of alternative test methods and approaches, including activities relevant to implementation of the strategic roadmap for establishing new approaches to evaluate the safety of chemicals and medical products in the United States (83 FR 7487).

Following each presentation, there will be an opportunity for participants to ask questions of the ICCVAM members. Instructions for submitting questions will be provided to remote participants prior to the webcast. The agenda will also include time for participants to make public oral statements relevant to the ICCVAM mission and current activities.

Preliminary Agenda and Other Meeting Information: The preliminary agenda, list of discussion topics, background materials, ICCVAM roster, and public statements submitted prior to the meeting will be posted by May 17 at *http://ntp.niehs.nih.gov/go/iccvamforum-2019.* Interested individuals are encouraged to visit this web page to stay abreast of the most current meeting information.

Meeting and Registration: This meeting is open to the public with time scheduled for questions and oral public statements following presentations from ICCVAM and NICEATM. The public may attend the meeting at NIH, where attendance is limited only by the space available, or view remotely by webcast. Those planning to attend the meeting in person are encouraged to register at *http://ntp.niehs.nih.gov/go/iccvamforum-2019* by May 10, 2019, to facilitate planning for appropriate meeting space. Those planning to view the webcast must register at *http://ntp.niehs.nih.gov/go/iccvamforum-2019;* registration will be available through May 23, 2019. The URL for the webcast will be provided in the email confirming registration.

NIH visitor and security information is available at *http://www.nih.gov/about/visitor/index.htm.* Individuals with disabilities who need accommodation to participate in this event should contact Dr. Elizabeth Maull at phone: (984) 287–3157 or email: *maull@niehs.nih.gov.* TTY users should contact the Federal TTY Relay Service at 800–877–8339. Requests should be made at least five business days in advance of the event.

Request for Oral Public Statements: Each presentation will be followed by an opportunity for participants to ask questions of the presenter. Attendees need not register in advance for the opportunity to ask questions or make comments specific to presentations. Instructions for submitting questions or comments will be provided to remote participants prior to the webcast.

In addition to time for questions or comments following each scheduled presentation, time will be allotted during the meeting for oral public statements with associated slides on topics relevant to ICCVAM's mission. The number and length of presentations may be limited based on available time. Submitters will be identified by their name and affiliation and/or sponsoring organization, if applicable. Persons submitting public statements and/or associated slides should include their name, affiliation (if any), mailing address, telephone, email, and sponsoring organization (if any) with the document. National Toxicology Program guidelines for public statements are at *http://ntp.niehs.nih.gov/ntp/about_ntp/guidelines_public_comments_508.pdf.*

Persons wishing to present oral public statements should email their statement to *ICCVAMquestions@niehs.nih.gov* by May 10, 2019, to allow time for review by NICEATM and ICCVAM and posting to the meeting page prior to the forum. Written statements may supplement and expand the oral presentation. Public statements will be distributed to NICEATM and ICCVAM members before the meeting.

Registration for oral public statements will be available onsite, although onsite registration and time allotted for these statements may be limited based on the number of individuals who register to make statements and available time. If registering onsite and reading from written text, please bring 20 copies of the statement for distribution and to supplement the record.

Persons wishing to present oral public statements are strongly encouraged to present their comments in person to facilitate effective interaction with ICCVAM members. However, there will also be the opportunity to present public statements by teleconference line. Persons who are unable to attend the meeting in person and wish to present oral public statements should email *ICCVAMquestions@niehs.nih.gov* by May 10, 2019 to arrange to present statements via teleconference line.

Responses to this notice are voluntary. No proprietary, classified, confidential, or sensitive information should be included in statements submitted in response to this notice or presented during the meeting. This request for input is for planning purposes only and is not a solicitation for applications or an obligation on the part of the U.S. Government to provide support for any ideas identified in response to the request. Please note that the U.S. Government will not pay for the preparation of any information submitted or for its use of that information.

Background Information on ICCVAM and NICEATM: ICCVAM is an interagency committee composed of representatives from 16 federal regulatory and research agencies that require, use, generate, or disseminate toxicological and safety testing information. ICCVAM conducts technical evaluations of new, revised, and alternative safety testing methods and integrated testing strategies with regulatory applicability. ICCVAM also promotes the scientific validation and regulatory acceptance of testing methods that more accurately assess the safety and hazards of chemicals and products and replace, reduce, or refine (enhance animal well-being and lessen or avoid pain and distress) animal use.

The ICCVAM Authorization Act of 2000 (42 U.S.C. 285*l*–3) establishes ICCVAM as a permanent interagency committee of the National Institute of Environmental Health Sciences and provides the authority for ICCVAM involvement in activities relevant to the development of alternative test methods. Additional information about ICCVAM can be found at *http://ntp.niehs.nih.gov/go/iccvam.*

NICEATM administers ICCVAM, provides scientific and operational support for ICCVAM-related activities, and conducts and publishes analyses and evaluations of data from new, revised, and alternative testing approaches. NICEATM and ICCVAM work collaboratively to evaluate new and improved testing approaches applicable to the needs of U.S. federal agencies.

NICEATM and ICCVAM welcome the public nomination of new, revised, and alternative test methods and strategies for validation studies and technical evaluations. Additional information about NICEATM can be found at *http://ntp.niehs.nih.gov/go/niceatm.*

Dated: April 8, 2019.

Brian R. Berridge,

Associate Director, National Toxicology Program.

[FR Doc. 2019–07269 Filed 4–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. to achieve expeditious commercialization of results of federally-funded research and development.

FOR FURTHER INFORMATION CONTACT: Licensing information may be obtained by emailing the indicated licensing contact at the National Heart, Lung, and Blood, Office of Technology Transfer and Development Office of Technology Transfer, 31 Center Drive, Room 4A29, MSC2479, Bethesda, MD 20892–2479; telephone: 301–402–5579. A signed Confidential Disclosure Agreement may be required to receive any unpublished information.

SUPPLEMENTARY INFORMATION: Technology description follows.

Medical Device for Vascular Dilation

A vascular dilator is commonly used in transcatheter cardiovascular intervention procedures. Commercially available vascular dilators have introducer sheaths with a finite thickness and mismatched diameter with the dilators. This causes uneven stretching of the trailing edge of the sheath and severe damage to the target vessels. This technology produces the specialized sheath with a shoulder that can be introduced percutaneously with an enhanced dilator into a broad range of diseased target vessels and chambers with reduced vascular injury. The shoulder helps to match the diameter of the introducer sheath so that there is a smooth transition between the dilator and the introducer sheath. The invention allows the dilator to be withdrawn in segments without disrupting the introducer sheath.

Development Stage: Reduces vascular injury while using large-bore introducer sheaths in interventional cardiac procedures:

Transcatheter aortic valve replacement
Direct transthoracic access into the heart muscle for endografts

Inventors: Dr. Robert Lederman (NHLBI), Dr. Ozgur Kocaturk (NHLBI), Dr. Adam Greenbaum (Henry Ford Hospital).

Intellectual Property: HHS Reference No. E–759–2013/0; U.S Provisional Patent Application 61/890,961 filed October 15, 2013, International Patent Application PCT/US2014/060270 filed October 13, 2014, U.S. Patent Application 15/025,336 filed March 28, 2016, European Patent 3057646 validated in Switzerland, Germany, France, the United Kingdom, and Ireland.

Licensing Contact: Michael Shmilovich, Esq., CLP; 301–435–5019; *shmilovm@mail.nih.gov.*

Dated: April 4, 2019.

Michael A. Shmilovich,

Senior Licensing and Patenting Manager, National Heart, Lung, and Blood Institute, Office of Technology Transfer and Development.

[FR Doc. 2019–07232 Filed 4–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Diabetes Mellitus Interagency Coordinating Committee Meeting

SUMMARY: The Diabetes Mellitus Interagency Coordinating Committee (DMICC) will hold a meeting on May 30–31, 2019. The topic for this meeting will be ''Opportunities for Research Supported by the Special Statutory Funding Program for Type 1 Diabetes Research.'' The meeting is open to the public. Individuals planning to attend the workshop should register at *https://www.scgcorp.com/dmiccworkshop2019* at least 7 days prior to the workshop.

DATES: The meeting will be held on May 30, 2019 from 8:00 a.m. to 5:45 p.m. and on May 31, 2019 from 8:00 a.m. to 3:00 p.m.

ADDRESSES: The meeting will be held at the National Institutes of Health, 9000 Rockville Pike, Building 60/Cloisters, Lecture Hall/Chapel, Bethesda, MD 20892. In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

FOR FURTHER INFORMATION CONTACT: An agenda for the DMICC meeting will be available by contacting Mark Dennis, The Scientific Consulting Group, Inc. (*mdennis@scgcorp.com;* please put ''Agenda Request for DMICC T1D Meeting'' in the subject line). For further information concerning this meeting, contact Dr. B. Tibor Roberts, Executive Secretary of the Diabetes Mellitus Interagency Coordinating Committee, National Institute of Diabetes and Digestive and Kidney Diseases, 31 Center Drive, Building 31A, Room 9A19, MSC 2560, Bethesda, MD 20892–2560, telephone: 301–496–6623; FAX: 301–480–6741; email: *dmicc@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: The DMICC, chaired by the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) comprising members of the Department of Health and Human Services and other federal agencies that support diabetes-related activities, facilitates cooperation, communication, and collaboration on diabetes among government entities. DMICC meetings, held several times a year, provide an opportunity for Committee members to learn about and discuss current and future diabetes programs in DMICC member organizations and to identify opportunities for collaboration. The May 30–31, 2019 DMICC meeting will focus on ''Opportunities for Research Supported by the Special Statutory Funding Program for Type 1 Diabetes Research.''

Any interested person may file written comments with the Committee by forwarding their statement to the contact person listed on this notice. The statement should include the name, address, telephone number and, when applicable, the business or professional affiliation of the interested person. Because of time constraints for the meeting, there will not be time on the agenda for oral comments from members of the public.

Members of the public who would like to receive email notification about future DMICC meetings should register for the listserv available on the DMICC website, *www.diabetescommittee.gov.*

Dated: April 1, 2019.

Bruce Tibor Roberts,

Executive Secretary, DMICC, Office of Scientific Program and Policy Analysis, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health.

[FR Doc. 2019–07275 Filed 4–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, June 3, 2019, 6:00 p.m. to June 4, 2019, 6:00 p.m., Hilton Washington/Rockville Hotel, 1750 Rockville Pike, Rockville, MD 08852 which was published in the **Federal Register** on March 27, 2019, 84 FR 11548.

This meeting notice is amended to change the meeting start time on June 3, 2019 from 6:00 p.m. to 4:00 p.m. The meeting is closed to the public.

Dated: April 8, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–07249 Filed 4–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Cellular and Molecular Biology of Neurodegeneration Study Section.

Date: June 10–11, 2019.

Time: 8:30 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Canopy by Hilton Washington DC Bethesda North, 940 Rose Avenue, North Bethesda, MD 20852.

Contact Person: Laurent Taupenot, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4183, MSC 7850, Bethesda, MD 20892, 301–435–1203, *taupenol@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Virology—B Study Section.

Date: June 10–11, 2019.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Mayflower Hotel, 1127 Connecticut Avenue NW, Washington, DC 20036.

Contact Person: John C. Pugh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1206, MSC 7808, Bethesda, MD 20892, (301) 435–2398, *pughjohn@csr.nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Gene and Drug Delivery Systems Study Section.

Date: June 12–13, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: Leslie S. Itsara, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, *leslie.itsara@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 9, 2019.

Sylva L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–07341 Filed 4–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP–1: NCI Clinical and Translational R21 and Omnibus R03.

Date: June 3, 2019.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W248, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Anita T. Tandle, Ph.D. Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W248, Bethesda, MD 20892–9750, 240–276–5007, *tandlea@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Moonshot: Inherited Cancer Syndromes.

Date: June 6, 2019.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W106, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Reed A. Graves,, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W106, Bethesda, MD 20892–9750, 240–276–6384, *gravesr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS

Dated: April 8, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–07248 Filed 4–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; PHS Applications and Pre-Award Reporting Requirements (OD)

AGENCY: National Institutes of Health, HHS

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institutes of Health (NIH) 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: Ms. Mikia P. Currie, Chief, Project Clearance Branch (PCB), Office of Policy for Extramural Research Administration (OPERA), 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 *ProjectClearanceBranch@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: Public Health Service (PHS) Applications and Pre-Award Reporting Requirements, Revision, OMB 0925–0001, Expiration Date 3/31/2020, Office of the Director (OD), National Institutes of Health (NIH).

Need and Use of Information Collection: Starting in January 2020, NIH will require applicants and recipients to address Human Fetal Tissue requirements within the SF–424 R&R and the Research Performance Progress Report (RPPR) due to Congressional ((Sections 498A and 498B of the PHS Act (42 U.S.C. 289g–1 and 289g–2)) and Department of Health and Human Services (45 CFR 46.204 and 46.206) mandates regarding human fetal tissue research. Applicants and recipients will be required to comply with Federal and state laws concerning the acquisition of human fetal tissue (including cell lines) as well as include a concise description of the proposed characteristics of the human fetal cells/tissue outlining the procurement budget details, and how the applicants/recipients will document the processes for how they will use the human fetal tissues and cells. Additionally, this revision will clarify information regarding an institutional commitment to ensuring that proper policies, procedures, and oversight are in place to prevent discriminatory harassment and other discriminatory practices. This collection also continues to includes PHS applications and pre-award reporting requirements: PHS 398 [paper] Public Health Service Grant Application forms and instructions; PHS 398 [electronic] PHS Grant Application component forms and agency specific instructions used in combination with the SF424 (R&R); PHS Fellowship Supplemental Form and agency specific instructions used in combination with the SF424 (R&R) forms/instructions for Fellowships [electronic]; PHS 416–1 Ruth L. Kirschstein National Research Service Award (NRSA) Individual Fellowship Application Instructions and Forms used only for a change of sponsoring institution application [paper]; Instructions for a Change of Sponsoring Institution for NRSA Fellowships (F30, F31, F32 and F33) and non-NRSA Fellowships; PHS 416–5 Ruth L. Kirschstein National Research Service Award Individual Fellowship Activation Notice; and PHS 6031 Payback Agreement. The PHS 398 (paper and electronic are currently approved under 0925–0001. All forms expire 3/31/2020. Post-award reporting requirements are simultaneously consolidated under 0925–0002 and include the Research Performance Progress Report (RPPR). The PHS 398 and SF424 applications are used by applicants to request Federal assistance funds for traditional investigator-initiated research projects and to request access to databases and other PHS resources. The PHS 416–1 is used only for a change of sponsoring institution application. PHS Fellowship Supplemental Form and agency specific instructions is used in combination with the SF424 (R&R) forms/instructions for Fellowships and is used by individuals to apply for direct research training support. Awards are made to individual applicants for specified training proposals in biomedical and behavioral research, selected as a result of a national competition. The PHS 416–5 is used by individuals to indicate the start of their NRSA awards. The PHS 6031 Payback Agreement is used by individuals at the time of activation to certify agreement to fulfill the payback provisions. Clinical trials are complex and challenging research activities. Oversight systems and tools are critical for NIH to ensure participant safety, data integrity, and accountability of the use of public funds. NIH has been engaged in a multi-year effort to examine how clinical trials are supported and the level of oversight needed. The collection of more structured information in the PHS applications and pre-award reporting requirements will facilitate NIH's development of data systems to facilitate oversight of clinical trials as well as understand where gaps in the research portfolio may exist. In addition, some of the data collected here will ultimately be accessible to investigators to pre-populate certain sections of forms when registering their trials with *ClinicalTrials.gov*.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 2,150,389.

ESTIMATED ANNUALIZED BURDEN HOURS

Information collection forms	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
PHS 398—Paper	4,247	1	35	148,645
PHS 398/424—Electronic:				
PHS Assignment Request Form	37,120	1	30/60	18,560
PHS 398 Cover Page Supplement	74,239	1	1	74,239
PHS 398 Modular Budget	56,693	1	1	56,693
PHS 398 Training Budget	1,122	1	2	2,244
PHS 398 Training Subaward Budget Attachment(s) Form	561	1	90/60	842
PHS 398 Research Plan	70,866	1	10	708,660
PHS 398 Research Training Program Plan	1,122	1	10	11,220
Data Tables	1,515	1	4	6,060
PHS 398 Career Development Award Supplemental Form	2,251	1	10	22,510
PHS Human Subjects and Clinical Trial Information (includes inclusion enrollment report)	54,838	1	14	767,732
Biosketch (424 Electronic)	80,946	1	2	161,892
PHS Fellowship—Electronic:				
PHS Fellowship Supplemental Form (includes F reference letters)	6,707	1	12.5	83,838
PHS Assignment Request Form	3,354	1	30/60	1,677
PHS Human Subjects and Clinical Trial Information (includes inclusion enrollment report)	5,030	1	14	70,420
Biosketch (Fellowship)	6,707	1	2	13,414
416–1	29	1	10	290
PHS 416–5	6,707	1	5/60	559
PHS 6031	6,217	1	5/60	518

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Information collection forms	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
VCOC Certification	6	1	5/60	1
SBIR/STTR Funding Agreement Certification	1,500	1	15/60	375
Total Annual Burden Hours	421,777	421,777	.....	2,150,389

Dated: April 5, 2019.

Lawrence A. Tabak,

Deputy Director, National Institutes of Health.

[FR Doc. 2019–07324 Filed 4–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; Post-Award Reporting Requirements Including Research Performance Progress Report Collection (OD)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institutes of Health (NIH) 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: Ms. Mikia P. Currie, Program Analyst, 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 *ProjectClearanceBranch@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: Public Health Service (PHS) Post-award Reporting Requirements Revision, OMB 0925–0002, Expiration Date 3/31/2020, Office of the Director (OD), National Institutes of Health (NIH).

Need and Use of Information Collection: Starting in January 2020, NIH will require applicants and recipients to address Human Fetal Tissue requirements within the SF–424 R&R and the Research Performance Progress Report (RPPR) due to Congressional ((Sections 498A and 498B of the PHS Act (42 U.S.C. 289g–1 and 289g–2)) and Department of Health and Human Services (45 CFR 46.204 and 46.206) mandates regarding human fetal tissue research. Applicants and recipients will be required to comply with Federal and state laws concerning the acquisition of human fetal tissue (including cell lines) as well as include a concise description of the proposed characteristics of the human fetal cells/tissue outlining the procurement budget details, and how the applicants/recipients will document the processes for how they will use the human fetal tissues and cells. Additionally, this revision will clarify information regarding an institutional commitment to ensuring that proper policies, procedures, and oversight are in place to prevent discriminatory harassment and other discriminatory practices. The RPPR is required to be used by all NIH, Food and Drug Administration, Centers for Disease Control and Prevention, and Agency for Healthcare Research and Quality (AHRQ) grantees. Interim progress reports are required to continue support of a PHS grant for each budget year within a competitive segment. The phased transition to the RPPR required the maintenance of dual reporting processes for a period of time. Continued use of the PHS Non-competing Continuation Progress Report (PHS 2590), exists for a small group of grantees. This collection also includes other PHS post-award reporting requirements: PHS 416–7 National Research Service Award (NRSA) Termination Notice, PHS 2271 Statement of Appointment, 6031–1 NRSA Annual Payback Activities Certification, HHS 568 Final Invention Statement and Certification, iEdison, and PHS 3734 Statement Relinquishing Interests and Rights in a PHS Research Grant. The PHS 416–7, 2271, and 6031–1 are used by NRSA recipients to activate, terminate, and provide for payback of a NRSA. Closeout of an award requires a Final Invention Statement (HHS 568) and Final Progress Report. iEdison allows grantees and Federal agencies to meet statutory requirements for reporting inventions and patents. The PHS 3734 serves as the official record of grantee relinquishment of a PHS award when an award is transferred from one grantee institution to another. Pre-award reporting requirements are simultaneously consolidated under 0925–0001 and the changes to the collection here are related. Clinical trials are complex and challenging research activities. Oversight systems and tools are critical for NIH to ensure participant safety, data integrity, and accountability of the use of public funds. NIH has been engaged in a multi-year effort to examine how clinical trials are supported and the level of oversight needed. The collection of more structured information in the PHS applications and pre-award reporting

requirements as well as continued monitoring and update during the post-award reporting requirements will facilitate NIH's oversight of clinical trials. In addition, some of the data reported in the RPPR will ultimately be accessible to investigators to update certain sections of forms when registering or reporting their trials with *ClinicalTrials.gov*.

Frequency of response: Applicants may submit applications for published receipt dates. For NRSA awards, fellowships are activated, and trainees appointed.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 519,408.

ESTIMATED ANNUALIZED BURDEN HOURS

Information collection forms	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Reporting:				
PHS 416–7	12,580	1	30/60	6,290
PHS 6031–1	1,778	1	20/60	593
PHS 568	11,180	1	5/60	932
iEdison	5,697	1	15/60	1,424
PHS 2271	22,035	1	15/60	5,509
PHS 2590	243	1	18	4,374
RPPR—Core Data	32,098	1	8	256,784
Biosketch (Part of RPPR)	2,544	1	2	5,088
Data Tables (Part of RPPR)	758	1	4	3,032
Trainee Diversity Report (Part of RPPR)	480	1	15/60	120
PHS Human Subjects and Clinical Trial Information (Part of RPPR, includes inclusion enrollment report)	6,420	1	4	25,680
Publication Reporting	97,023	1	5/60	8,085
Final RPPR—Core Data	18,000	1	10	180,000
Data Tables (Part of Final RPPR)	758	1	4	3,032
Trainee Diversity Report (Part of Final RPPR)	480	1	15/60	120
PHS Human Subjects and Clinical Trial Information (Part of Final RPPR, includes inclusion/enrollment)	3,600	1	4	14,400
PHS 374	479	1	30/60	240
Final Progress Report	2,000	1	1	2,000
SBIR/STTR Phase II Final Progress Report	1,330	1	1	1,330
Reporting Burden Total				519,033
Recordkeeping:				
SBIR/STTR Life Cycle Certification	1,500	1	15/60	375
Grand Total	220,983	220,983		519,408

Dated: April 5, 2019.

Lawrence A. Tabak,

Principal Deputy Director, National Institutes of Health.

[FR Doc. 2019–07354 Filed 4–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002; Internal Agency Docket No. FEMA–B–1910]

Proposed Flood Hazard Determinations; Correction

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice; correction.

SUMMARY: On March 18, 2019, FEMA published in the **Federal Register** a proposed flood hazard determination notice that contained an erroneous table. This notice provides corrections to that table, to be used in lieu of the information published at 84 FR 9805. The table provided here represents the proposed flood hazard determinations and communities affected for Yakima County, Washington and Incorporated Areas.

DATES: Comments are to be submitted on or before July 11, 2019.

ADDRESSES: The Preliminary Flood Insurance Rate Map (FIRM), and where applicable, the Flood Insurance Study (FIS) report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1910, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed in the table below, in accordance with Section 110 of the Flood Disaster

Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP may only be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The communities affected by the flood hazard determinations are provided in the table below. Any request for reconsideration of the revised flood hazard determinations shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations will also be considered before the FIRM and FIS report are made final.

Correction

In the proposed flood hazard determination notice published at 84 FR 9805 in the March 18, 2019, issue of the **Federal Register**, FEMA published a table titled Yakima County, Washington and Incorporated Areas. This table contained inaccurate information as to the communities affected by the proposed flood hazard determinations, featured in the table.

In this document, FEMA is publishing a table containing the accurate information. The information provided below should be used in lieu of that previously published.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Yakima County, Washington and Incorporated Areas Project: 16–10–0662S Preliminary Date: September 28, 2018	
City of Tieton	City Hall, 418 Maple Street, Tieton, WA 98947.
City of Yakima	City Hall, 129 North 2nd Street, Yakima, WA 98901.
Unincorporated Areas of Yakima County	Yakima County Public Services, 128 North 2nd Street, Yakima, WA 98901.

[FR Doc. 2019–07299 Filed 4–11–19; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the

floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Colorado:					
Adams and Jefferson. (FEMA Docket No.: B–1900).	City of Westminster (18–08–0906P).	The Honorable Herb Atchison, Mayor, City of Westminster, 4800 West 92nd Avenue, Westminster, CO 80031.	City Hall, 4800 West 92nd Avenue, Westminster, CO 80031.	Mar. 15, 2019	080008
Adams (FEMA Docket No.: B–1900).	Unincorporated areas of Adams County (18–08–0906P).	The Honorable Mary Hodge, Chair, Adams County Board of Commissioners, 4430 South Adams County Parkway, 5th Floor, Suite C5000A, Brighton, CO 80601.	Adams County Community and Economic Development Department, 4430 South Adams County Parkway, Brighton, CO 80601.	Mar. 15, 2019	080001
Arapahoe (FEMA Docket No.: B–1900).	City of Greenwood Village (18–08–0275P).	The Honorable Ron Rakowsky, Mayor, City of Greenwood Village, 6060 South Quebec Street, Greenwood Village, CO 80111.	Public Works Department, 10001 East Costilla Avenue, Greenwood Village, CO 80112.	Mar. 15, 2019	080195
Boulder (FEMA Docket No.: B–1871).	City of Boulder (18–08–1141P).	The Honorable Suzanne Jones, Mayor, City of Boulder, 1777 Broadway Street, Boulder, CO 80306.	Central Records Department, 1777 Broadway Street, Boulder, CO 80306.	Mar. 5, 2019	080024
Broomfield (FEMA Docket No.: B–1900).	City and County of Broomfield (18–08–0246P).	The Honorable Randy Ahrens, Mayor, City and County of Broomfield, 1 DesCombes Drive, Broomfield, CO 80020.	City and County of Broomfield Engineering Department, 1 DesCombes Drive, Broomfield, CO 80020.	Mar. 15, 2019	085073
Eagle (FEMA Docket No.: B–1900).	Unincorporated areas of Eagle County (18–08–0593P).	Mr. Jeff Shroll, Eagle County Manager, P.O. Box 850, Eagle, CO 81631.	Eagle County Engineering Department, 500 Broadway Street, Eagle, CO 81631.	Mar. 15, 2019	080051
Florida:					
Broward (FEMA Docket No.: B–1900).	City of Deerfield Beach (18–04–4897P).	The Honorable Bill Ganz, Mayor, City of Deerfield Beach, 150 Northeast 2nd Avenue, Deerfield Beach, FL 33441.	Environmental Services Department, 200 Goolsby Boulevard, Deerfield Beach, FL 33442.	Mar. 19, 2019	125101
Broward (FEMA Docket No.: B–1871).	City of Parkland (18–04–4986P).	The Honorable Christine Hunschofsky, Mayor, City of Parkland, 6600 University Drive, Parkland, FL 33067.	City Hall, 6600 University Drive, Parkland, FL 33067.	Mar. 5, 2019	120051
Collier (FEMA Docket No.: B–1900).	City of Marco Island (18–04–5452P).	The Honorable Jared Grifoni, Chairman, City of Marco Island Council, 50 Bald Eagle Drive, Marco Island, FL 34145.	Building Department, 50 Bald Eagle Drive, Marco Island, FL 34145.	Mar. 15, 2019	120426
Lee (FEMA Docket No.: B–1900).	City of Sanibel (18–04–6446P).	The Honorable Kevin Ruane, Mayor, City of Sanibel, 800 Dunlop Road, Sanibel, FL 33957.	Planning Department, 800 Dunlop Road, Sanibel, FL 33957.	Mar. 21, 2019	120402
Monroe (FEMA Docket No.: B–1871).	Unincorporated areas of Monroe County (18–04–6309P).	The Honorable David Rice, Mayor, Monroe County Board of Commissioners, 9400 Overseas Highway, Suite 210, Marathon, FL 33050.	Monroe County Building Department, 9400 Overseas Highway, Suite 300, Marathon, FL 33050.	Mar. 6, 2019	125129
Monroe (FEMA Docket No.: B–1900).	Unincorporated areas of Monroe County (18–04–6657P).	The Honorable David Rice, Mayor, Monroe County Board of Commissioners, 9400 Overseas Highway, Suite 210, Marathon, FL 33050.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	Mar. 18, 2019	125129
Monroe (FEMA Docket No.: B–1900).	Unincorporated areas of Monroe County (18–04–6765P).	The Honorable David Rice, Mayor, Monroe County Board of Commissioners, 9400 Overseas Highway, Suite 210, Marathon, FL 33050.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	Mar. 19, 2019	125129
Pinellas (FEMA Docket No.: B–1900).	City of Treasure Island (18–04–5348P).	The Honorable Lawrence Lunn, Mayor, City of Treasure Island, 120 108th Avenue, Treasure Island, FL 33707.	Community Improvement Department, 120 108th Avenue, Treasure Island, FL 33707.	Mar. 22, 2019	125153
Sarasota (FEMA Docket No.: B–1871).	Unincorporated areas of Sarasota County (18–04–6698P).	The Honorable Nancy Detert, Chair, Sarasota County Board of Commissioners, 1660 Ringling Boulevard, Sarasota, FL 34236.	Sarasota County Planning and Development Services Department, 1001 Sarasota Center Boulevard, Sarasota, FL 34236.	Mar. 8, 2019	125144
Massachusetts:					
Plymouth (FEMA Docket No.: B–1900).	Town of East Bridgewater (18–01–1360P).	The Honorable David J. Sheedy, Chairman, Town of East Bridgewater Board of Selectmen, 175 Central Street, East Bridgewater, MA 02333.	Department of Emergency Management, 268 Bedford Street, East Bridgewater, MA 02333.	Mar. 21, 2019	250264
Montana:					
Gallatin (FEMA Docket No.: B–1900).	City of Bozeman (18–08–1068P).	Ms. Andrea Surratt, Manager, City of Bozeman, P.O. Box 1230, Bozeman, MT 59771.	Engineering Department, 20 East Olive Street, Bozeman, MT 59715.	Mar. 18, 2019	300028

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Gallatin (FEMA Docket No.: B–1900).	City of Bozeman (18–08–1069P).	Ms. Andrea Surratt, Manager, City of Bozeman, P.O. Box 1230, Bozeman, MT 59771.	Engineering Department, 20 East Olive Street, Bozeman, MT 59715.	Mar. 14, 2019	300028
Gallatin (FEMA Docket No.: B–1900).	City of Bozeman (18–08–1070P).	Ms. Andrea Surratt, Manager, City of Bozeman, P.O. Box 1230, Bozeman, MT 59771.	Engineering Department, 20 East Olive Street, Bozeman, MT 59715.	Mar. 18, 2019	300028
Gallatin (FEMA Docket No.: B–1900).	Unincorporated areas of Gallatin County (18–08–1068P).	The Honorable R. Stephen White, Chairman, Gallatin County Board of Commissioners, 311 West Main Street, Room 306, Bozeman, MT 59715.	Gallatin County Planning Department, 311 West Main Street, Room 108, Bozeman, MT 59715.	Mar. 18, 2019	300027
North Carolina:					
Henderson (FEMA Docket No.: B–1900).	City of Hendersonville (18–04–7062P).	The Honorable Barbara Volk, Mayor, City of Hendersonville, 145 5th Avenue East, Hendersonville, NC 28792.	Development Assistance Department, 100 North King Street, Hendersonville, NC 28792.	Mar. 25, 2019	370128
Union (FEMA Docket No.: B–1900).	Unincorporated areas of Union County (17–04–7709P).	The Honorable Jerry Simpson, Chairman, Union County Board of Commissioners, 500 North Main Street, Room 921, Monroe, NC 28112.	Union County Growth Management, Planning Division, 500 North Main Street, Monroe, NC 28112.	Mar. 21, 2019	370234
North Dakota: Stark (FEMA Docket No.: B–1900).	City of Dickinson (18–08–0453P).	The Honorable Scott Decker, Mayor, City of Dickinson, 99 2nd Street East, Dickinson, ND 58601.	City Hall, 99 2nd Street East, Dickinson, ND 58601.	Mar. 13, 2019	380117
Pennsylvania:					
Allegheny (FEMA Docket No.: B–1900).	City of Pittsburgh (18–03–0982P).	The Honorable William Peduto, Mayor, City of Pittsburgh, 414 Grant Street, 5th Floor, Pittsburgh, PA 15219.	Planning Department, 200 Ross Street, Suite 309, Pittsburgh, PA 15219.	Mar. 14, 2019	420063
Chester (FEMA Docket No.: B–1900).	Township of Sadsbury (18–03–1405P).	The Honorable Dave Reynolds, Chairman, Township of Sadsbury Board of Supervisors, 2920 Lincoln Highway, Sadsburyville, PA 19369.	Township Hall, 2920 Lincoln Highway, Sadsburyville, PA 19369.	Mar. 22, 2019	421488
Dauphin (FEMA Docket No.: B–1900).	Township of Lower Paxton (18–03–1580P).	The Honorable Lowman S. Henry, Chairman, Township of Lower Paxton Board of Supervisors, 425 Prince Street, Harrisburg, PA 17109.	Community Development Department, 425 Prince Street, Harrisburg, PA 17109.	Mar. 13, 2019	420384
Texas:					
Bexar (FEMA Docket No.: B–1871).	City of San Antonio (18–06–1813P).	The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Stormwater Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	Mar. 4, 2019	480045
Hays (FEMA Docket No.: B–1900).	City of Kyle (18–06–2155P).	The Honorable Travis Mitchell, Mayor, City of Kyle, 100 West Center Street, Kyle, TX 78640.	Building Department, 100 West Center Street, Kyle, TX 78640.	Mar. 7, 2019	481108
Liberty (FEMA Docket No.: B–1900).	City of Dayton (18–06–1877P).	The Honorable Jeff Lambright, Mayor, City of Dayton, 117 Cook Street, Dayton, TX 77535.	City Hall, 117 Cook Street, Dayton, TX 77535.	Mar. 22, 2019	480440
Liberty (FEMA Docket No.: B–1900).	Unincorporated areas of Liberty County (18–06–1877P).	The Honorable Jay Knight, Liberty County Judge, 1923 Sam Houston Street, Room 201, Liberty, TX 77575.	Liberty County Courthouse, 1923 Sam Houston Street, Liberty, TX 77575.	Mar. 22, 2019	480438
Midland (FEMA Docket No.: B–1900).	City of Midland (18–06–1530P).	Mr. Courtney Sharp, Manager, City of Midland, 300 North Loraine Street, Midland, TX 79701.	City Hall, 300 North Loraine Street, Midland, TX 79701.	Feb. 28, 2019	480477
Tarrant (FEMA Docket No.: B–1900).	City of Fort Worth (18–06–2376P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	City Hall, 200 Texas Street, Fort Worth, TX 76102.	Mar. 22, 2019	480596
Tarrant (FEMA Docket No.: B–1900).	City of Fort Worth (18–06–3483P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	City Hall, 200 Texas Street, Fort Worth, TX 76102.	Mar. 21, 2019	480596
Tarrant (FEMA Docket No.: B–1871).	City of Saginaw (18–06–0438P).	The Honorable Todd Flippo, Mayor, City of Saginaw, 333 West McLeroy Boulevard, Saginaw, TX 76179.	Department of Public Works, 205 Brenda Lane, Saginaw, TX 76179.	Mar. 22, 2019	480610
Tarrant (FEMA Docket No.: B–1900).	Unincorporated areas of Tarrant County (18–06–2376P).	The Honorable B. Glen Whitley, Tarrant County Judge, 100 East Weatherford Street, Fort Worth, TX 76196.	Tarrant County Administration Building, 100 East Weatherford Street, Fort Worth, TX 76196.	Mar. 22, 2019	480582
Virginia: Fauquier (FEMA Docket No.: B–1900).	Unincorporated areas of Fauquier County (18–03–1561P).	The Honorable Christopher T. Butler, Chairman, Fauquier County Board of Supervisors, 10 Hotel Street, Suite 208, Warrenton, VA 20186.	Fauquier County Planning Division, 10 Hotel Street, 3rd Floor, Warrenton, VA 20186.	Mar. 14, 2019	510055
Wyoming: Natrona (FEMA Docket No.: B–1900).	City of Casper (18–08–0739P).	The Honorable Ray Pacheco, Mayor, City of Casper, 200 North David Street, Casper, WY 82601.	City Hall, 200 North David Street, Casper, WY 82601.	Mar. 13, 2019	560037

[FR Doc. 2019–07264 Filed 4–11–19; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002; Internal Agency Docket No. FEMA–B–1922]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arizona:						
Maricopa ...	City of Buckeye (18–09–2209P).	The Honorable Jackie A. Meck, Mayor, City of Buckeye, 530 East Monroe Avenue, Buckeye, AZ 85326.	Engineering Department, 530 East Monroe Avenue, Buckeye, AZ 85326.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 12, 2019	040039
Maricopa ...	Unincorporated Areas of Maricopa County (18–09–2209P).	The Honorable Bill Gates, Chairman, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 12, 2019	040037
California:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Riverside ...	Unincorporated Areas of, Riverside County (18–09–2125P).	The Honorable Kevin Jeffries, Chairman, Board of Supervisors, Riverside County, 4080 Lemon Street, 5th Floor, Riverside, CA 92501.	Riverside County, Flood Control and Water Conservation District, 1995 Market Street, Riverside, CA 92502.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 12, 2019	060245
Santa Cruz	City of Santa Cruz (18–09–2484P).	The Honorable Martine Watkins, Mayor, City of Santa Cruz, City Hall, 809 Center Street, Room 10, Santa Cruz, CA 95060.	Planning and Community Development, Permits, Building, Zoning, 809 Center Street, Room 206, Santa Cruz, CA 95060.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 11, 2019	060355
Santa Cruz	Unincorporated Areas of, Santa Cruz County (18–09–2484P).	The Honorable Ryan Coonerty, Chairman, Board of Supervisors, Santa Cruz County, 701 Ocean Street, Room 500, Santa Cruz, CA 95060.	Santa Cruz County, Planning Department, 701 Ocean Street, 4th Floor, Santa Cruz, CA 95060.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 11, 2019	060353
Florida:						
Duval	City of Jacksonville (18–04–6870P).	The Honorable Lenny Curry, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	City Hall, 117 West Duval Street, Jacksonville, FL 32202.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 16, 2019	120077
St. Johns ..	Unincorporated Areas of St. Johns County (18–04–7400P).	Mr. Paul M. Waldron, Chair, St. Johns County Board of Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32085.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 23, 2019	125147
Idaho: Blaine	Unincorporated Areas of Blaine County (18–10–1303P).	Mr. Jacob Greenberg, Chair, Blaine County Board of Commissioners, Old County Courthouse, 206 1st Avenue South, Suite 300, Hailey, ID 83333.	Blaine County Planning & Zoning, 219 1st Avenue South, Suite 208, Hailey, ID 83333.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 11, 2019	165167
Kansas:						
Johnson	City of Shawnee (18–07–2109P).	The Honorable Michelle Distler, Mayor, City of Shawnee, Shawnee City Hall, 11110 Johnson Drive, Shawnee, KS 66203.	City Hall, 11110 Johnson Drive, Shawnee, KS 66203.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 10, 2019	200177
Johnson	City of Shawnee (18–07–2118P).	The Honorable Michelle Distler, Mayor, City of Shawnee, Shawnee City Hall, 11110 Johnson Drive, Shawnee, KS 66203.	City Hall, 11110 Johnson Drive, Shawnee, KS 66203.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 3, 2019	200177
Johnson	City of Shawnee (18–07–2146P).	The Honorable Michelle Distler, Mayor, City of Shawnee, Shawnee City Hall, 11110 Johnson Drive, Shawnee, KS 66203.	City Hall, 11110 Johnson Drive, Shawnee, KS 66203.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 17, 2019	200177
Nevada: Clark ..	Unincorporated Areas of, Clark County (18–09–2382P).	The Honorable Marilyn Kirkpatrick, Chair, Board of Commissioners, Clark County, 500 South Grand Central Parkway, 6th Floor, Las Vegas, NV 89106.	Clark County, Office of the Director of Public Works, 500 South Grand Central Parkway, 2nd Floor, Las Vegas, NV 89155.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 17, 2019	320003
South Carolina: Greenville.	Unincorporated Areas of Greenville County (18–04–5790P).	The Honorable Joseph Kernell, Greenville County Administrator, 301 University Ridge Suite 2400, Greenville, SC 29601.	Greenville County Planning and Code Compliance Division, 301 University Ridge, Suite 4100, Greenville, SC 29601.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 16, 2019	450089

[FR Doc. 2019–07262 Filed 4–11–19; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–ES–2018–N166; FXES11140600000–190–FF06E00000]

Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Status Reviews of 6 Species in the Mountain-Prairie Region

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of initiation of reviews; request for information.

SUMMARY: We, the U.S. Fish and Wildlife Service, are initiating 5-year status reviews of 6 species under the Endangered Species Act of 1973, as amended. A 5-year status review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any new information on these species that has become available since the last review of the species.

DATES: To ensure consideration in our reviews, we are requesting submission of new information no later than June 11, 2019. However, we will continue to accept new information about any listed species at any time.

FOR FURTHER INFORMATION CONTACT: For information on a particular species, contact the appropriate person or office listed in the table in the **SUPPLEMENTARY INFORMATION** section. Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Why do we conduct 5-year status reviews?

Under the Act (16 U.S.C. 1531 *et seq.*), we maintain Lists of Endangered and Threatened Wildlife and Plants (which we collectively refer to as the List) in the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for animals) and 17.12 (for plants). Section 4(c)(2)(A) of the Act requires us to review each listed species' status at least once every 5 years. Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species under active review. For additional information about 5-year status reviews, go to *http://www.fws.gov/endangered/what-we-do/recovery-overview.html,* scroll down to ''Learn More about 5-Year Status Reviews,'' and click on our factsheet.

What information do we consider in our review?

A 5-year status review considers all new information available at the time of the review. In conducting these reviews, we consider the best scientific and commercial data that have become available since the listing determination or most recent status review, such as:

(A) Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

(B) Habitat conditions, including but not limited to amount, distribution, and suitability;

(C) Conservation measures that have been implemented that benefit the species;

(D) Threat status and trends in relation to the five listing factors (as defined in section 4(a)(1) of the Act); and

(E) Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

Any new information will be considered during the 5-year status review and will also be useful in evaluating the ongoing recovery programs for the species.

Which species are under review?

This notice announces our active review of the six species listed in the table below.

Common name	Scientific name	Listing status	Historical range	Final listing rule (**Federal Register** citation and publication date)	Contact person, phone, email	Contact person's U.S. mail address
Pawnee montane skipper.	*Hesperia leonardus montana.*	Threatened ...	Colorado	51 FR 34106; 9/25/1986.	Drue DeBerry, CO/NE Project Leader, 303–236–4774; *drue_deberry@fws.gov.*	Ecological Services, Colorado Field Office, P.O. Box 25486–DFC, Denver, CO 80225.
Pallid sturgeon	*Scaphirhynchus albus.*	Endangered ..	Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, South Dakota, Tennessee.	55 FR 36641; 9/6/1990.	Casey Kruse, Missouri River Recovery Office, Coordinator, 605–665–4856; *casey_kruse@fws.gov.*	Ecological Services, Missouri River Recovery Office, 31247 436th Avenue, Yankton, SD 57078.
Clay-loving wild buckwheat.	*Eriogonum pelinophilum.*	Endangered ..	Colorado	49 FR 28562; 7/13/1984.	Ann Timberman, Colorado Field Office, 970–628–7181; *ann_timberman@fws.gov.*	Ecological Services, Western Colorado Field Office, 445 W Gunnison Ave., #240, Grand Junction, CO 81501–5711.
North Park phacelia.	*Phacelia formosula.*	Endangered ..	Colorado	47 FR 38540; 9/1/1982.	Drue DeBerry, CO/NE Project Leader, 303–236–4774; *drue_deberry@fws.gov.*	Ecological Services, Colorado Field Office, P.O. Box 25486–DFC, Denver, CO 80225.
Autumn buttercup	*Ranunculus aestivalis (=acriformis).*	Endangered ..	Utah	54 FR 30550; 7/21/1989.	Larry Crist, Project Leader, 801–975–3330; *larry_crist@fws.gov.*	Ecological Services, Utah Field Office, 2369 W Orton Circle, #50, West Valley City, UT 84119.
Maguire primrose	*Primula maguirei* ..	Threatened ...	Utah	50 FR 33731; 8/21/1985.	Larry Crist, Project Leader, 801–975–3330; *larry_crist@fws.gov.*	Ecological Services, Utah Field Office, 2369 W Orton Circle, #50, West Valley City, UT 84119.

Request for New Information

To ensure that a 5-year status review is complete and based on the best available scientific and commercial information, we request new information from all sources. See ''What Information Do We Consider in Our Review?'' for specific criteria. If you submit information, please support it with documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

How do I ask questions or provide information?

If you wish to provide information for any species listed above, please submit your comments and materials to the appropriate contact in the table above. You may also direct questions to those contacts. Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800–877–8339 for TTY assistance.

Public Availability of Submissions

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the offices where the comments are submitted.

Contents of Public Comments

Please make your comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to be relevant to agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations.

Completed and Active Reviews

A list of all completed and currently active 5-year status reviews addressing species for which the Mountain-Prairie Region of the U.S. Fish and Wildlife Service has lead responsibility is available at *http://www.fws.gov/endangered/.*

Authority

This document is published under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Noreen Walsh,

Regional Director, Mountain-Prairie Region.

[FR Doc. 2019–07323 Filed 4–11–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2019–N019; FXES11130300000–190–FF03E00000]

Endangered and Threatened Species; Receipt of Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive your written comments on or before May 13, 2019.

ADDRESSES: *Document availability and comment submission:* Submit requests for copies of the applications and related documents, as well as any comments, by one of the following methods. All requests and comments should specify the applicant name(s) and application number(s) (*e.g.,* TEXXXXXX):

- *Email: permitsR3ES@fws.gov.* Please refer to the respective permit number (*e.g.,* Application No. TEXXXXXX) in the subject line of your email message.
- *U.S. Mail:* Regional Director, Attn: Carlita Payne, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458.

FOR FURTHER INFORMATION CONTACT: Carlita Payne, 612–713–5343 (phone); *permitsR3ES@fws.gov* (email). Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), prohibits certain activities with endangered and threatened species unless authorized by a Federal permit. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

We invite local, State, and Federal agencies, Tribes, and the public to comment on the following applications.

Application number	Applicant	Species	Location	Activity	Type of take	Permit action
TE03494B	GAI Consultants, Inc., Erlanger, KY.	Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), northern long-eared bat (*M. septentrionalis*), Ozark big-eared bat (*Corynorhinus towsendii ingens*), Virginia big-eared bat (*C.t. virginianus*).	AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, WI, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, harp trap, band, radio-tag, release.	Renew.
TE206781	EcoAnalysts, Inc., O'Fallon, MO.	Add Candy darter (*Etheostoma osburni*), diamond darter (*Crystallaria cincotta*), pallid sturgeon (*Scaphirhynchus albus*), Alabama moccasinshell (*Medionidus acutissimus*), inflated heelsplitter (*Potamilus inflatus*), Louisiana pearlshell (*Margaritifera hembeli*), ovate clubshell (*Pleurobema perovatum*), southern clubshell (*Pleurobema decisum*), Texas hornshell (*Popenaias popeii*), and yellow lance (*Ellipto lanceolata*) to existing 58 permitted freshwater mussel species.	Add new locations—LA, NM, ND, WY—to existing authorized locations: AR, CO, CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, OH, OK, PA, RI, SD, TN, TX, VT, VA, WV, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, temporarily hold, relocate, release, collect dead specimens.	Amend.
TE98111A	State of Ohio Department of Transportation, Columbus, OH.	Clubshell (*Pleurobema clava*), fanshell (*Cyprogenia stegaria*), northern riffleshell (*Epioblasma torulosa rangiana*), pink mucket pearlymussel (*Lampsilis orbiculata*), purple cat's paw pearlymussel (*Epioblasma obliquata obliquata*), rabbitsfoot (*Quadrula cylindrica cylindrica*), rayed bean (*Villosa fabalis*), sheepnose (*Plethobascus cyphyus*), snuffbox (*Epioblasma triquetra*), white catspaw pearlymussel (*Epioblasma obliquata perobliqua*).	OH	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, temporarily hold, relocate, release.	Renew.
TE06801A	Pittsburgh Wildlife & Environmental, Inc., McDonald, PA.	Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), northern long-eared bat (*M. septentrionalis*).	AL, AR, FL, GA, IL, IN, IA, KS, KY, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, VA, WV, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, harp trap, radio-tag, band, enter hibernacula, release.	Renew.
TE81122C	Three Rivers Park District, Plymouth, MN.	Rusty patched bumble bee (*Bombus affinis*).	MN	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Add new activity—radio-tag—to existing authorized activities: capture, handle, hold, release.	Amend.
TE24570D	Sean Kline, Stow, OH.	Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), northern long-eared bat (*M. septentrionalis*), Virginia big-eared bat (*Corynorhinus towsendii virginianus*).	AL, AR, CT, DE, GA, IL, IN, IA, KY, MD, MA, MI, MS, MO, NJ, NY, NC, OH, OK, PA, TN, VT, VA, WV.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, radio-tag, release.	New.
TE11145C	Lisa Kleinschmidt, Syracuse, NY.	Add Indiana bat (*Myotis sodalis*) to existing permitted species: Gray bat (*Myotis grisescens*), northern long-eared bat (*M. septentrionalis*).	AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, harp trap, band, radio-tag, wing biopsy, release.	Amend.

Application number	Applicant	Species	Location	Activity	Type of take	Permit action
TE02373A	Environmental Solutions & Innovations, Inc., Cincinnati, OH.	Add Candy darter (*Etheostoma osburni*) to existing permitted species: Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), northern long-eared bat (*M. septentrionalis*), Ozark big-eared bat (*Corynorhinus towsendii ingens*), Virginia big-eared bat (*C.t. virginianus*), Big Sandy crayfish (*Cambarus callainus*), Guyandotte River crayfish (*C. veteranus*), amber darter (*Percina antesella*), blackside dace (*Phoxinus cumberlanden-sis*), blue shiner (*Cyprinella caerulea*), Cherokee darter (*Etheostoma scotti*), Conasauga logperch (*Percina jenkinsi*), diamond darter (*Crystallaria cincotta*), Etowah darter (*Etheostoma etowahae*), Maryland darter (*Etheostoma sellare*), Ozark cavefish (*Amblyopsis rosea*), Niangua darter (*Etheostoma nianguae*), Roanoke logperch (*Percina rex*), Topeka shiner (*Notropis topeka*), American burying beetle (*Nicrophorus americanus*), Karner blue butterfly (*Lycaeides melissa samuelis*), Mitchell's satyr butterfly (*Neonympha mitchellii mitchellii*), rusty patched bumble bee (*Bombus affinis*), eastern massasauga rattlesnake (*Sistrurus catenatus*), northeastern bulrush (*Scirpus ancistrochaetus*), running buffalo clover (*Trifolium stloniferum*), and 35 freshwater mussel species.	AL, AR, CT, DE, DC, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, WI, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Candy darter: Capture, identify, release, relocate. Bats: Capture, handle, mist-net, harp trap, band, radio-tag, enter hibernacula or maternity roost caves, release. Crayfish: Collect, transport, hold in captivity, propagate, relocate, release. Rusty patched bumble bee: Capture, handle, hold, release, salvage. American burying beetle: Live-trap, release. Butterflies, Eastern massasauga rattlesnake and Plants: Visual surveys. Other Fish and Mussels: Capture, identify, release.	Amend.
TE28559D	Radford's Run Wind Farm, LLC, Chicago, IL.	Indiana bat, (*Myotis sodalis*), northern long-eared bat (*M. septentrionalis*).	Macon County, IL	Conduct scientific research on the efficacy of wind turbine bat deterrent technology, population management and monitoring.	Harass, kill, salvage	New.
TE28573D	Adam Rusk, Prairie Village, KS.	Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), northern long-eared bat (*M. septentrionalis*), Ozark big-eared bat (*Corynorhinus towsendii ingens*), Virginia big-eared bat (*C.t. virginianus*).	AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, WI, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, radio-tag, release.	New.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Next Steps

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Lori Nordstrom,

Assistant Regional Director, Ecological Services, Midwest Region.

[FR Doc. 2019–07227 Filed 4–11–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX14BA02EEW0200; OMB Control Number 1028–0103/Renewal]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; USA National Phenology Network—The Nature's Notebook Plant and Animal Observing Program

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Geological Survey (USGS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before May 13, 2019.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to USGS, Information Collections Clearance Officer, 12201 Sunrise Valley Drive MS 159, Reston, VA 20192; or by email to *gs-info_collections@usgs.gov.* Please reference OMB Control Number 1028–0103 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jake F. Weltzin by email at *jweltzin@usgs.gov,* or by telephone at 520–626–3821. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: We, the USGS, in accordance with the Paperwork Reduction Act of 1995, provide the general public and other Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on [October 31, 2018] (83 FR 54772). The following comment was received in support of this collection:

I am commenting in support of the USA–NPN. The Phenology Network is an important tool for understanding plant and animal ecology in a changing climate. Phenology affects (1) agriculture, through timing of pollinator activity, changes in temperature patterns, and pest outbreaks; (2) recreation, particularly winter sports; (3) timber harvests, via pest outbreaks, weather effects on logging conditions, and tree health; (4) wildlife, through migration and breeding season changes; and (5) water quality, via changes in snowmelt and precipitation events. Understanding these changes are important for wildlife and people and directly relates to the mission and functions of the USGS. The USA–NPN particularly relates to USGS's mission areas of ecosystems, environmental health, and land and water resources. As a science educator and land protection specialist, I believe that the collected data are being processed in a timely manner. I use the available data to back up what landowners and members of the public are already noticing; the USA–NPN allows me to provide people with a wonderfully accessible resource. I find the quality, utility, and clarity of the information to the quite good. The visualization tool is fantastic, particularly the gridded layers. The visualizations are excellent for when you know which data have been collected at a specific location. All of this information is valuable for farmers and private landowners when making decisions on how to manage their land for the future. Overall, this program provides critical data on changes in seasonality and plant and animal patterns. Phenology is incredibly important to understand—for people, wildlife, and industry—and the USA–NPN is the best resource for compiling, analyzing, and distributing this information. The monetary burden to the American public is a perfectly reasonable amount for such a useful and informative program.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the USGS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the USGS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the USGS minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may 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.

Abstract: The USA–NPN is a program sponsored by the USGS that uses standardized forms for tracking plant and animal activity as part of a project called Nature's Notebook. The Nature's Notebook forms are used to record phenology (*e.g.,* timing of leafing or flowering of plants and reproduction or migration of animals) as part of a nationwide effort to understand and predict how plants and animals respond to environmental variation and changes in weather and climate. Contemporary data collected through Nature's Notebook are quality-checked, described and made publicly available; data are used to inform decision-making in a variety of contexts, including agriculture, drought monitoring, and wildfire risk assessment. Phenological information is also critical for the management of wildlife, invasive species, and agricultural pests, and for understanding and managing risks to human health and welfare, including allergies, asthma, and vector-borne diseases. Participants may contribute phenology information to Nature's Notebook through a browser-based web application or via mobile applications for iPhone and Android operating systems, meeting GPEA and Privacy Act requirements. The web application interface consists several components: User registration, a searchable list of 1,260 plant and animal species which can be observed; a ''profile'' for each species that contains information about the species including its description and the appropriate monitoring protocols; a series of interfaces for registering as an observer, registering a site, registering plants and animals at a site, generating datasheets to take to the field, and a data entry page that mimics the datasheets.

Title of Collection: USA National Phenology Network—The Nature's Notebook Plant and Animal Observing Program.

OMB Control Number: 1028–0103.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Members of the public, registered with *Nature's Notebook;* state Cooperative Extension employees and tribal members.

Total Estimated Number of Annual Respondents: 7,581.

Total Estimated Number of Annual Responses: 4,093,314.

Estimated Completion Time per Response: When joining the program, responders spend 13 minutes each to register and read guidelines and 83 minutes to watch all training videos. After that responders may spend about 2 minutes per record to observe and submit phenophase status record.

Total Estimated Number of Annual Burden Hours: 138,857.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion; depends on the seasonal activity of plants and animals.

Total Estimated Annual Non-hour Burden Cost: $11,484.

TABLE—ANNUAL RESPONSES AND BURDEN HOURS

Response type	Annual responses (projected)	Completion time per response (minutes)	Annual burden (hours)
Registrations	7,581	13 minutes (3 minutes to register + 10 minutes to read guidelines)	1,643
Training videos	758	83 minutes (to watch entire set of videos)	1,049
Observation records	4,084,975	2 minutes (includes observation and reporting time)	136,166
Total	4,093,314		138,857

TABLE—ANNUAL NON-HOUR BURDEN COSTS

	Cost per unit	Number of respondents expected to use	Non-hour burden cost
Clipboard	$2.23	4,245	$9,467
Pencils	0.10	4,245	425
Flags	0.05	1,516	76
Markers	0.10	1,516	152
Stakes	0.30	1,516	455
Tags	0.30	1,516	455
Popsicle Sticks	0.30	1,516	455
Average Marking Material Cost	0.19		
Cost per Response	2.52	Total Non-Hour Burden Cost	$11,484

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

Jake Weltzin,

Program Manager, Status & Trends Program.

[FR Doc. 2019–07328 Filed 4–11–19; 8:45 am]

BILLING CODE 4338–11–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–597 and 731–TA–1407 (Final)]

Cast Iron Soil Pipe From China

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of cast iron soil pipe from China, provided for in subheading 7303.00.00 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV''), and to be subsidized by the government of China.

Background

The Commission, pursuant to sections 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)), instituted these investigations effective January 26, 2018, following receipt of a petition filed with the Commission and Commerce by the Cast Iron Soil Pipe Institute, Mundelein, Illinois. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of cast iron soil pipe from China were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)).

Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be 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 13, 2018 (83 FR 46519) and on February 6, 2019 (84 FR 2248). The hearing was held in Washington, DC, on February 12, 2019, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made these determinations pursuant to sections 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on April 8, 2019. The views of the Commission are contained in USITC Publication 4879 (April 2019), entitled *Cast Iron Soil Pipe from China: Investigation Nos. 701–TA–597 and 731–TA–1407 (Final).*

By order of the Commission.

Issued: April 8, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–07245 Filed 4–11–19; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–618–619 and 731–TA–1441–1444 (Preliminary)]

Carbon and Alloy Steel Threaded Rod From China, India, Taiwan, and Thailand

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of carbon and alloy steel threaded rod from China, India, Taiwan, and Thailand, provided for in subheading 7318.15.50 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'') and to be subsidized by the governments of China and India.[2]

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (''Commerce'') of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. 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 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 the investigations.

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 84 FR 10034 and 84 FR 10040 (March 19, 2019).

Background

On February 21, 2019, Vulcan Threaded Products Inc., Pelham, Alabama, filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of carbon and alloy steel threaded rod from China and India and LTFV imports of carbon and alloy steel threaded rod from China, India, Taiwan, and Thailand. Accordingly, effective February 21, 2019, the Commission, pursuant to sections 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)), instituted countervailing duty investigation Nos. 701–TA–618–619 and antidumping duty investigation Nos. 731–TA–1441–1444 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be 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** of February 28, 2019 (84 FR 6817). The conference was held in Washington, DC, on March 14, 2019, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made these determinations pursuant to sections 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on April 8, 2019. The views of the Commission are contained in USITC Publication 4885 (April 2019), entitled *Carbon and Alloy Steel Threaded Rod from China, India, Taiwan, and Thailand: Investigation Nos. 701–TA–618–619 and 731–TA–1441–1444 (Preliminary).*

By order of the Commission.

Issued: April 8, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–07246 Filed 4–11–19; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1074]

Certain Industrial Automation Systems and Components Thereof Including Control Systems, Controllers, Visualization Hardware, Motion and Motor Control Systems, Networking Equipment, Safety Devices, and Power Supplies; Issuance of a General Exclusion Order and a Cease and Desist Order; 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 issued a general exclusion order (''GEO'') denying entry of certain industrial automation systems and components thereof including control systems, controllers, visualization hardware, motion and motor control systems, networking equipment, safety devices, and power supplies that infringe complainant's asserted trademarks. The Commission has also issued a cease and desist order (''CDO'') directed to respondent Fractioni (Hongkong) Ltd. (''Fractioni''). The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–4716. 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 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.* 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 October 16, 2017, based on a complaint filed by Complainant Rockwell Automation, Inc. of Milwaukee, Wisconsin (''Complainant'' or ''Rockwell''). *See* 82 FR 48113–15 (Oct. 16, 2017). The complaint, as

supplemented, alleges violations of section 337 based on the infringement of certain registered trademarks and copyrights and on unfair methods of competition and unfair acts in the importation or sale of certain industrial automation systems and components thereof including control systems, controllers, visualization hardware, motion and motor control systems, networking equipment, safety devices, and power supplies, the threat or effect of which is to destroy or substantially injure an industry in the United States. *See id.* The notice of investigation identifies fifteen respondents: Can Electric Limited of Guangzhou, China (''Can Electric''); Capnil (HK) Company Limited of Hong Kong (''Capnil''); Fractioni of Shanghai, China; Fujian Dahong Trade Co. of Fujian, China (''Dahong''); GreySolution Limited d/b/a Fibica of Hong Kong (''GreySolution''); Huang Wei Feng d/b/a A–O–M Industry of Shenzhen, China (''Huang''); KBS Electronics Suzhou Co, Ltd. of Shanghai, China (''KBS''); PLC–VIP Shop d/b/a VIP Tech Limited of Hong Kong (''PLC–VIP''); Radwell International, Inc. d/b/a PLC Center of Willingboro, New Jersey (''Radwell''); Shanghai EuoSource Electronic Co., Ltd of Shanghai, China (''EuoSource''); ShenZhen T-Tide Trading co., Ltd. of Shenzhen, China (''T-Tide''); SoBuy Commercial (HK) Co. Limited of Hong Kong (''SoBuy''); Suzhou Yi Micro Optical Co., Ltd., d/b/a Suzhou Yiwei Guangxue Youxiangongsi, d/b/a Easy Microoptics Co. LTD. of Jiangsu, China (''Suzhou''); Wenzhou Sparker Group Co. Ltd., d/b/a Sparker Instruments of Wenzhou, China (''Sparker''); and Yaspro Electronics (Shanghai) Co., Ltd. of Shanghai, China (''Yaspro''). *See id.* The Office of Unfair Import Investigations (''OUII'') is also a party in this investigation. *See id.*

Nine respondents were found in default, namely, Fractioni, GreySolution, KBS, EuoSource, T-Tide, SoBuy, Suzhou, Yaspro and Can Electric (collectively, ''the Defaulted Respondents''). *See* Order No. 17 (Feb. 1, 2018), *unreviewed,* Comm'n Notice (Feb. 26, 2018); Order No. 32 (June 28, 2018), *unreviewed,* Comm'n Notice (July 24, 2018). In addition, five unserved respondents (Capnil, Dahong, Huang, PLC–VIP, and Sparker) were terminated from the investigation and one respondent (Radwell) was terminated based on the entry of a consent order. *See* Order No. 41 (July 17, 2018), *unreviewed,* Comm'n Notice (Aug. 13, 2018); Order No. 42 (July 20, 2018), *unreviewed,* Comm'n Notice (Aug. 15, 2018).

On October 23, 2018, the ALJ issued a final initial determination (''FID'') finding a violation of section 337 by the Defaulted Respondents based on the infringement of Complainant's asserted trademarks, namely, U.S. Trademark Reg. Nos. 1172995, 696401, 693780, 1172994, 712800, 712836, 2510226, 2671196, 2701786, and 2412742. The ALJ also recommended that the Commission: (1) Issue a GEO; (2) issue a CDO against defaulted respondent Fractioni; and (3) set a bond at 100% of the entered value of the infringing products during the period of Presidential review. No petitions for review of the subject FID were filed.

On December 20, 2018, the Commission issued a notice determining not to review the FID. *See* 83 FR 67346–48 (Dec. 28, 2018). The Commission's determination resulted in a finding of a section 337 violation. *See id.* The Commission's notice also requested written submissions on remedy, the public interest, and bonding. On February 15, 2019, Complainant and OUII submitted written submissions and on February 22, 2019, OUII submitted a reply submission in response to the Commission's notice.

As explained in the Commission's Opinion issued concurrently herewith, the Commission has determined that the appropriate remedy in this investigation is: (1) A GEO prohibiting the unlicensed entry of certain industrial automation systems and components thereof including control systems, controllers, visualization hardware, motion and motor control systems, networking equipment, safety devices, and power supplies that infringe Complainant's asserted trademarks, pursuant to 19 U.S.C. 1337(d)(2), and (2) a CDO directed to defaulted respondent Fractioni, pursuant to 19 U.S.C. 1337(f)(1). The Commission has also determined that the bond during the period of Presidential review pursuant to 19 U.S.C. 1337(j) shall be in the amount of 100 percent of the entered value of the imported articles that are subject to the GEO. The Commission has further determined that the public interest factors enumerated in subsections 337(d)(1) and (f)(1) (19 U.S.C. 1337(d)(1), (f)(1)) do not preclude the issuance of the GEO and CDO.

Commissioner Schmidtlein disagrees with the Commission's decision not to issue cease and desist orders against all of the defaulting respondents under section 337(g)(1), and her views have been filed on EDIS.

The Commission's opinion and orders were delivered to the President and to the United States Trade Representative on the day of issuance.

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: April 8, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–07254 Filed 4–11–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Openjs Foundation (Formerly Node.js Foundation)

Notice is hereby given that, on April 1, 2019, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Node.js Foundation has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Node.js Foundation, has changed its name to OpenJS Foundation. Specifically, Sauce Labs, San Francisco, CA; RisingStack, Budapest, HUNGARY; Yahoo Inc., Sunnyvale, CA; Dynatrace LLC, Waltham, MA; BitRock, Inc. d/b/a Bitnami, San Francisco, CA; Chef Software, Inc., Seattle, WA; and Keymetrics Inc., Paris, FRANCE, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and OpenJS Foundation intends to file additional written notifications disclosing all changes in membership.

On August 17, 2015, Node.js Foundation filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 28, 2015 (80 FR 58297).

The last notification was filed with the Department on October 5, 2018. A notice was published in the **Federal**

Register pursuant to Section 6(b) of the Act on October 26, 2018 (83 FR 54142).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2019–07256 Filed 4–11–19; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Advanced Media Workflow Association, Inc.

Notice is hereby given that, on March 21, 2019, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Advanced Media Workflow Association, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Bridge Technologies Co AS, Oslo, NORWAY; TSL Products, Marlow, UNITED KINGDOM; and TAG Video Systems, Tel Aviv, ISRAEL, have been added as parties to this venture.

Also, Korean Broadcasting System, Seoul, REPUBLIC OF KOREA; and Streampunk Media, Aultbea, UNITED KINGDOM, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Advanced Media Workflow Association, Inc. intends to file additional written notifications disclosing all changes in membership.

On March 28, 2000, Advanced Media Workflow Association, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 28, 2000 (65 FR 40127).

The last notification was filed with the Department on December 13, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 31, 2019 (84 FR 795).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2019–07258 Filed 4–11–19; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open Source Imaging Consortium, Inc.

Notice is hereby given that, on March 20, 2019, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Open Source Imaging Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the identities of the parties to the venture are: Boehringer Ingelheim USA Corporation, Ridgefield, CT; Three Lakes Partners, Northbrook, IL; Siemens Healthcare GmbH, Erlangen, GERMANY; and Fluidda NV, Groeningenlei, BELGIUM. The general area of Open Source Imaging Consortium, Inc.'s planned activity is to define digital imaging biomarkers for idiopathic pulmonary fibrosis and fibrotic interstitial lung diseases (the ''Medical Conditions'') in order to ensure accurate imaging-based diagnosis, prognosis and prediction of response to therapy, including: (a) Enabling the effective sharing, utilization, and analysis of data relating to the Medical Conditions;(b) establishing and sustaining Open Source Imaging Consortium, Inc. as the preferred data sharing and analytics platform for research relating to the Medical Conditions;(c) link academic, non-profit and corporate research communities for collaborative research facilitated by Open Source Imaging Consortium, Inc.;(d) align and grow a vibrant network of researchers and developers around the goals of Open Source Imaging Consortium, Inc.; and (e) undertaking such other activities as may from time to time be appropriate to further the purposes and achieve the goals set forth above.

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2019–07255 Filed 4–11–19; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Silicon Integration Initiative, Inc.

Notice is hereby given that, on March 18, 2019, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Silicon Integration Initiative, Inc. (''Si2'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Agile Analog LTD, Cambridgeshire, UNITED KINGDOM; Avatar Integrated Systems, Santa Clara, CA; Blue Cheetah Analog Design, Palo Alto, CA; Chengdu Higon IC Design Co., Ltd., Beijing, PEOPLE'S REPUBLIC OF CHINA; and D2S, Inc., San Jose, CA, have been added as parties to this venture.

Also, Atoptech, Inc., Santa Clara, CA; Juniper Networks, San Diego, CA; D.E. Shaw Research, New York, NY; eASIC Corporation, Santa Clara, CA; EDXACT, Voiron, FRANCE; Fraunhofer Institute for Integrated Circuits IIS, Dresden, GERMANY; IC Manage, Inc., Campbell, CA; MINALOGIC, Grenoble, FRANCE; Oracle Corporation, Redwood City, CA; Peregrine Semiconductor Corporation, San Diego, CA; RICOH Electronic Devices Company, LTD, Tokyo, JAPAN; Sage Design

Automation, Santa Clara, CA; and Teklatech A/S, Frederiksberg, DENMARK, have withdrawn as parties to this venture.

In addition, the following member has changed its name: Thermo-Fisher Scientific, Inc. to Life Technologies Corporation, Carlsbad, CA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Si2 intends to file additional written notifications disclosing all changes in membership.

On December 30, 1988, Si2 filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 13, 1989 (54 FR 10456).

The last notification was filed with the Department on September 7, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 10, 2017 (82 FR 47026).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2019–07257 Filed 4–11–19; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Meeting of the NDCAC Executive Advisory Board

AGENCY: Justice Department.

ACTION: Meeting notice.

SUMMARY: The purpose of this notice is to announce the meeting of the Department of Justice's National Domestic Communications Assistance Center's (NDCAC) Executive Advisory Board (EAB). The meeting is being called to address the items identified in the Agenda detailed below. The NDCAC EAB is a federal advisory committee established pursuant to the Federal Advisory Committee Act (FACA).

DATES: The NDCAC EAB meeting is open to the public, subject to the registration requirements detailed below. The EAB will meet in open session from 10:00 a.m. until 1:00 p.m. on May 1, 2019.

ADDRESSES: The meeting will take place at 5000 Seminary Rd., Alexandria, VA 22311. Entry into the meeting room will begin at 9:00 a.m.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to Ms. Alice Bardney-Boose, Designated Federal Officer, National Domestic Communications Assistance Center, Department of Justice, by email at *NDCAC@fbi.gov* or by phone at (540) 361–4600.

SUPPLEMENTARY INFORMATION: Agenda: The meeting will be called to order at 10:00 a.m. by EAB Chairman Preston Grubbs. All EAB members will be introduced and EAB Chairman Grubbs will provide remarks. The EAB will receive an update and hold a discussion on the National Domestic Communications Assistance Center and its making of information more readily and simply available to law enforcement; a presentation on emerging wireless communications services and technologies; and status reports from its Administrative and Technology Subcommittees. Note: Agenda items are subject to change.

The purpose of the EAB is to provide advice and recommendations to the Attorney General or designee, and to the Director of the NDCAC that promote public safety and national security by advancing the NDCAC's core functions: Law enforcement coordination with respect to technical capabilities and solutions, technology sharing, industry relations, and implementation of the Communications Assistance for Law Enforcement Act (CALEA). The EAB consists of 15 voting members from Federal, State, local and tribal law enforcement agencies. Additionally, there are two non-voting members as follows: A federally-employed attorney assigned full time to the NDCAC to serve as a legal advisor to the EAB, and the DOJ Chief Privacy Officer or designee to ensure that privacy and civil rights and civil liberties issues are fully considered in the EAB's recommendations. The EAB is composed of eight State, local, and/or tribal representatives and seven federal representatives.

Written Comments: Any member of the public may submit written comments to the EAB. Written comments must be provided to Ms. Alice Bardney-Boose, DFO, at least seven (7) days in advance of the meeting so that the comments may be made available to EAB members for their consideration prior to the meeting. Written comments must be submitted to *NDCAC@fbi.gov* on or before April 24, 2019. In accordance with the FACA, all comments shall be made available for public inspection. Commenters are not required to submit personally identifiable information (such as name, address, etc.). Nevertheless, if commenters submit personally identifiable information as part of the comments, but do not want it made available for public inspection, the phrase ''Personally Identifiable Information'' must be included in the first paragraph of the comment. Commenters must place all personally identifiable information not to be made available for public inspection in the first paragraph and identify what information is to be redacted. Privacy Act Statement: Comments are being collected pursuant to the FACA. Any personally identifiable information included voluntarily within comments, without a request for redaction, will be used for the limited purpose of making all documents available to the public pursuant to FACA requirements.

Registration: Individuals and entities who wish to attend the public meeting are required to pre-register for the meeting on-line by clicking the registration link found at: *http://ndcac-eab.eventbee.com.* Registrations will be accepted on a space available basis. Attendees must bring registration confirmation (*i.e.,* email confirmation) to be admitted to the meeting. Privacy Act Statement: The information requested on the registration form and required at the meeting is being collected and used pursuant to the FACA for the limited purpose of ensuring accurate records of all persons present at the meeting, which records may be made publicly available. Providing information for registration purposes is voluntary; however, failure to provide the required information for registration purposes will prevent you from attending the meeting.

Online registration for the meeting must be completed on or before 5:00 p.m. (EST) April 17, 2019. Anyone requiring special accommodations should notify Ms. Bardney-Boose at least seven (7) days in advance of the meeting or indicate your requirements on the online registration form.

Alice Bardney-Boose,

Designated Federal Officer, National Domestic Communication Assistance Center, Executive Advisory Board.

[FR Doc. 2019–07335 Filed 4–11–19; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

Supply and Service Program; Proposed Renewal of the Approval of Information Collection Requirements; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance 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 (PRA). The 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 Federal Contract Compliance Programs (OFCCP) is soliciting comments concerning its proposal to obtain approval from the Office of Management and Budget (OMB) to renew the information collection that implements OFCCP's supply and service program jurisdiction. A copy of the proposed information collection request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice or by accessing it at *www.regulations.gov.*

DATES: Written comments must be submitted to the office listed in the addresses section below on or before June 11, 2019.

ADDRESSES: You may submit comments by any of the following methods:

Electronic Comments: The federal eRulemaking portal at *www.regulations.gov.* Follow the instructions found on that website for submitting comments.

Mail, Hand Delivery, Courier: Addressed to Harvey D. Fort, Acting Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs, 200 Constitution Avenue NW, Room C–3325, Washington, DC 20210.

Instructions: Please submit one copy of your comments by only one method. For faster submission, we encourage commenters to transmit their comment electronically via the *www.regulations.gov* website. Comments that are mailed to the address provided above must be postmarked before the close of the comment period. All submissions must include OFCCP's name for identification. Comments submitted in response to the notice, including any personal information provided, become a matter of public record and will be posted on *www.regulations.gov.* Comments will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Harvey D. Fort, Acting Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs, Room C–3325, 200 Constitution Avenue NW, Washington, DC 20210. Telephone: (202) 693–0103 (voice) or (202) 693–1337 (TTY) (these are not toll-free numbers). Copies of this notice may be obtained in alternative formats (large print, braille, audio recording) upon request by calling the numbers listed above.

SUPPLEMENTARY INFORMATION:

I. Background: OFCCP administers and enforces three equal employment opportunity laws listed below.

- Executive Order 11246, as amended (E.O. 11246)
- Section 503 of the Rehabilitation Act of 1973, as amended (Section 503)
- Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA)

These authorities prohibit employment discrimination by covered federal contractors and subcontractors and require that they take affirmative action to provide equal employment opportunities regardless of race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran. Additionally, federal contractors and subcontractors are prohibited from discriminating against applicants and employees for asking about, discussing, or sharing information about their pay or, in certain circumstances, the pay of their co-workers. E.O. 11246 applies to federal contractors and subcontractors and to federally assisted construction contractors holding a Government contract in excess of $10,000, or Government contracts that have, or can reasonably be expected to have, an aggregate total value exceeding $10,000 in a 12-month period. E.O. 11246 also applies to government bills of lading, depositories of federal funds in any amount, and to financial institutions that are issuing and paying agents for U.S. savings bonds. Section 503 prohibits employment discrimination against applicants and employees because of physical or mental disability and requires contractors and subcontractors to take affirmative action to employ and advance in employment qualified individuals with disabilities. Section 503 applies to federal contractors and subcontractors with contracts in excess of $15,000. VEVRAA prohibits employment discrimination against protected veterans and requires affirmative action to ensure that persons are treated without regard to their status as a protected veteran. VEVRAA applies to federal contractors and subcontractors with contracts of $150,000 or more.

II. Review Focus: OFCCP is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the compliance assistance functions of the agency that support the agency's compliance mission, 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: OFCCP seeks approval of this new information collection in order to carry out and enhance its responsibilities to enforce the nondiscrimination and affirmative action provisions of the three legal authorities it administers.

Type of Review: Renewal.

Agency: Office of Federal Contract Compliance Programs.

Title: Supply and Service Program.

OMB Number: 1250–0003.

Agency Number: None.

Affected Public: Business or other for-profit entities.

Total Respondents: 116,105 recordkeeping/5,000 reporting.

Total Annual Responses: 116,105 recordkeeping/5,000 reporting.

Average Time per Response: Reporting—29 hours, scheduling letter; 2 hours, compliance check letter; 10.5 hours, focused review letters.

Estimated Total Burden Hours: 10,495,287 hours.

Frequency: Upon selection for a compliance evaluation.

Total Burden Cost: $0.

Harvey D. Fort,

Acting Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs.

[FR Doc. 2019–07251 Filed 4–11–19; 8:45 am]

BILLING CODE 4510–CM–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (19–015)]

NASA Advisory Council; STEM Engagement Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration

announces a meeting of the Science, Technology, Engineering and Mathematics (STEM) Engagement Committee of the NASA Advisory Council (NAC). This Committee reports to the NAC.

DATES: Thursday, May 2, 2019, 11:00 a.m.–3:30 p.m., Eastern Time.

ADDRESSES: This is a virtual meeting, available by teleconference and WebEx only.

FOR FURTHER INFORMATION CONTACT: Dr. Beverly Girten, Designated Federal Officer, NAC STEM Engagement Committee, NASA Headquarters, Washington, DC 20546, (202) 358–0212, or *beverly.e.girten@nasa.gov*.

SUPPLEMENTARY INFORMATION: This meeting will be virtual and will be available telephonically and by WebEx only. You must use a touch tone phone to participate in this meeting. Any interested person may dial the toll free access number 844–467–6272 or toll access number 720–259–6462, and then the numeric participant passcode: 423307 followed by the # sign. To join via WebEx, the link is *https://nasaenterprise.webex.com/nasaenterprise/j.php?MTID=mbf68ae42d1f1a8e144866521f81e03df,* the meeting number is 909 063 505 and the password is NACStem2$ (Password is case sensitive.) Note: If dialing in, please ''mute'' your telephone. The agenda for the meeting will include the following:

—Opening Remarks by Chair
—STEM Education Advisory Panel
—STEM Engagement Update
—National Space Council Meeting Update
—Findings and Recommendations to the NASA Advisory Council
—Other Related Topics

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2019–07314 Filed 4–11–19; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (19–014)]

NASA Advisory Council Human Exploration and Operations Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Human Exploration and Operations Committee of the NASA Advisory Council (NAC). This Committee reports to the NAC.

DATES: Tuesday, April 30, 2019, 10:30 a.m.–5:15 p.m.; Wednesday, May 1, 2019, 8:00 a.m.–12:00 noon, Eastern Time.

ADDRESSES: NASA Headquarters, MIC 7, 7th Floor, 300 E Street SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Bette Siegel, Designated Federal Officer, Human Exploration and Operations Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2245, or *bette.siegel@nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. This meeting is also available telephonically and by WebEx. You must use a touch tone phone to participate in this meeting. Any interested person may dial the toll free access number 1–888–324–9238 or toll access number 1–517–308–9132, and then the numeric participant passcode: 3403297, to participate in this meeting by telephone. Note: If dialing in, please mute your phone. The WebEx link is *https://nasaenterprise.webex.com/nasaenterprise/* the meeting number is 901–378–288 and the password is Exploration@19 (case sensitive).

The agenda for the meeting includes the following topics:

—NASA Human Exploration and Operations Overview
—President's Proposed FY 2020 Budget Request
—International Space Station Update
—Commercial Crew Program
—Exploration Systems Program
—Human Lunar Exploration Update
—Evolving Space Communication and Navigation Technologies

Attendees will be required to sign a register and comply with NASA security requirements, including the presentation of a valid picture ID before receiving access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 days prior to the meeting: Full name; home address; gender; citizenship; date/city/country of birth; title, position or duties; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone) of the position of attendee; and home address to Dr. Bette Siegel via email at *bette.siegel@nasa.gov.* To expedite admittance, U.S. citizens and Permanent Residents (green card holders) can submit identifying information 3 working days prior to the meeting to Dr. Bette Siegel via email at *bette.siegel@nasa.gov.* It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2019–07322 Filed 4–11–19; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL CREDIT UNION ADMINISTRATION

Community Development Revolving Loan Fund Access for Credit Unions

ACTION: Notice of Funding Opportunity.

Funding Opportunity Title: Community Development Revolving Loan Fund (CDRLF) Grant Program.

Catalog of Federal Domestic Assistance (CFDA) Number: 44.002.

SUMMARY: The National Credit Union Administration (NCUA) is issuing this Notice of Funding Opportunity (NOFO) to announce the availability of technical assistance grants (awards) for low-income designated credit unions (LICUs) through the CDRLF program. The CDRLF program serves as a source of financial support in the form of awards that better enables LICUs to support the communities in which they operate. All grant awards made under this NOFO are subject to funds availability and are at the NCUA's discretion.

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A. Program Description
B. Federal Award Information
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A. Program Description

The purpose of the CDRLF program is to assist LICUs in providing basic financial services to their members to stimulate economic activities in their communities. Through the CDRLF program, the NCUA provides financial

support in the form of awards to LICUs serving predominantly low-income members. These funds help improve and expand the availability of financial services to these members.

The CDRLF program consists of Congressional appropriations that are administered by the NCUA. CDRLF awards may be used for various projects that support the efforts of credit unions providing basic financial and related services to residents in their communities; enhancing their capacity to better serve their members and the communities in which they operate, and strengthening the national system of cooperative credit.

The NCUA will consider requests for various funding initiatives. More detailed information about the purpose of each initiative, amount of funds available, funding priorities, permissible uses of funds, funding limits, deadlines and other pertinent details will be defined in the Grant Round Guidelines. In addition, the NCUA may periodically publish information regarding the CDRLF program in official Letters to Credit Unions, press releases, and/or on the NCUA website.

1. Funding Initiatives

The list of potential funding initiatives available during 2019 includes the following:

i. Counselor Certification (new);
ii. Digital Services and Security;
iii. Pilot Program (new);
iv. Training; and
v. Underserved Outreach.

2. Authority and Regulations

i. *Authority:* 12 U.S.C. 1756, 1757(5)(D), and (7)(I), 1766, 1782, 1784, 1785 and 1786; 12 CFR part 705.

ii. *Regulations:* The regulation governing the CDRLF program is found at 12 CFR part 705. In general, this regulation is used by the NCUA to govern the CDRLF program and set forth the program requirements. Additional regulations related to the CDRLF program are found at 12 CFR parts 701 and 741. For the purposes of this NOFO, an Applicant is a Qualifying Credit Union that submits a complete Application to the NCUA under the CDRLF program. The NCUA encourages Applicants to review the regulations, this NOFO, the Grant Round Guidelines, and other program materials for a complete understanding of the program. Capitalized terms in this NOFO are defined in the authorizing statutes, regulations, and program materials.

B. Federal Award Information

Approximately $2 million in awards will be available through this NOFO. The NCUA reserves the right to: (i) Award more or less than the amounts cited above; (ii) fund, in whole or in part, any, all, or none of the applications submitted in response to this NOFO; and (iii) reallocate funds from the amount that is anticipated to be available under this NOFO to other programs, particularly if the NCUA determines that the number of awards made under this NOFO is fewer than projected. General information about the purpose of each funding initiative and the maximum award amount is provided below.

1. Purpose of Funding Initiatives

i. *Counselor Certification:* The Counselor Certification initiative is designed to provide credit union staff with a certified set of skills and knowledge that improves the financial health of members, as well as the credit union. With a certified financial or housing counselor on staff, credit unions are more equipped to implement solutions that help members yield healthy financial behaviors and make better decisions. The objective of this initiative is to help credit unions serve its membership by obtaining a certification in financial and/or housing counseling, and use the certification to build partnerships that expand the credit union's capacity to fully serve the underserved communities.

ii. *Digital Services and Security:* The Digital Services and Security initiative helps credit unions implement the infrastructure to build a digital relationship with their members and safeguard credit union information from cybersecurity threats. Access to digital financial services will improve the ability of credit unions to serve underserved communities. It is crucial for credit unions to expand financial products and services for members through digital channels. Ensuring that the appropriate processes are in place to continually safeguard the credit union's digital assets and activities is equally important. The objective of this initiative is to help credit unions establish a new digital service or security that will ultimately benefit the members. This initiative is not intended to fund continuous projects or cover costs associated with normal maintenance of digital services.

iii. *Training:* The Training initiative focuses on helping credit unions develop the skills and talents of employees through specialized management programs and advanced training courses. The goal of this initiative is to enhance the operational knowledge of credit union employees and support staff professional development.

iv. *Underserved Outreach:* The Underserved Outreach initiative is designed to help credit unions implement innovative outreach strategies that will improve the financial well-being of individuals living in underserved areas. This initiative focuses on providing quality financial products and services to underserved population segments such as minority groups, youth & millennials, veterans, and immigrants. The goal of this initiative is for credit unions to employ outreach strategies that produce positive growth outcomes for the credit union and improve the financial health of individuals in underserved communities.

v. *Pilot Program:* The Pilot Program initiative is designed to test new and innovative funding ideas that can help credit unions fulfill the CDRLF program's objectives. This initiative will explore the feasibility of new funding initiatives prior to full-scale development and deployment through small scale trials. The objective is to determine whether an initiative is appropriate, configurable, and ready for full-scale deployment. The specific details regarding the Pilot Program initiative are in the development stage and will not be finalized at the time this NOFO is published. However, the NCUA will make this information available on its website and the CFDA Assistance Listings when it is available.

2. Maximum Award Amount

The maximum amount for a CDRLF award is determined by the type of funding initiative. There is no minimum amount for CDRLF awards. The maximum award amount for each funding initiative is provided below.

i. Counselor Certification—$5,000
ii. Digital Services and Security—$8,000
iii. Training—$5,000
iv. Underserved Outreach—$100,000
v. Pilot Program—To be determined

C. Eligibility Information

1. Eligible Applicants

This NOFO is open to credit unions that meet the eligibility requirements defined in 12 CFR part 705. A credit union must have a low-income designation, or equivalent in the case of a Qualifying State-chartered Credit Union, in order to participate in the CDRLF program. Requirements for obtaining the designation are defined in 12 CFR 701.34.

i. *Non-Federally Insured Applicants:* Each Applicant that is a non-federally insured, state-chartered credit union

must submit additional application materials. These additional materials are more fully described in 12 CFR 705.7(b)(3) and in the Application.

a. Non-federally insured, state-chartered credit unions must agree to be examined by the NCUA. The specific terms and covenants pertaining to this condition will be provided in the award agreement of the Participating Credit Union.

2. Data Universal Numbering System (DUNS) Number

The Data Universal Numbering System (DUNS) number is a unique nine-character number used to identify your organization. The federal government uses the DUNS number to track how federal money is allocated. Registering for a DUNS number is FREE. Applicants can obtain a DUNS number by visiting the Dun & Bradstreet (D&B) website or calling 1–866–705–5711. The NCUA will not consider an Application that does not include a valid DUNS number issued by Dun and Bradstreet (D&B). Such an Application will be deemed incomplete and will be declined.

3. Employer Identification Number

Each Application must include a valid and current Employer Identification Number (EIN) issued by the U.S. Internal Revenue Service (IRS). The NCUA will not consider an Application that does not include a valid and current EIN. Such an Application will be deemed incomplete and will be declined. Information on how to obtain an EIN may be found on the IRS's website.

4. System for Award Management

All Applicants are required by federal law to have an active registration with the federal government's System for Award Management (SAM) prior to applying for funding. SAM is a web-based, government-wide application that collects, validates, stores, and disseminates business information about the federal government's trading partners in support of the contract awards, grants, and electronic payment processes. The SAM registration process is FREE. Applicants can register by visiting the SAM website. An active SAM account status and CAGE number is required to apply for the NCUA's CDRLF program. Applicants that have an existing registration with SAM must recertify and maintain an active status annually. The SAM recertification process is FREE. The NCUA will not consider an Applicant that does not have an active SAM status. Such an Application will be deemed incomplete and will be declined.

5. Other Eligibility Requirements

i. *Financial Viability:* Applicants must meet the underwriting standards established by the NCUA, including those pertaining to financial viability, as set forth in the application and defined in 12 CFR 705.7(c).

ii. *Compliance with Past Agreements:* In evaluating funding requests under this NOFO, the NCUA will consider an Applicant's record of compliance with past agreements. The NCUA, in its sole discretion, will determine whether to consider an Application from an Applicant with a past record of noncompliance, including any deobligation (*i.e.* removal of unused awards) of funds.

a. If an Applicant is in default of a previously executed agreement with the NCUA, the NCUA will not consider an Application for funding under this NOFO.

b. If an Applicant is a prior Awardee under the CDRLF program and has unused awards as of the date of Application, the NCUA may request a narrative from the Applicant that addresses the reason for its record of noncompliance. The NCUA, in its sole discretion, will determine whether the reason is sufficient to proceed with the review of the Application.

D. Application and Submission Information

1. Application Form

Under this NOFO, all Applications must be submitted online in the NCUA's web-based application system, CyberGrants, in order to be considered. Applications must be submitted online at *https://www.cybergrants.com/ncua/applications.* The application form and related documents are also located on the NCUA's website at *https://www.ncua.gov/services/Pages/resources-expansion/grants-loans.aspx.*

2. Minimum Application Content

A complete Application will consist of similar components for each CDRLF funding initiative. At a minimum, each initiative requires a narrative response that describes the Applicant's proposed use of the CDRLF award. The NCUA reserves the right to waive this requirement for any funding initiatives with a defined list of allowable project activities. The NCUA will identify the funding initiatives that do not require a narrative response in the Grant Round Guidelines. Other application contents that are specific to a particular funding initiative will be defined in the Grant Round Guidelines.

3. Submission Dates and Times

The NCUA will accept Applications beginning June 2, 2019, at 9:00 a.m. eastern time (ET). Applications must be submitted by July 20, 2019, at 11:59 p.m. ET. Late Applications will not be considered. The submission dates and times in this NOFO apply to each funding initiative except for the Pilot Program. The submission dates and times for the Pilot Program will be announced in forthcoming guidance.

E. Application Review Information

1. Eligibility and Completeness Review

The NCUA will review each Application to determine whether it is complete and that the Applicant meets the eligibility requirements described in the Regulations, the Grant Round Guidelines, and in this NOFO. An incomplete Application or one that does not meet the eligibility requirements will be declined without further consideration.

2. Evaluation Criteria

Each funding initiative, due to its structure and impact, may have varying degrees of evaluation criteria assigned. The evaluation criteria for each funding initiative is fully described in the Grant Round Guidelines.

3. Substantive Review

The purpose of the substantive review is to determine whether an Application satisfies the criteria set forth for each particular funding initiative. The NCUA will evaluate each Application that receives a substantive review in accordance with the criteria and procedures described in the Grant Round Guidelines. The NCUA reserves the right to contact the Applicant during its review for the purpose of clarifying or confirming information contained in the Application. If so contacted, the Applicant must respond within the time specified by the NCUA or the NCUA, in its sole discretion, may decline the application without further consideration.

4. Scoring and Funding Decision

The NCUA will make its funding decision based on a uniform scoring system that establishes a ranking position for each Application. The Applications will be ranked according to the scoring criteria set forth for each funding initiative in the Grant Round Guidelines.

F. Federal Award Administration

1. Federal Award Notice

The NCUA will notify each Applicant of its funding decision by email. In

addition, the NCUA will announce the successful Applications through a press release that includes a list of the Awardees. Applicants that are approved for funding will also receive instructions on how to proceed with the post-award activities.

2. Administrative and National Policy Requirements

i. *Award Agreement:* The specific terms and conditions will be established in the award agreement each Participating Credit Union must sign prior to formally accepting an award. Each Participating Credit Union under this NOFO must enter into an Agreement with the NCUA before the NCUA will disburse the award funds. The Agreement includes the terms and conditions of funding, including but not limited to the: (i) Award amount; (ii) grant award details; (iii) roles and responsibilities; (iv) accounting treatment; (v) signature pages; and (vi) reporting requirements.

ii. *Failure to Sign Agreement:* The NCUA, in its sole discretion, may rescind an award if the Applicant fails to sign and return the agreement or any other requested documentation, within the time specified by the NCUA.

3. Reporting

Applicants that are approved for funding will be responsible for the complete and timely submission of the post-award activities. This includes, but it is not limited to, signing the award agreement and completing a reimbursement request. Successful Applicants must submit a reimbursement request in order to receive the awarded funds. The reimbursement requirements are different depending on the funding initiative. The NCUA will define the reimbursement requirements for each funding initiative in the Post-Award Guidelines.

The reimbursement request may require, all or a combination of, the following items: (i) Evidence of expenses, (ii) project related documentation, (iii) a summary of project accomplishments and outcomes, or (iv) a certification form signed by a credit union official (*e.g.* CEO, manager, or Board Chairperson) authorized to request the reimbursement and make the certifications. The NCUA, in its sole discretion, may modify these requirements. In general, successful Applicants are required to submit the reimbursement request before the expiration date specified in the award agreement.

G. Federal Awarding Agency

1. Methods of Contact

Further information can be found at *https://www.ncua.gov/services/Pages/resources-expansion/grants-loans.aspx.* For questions email: National Credit Union Administration, Office of Credit Union Resources and Expansion at *CUREAPPS@ncua.gov.*

2. Information Technology Support

People who have visual or mobility impairments that prevent them from using the NCUA's website should call (703) 518–6610 for guidance (this is not a toll free number).

By the National Credit Union Administration Board on April 9, 2019.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2019–07337 Filed 4–11–19; 8:45 am]

BILLING CODE P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Arts Advisory Panel Meetings

AGENCY: National Endowment for the Arts, National Foundation on the Arts and the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, as amended, notice is hereby given that 1 meeting of the Federal Advisory Committee on International Exhibitions to the National Endowment for the Arts will be held by teleconference.

DATES: See the **SUPPLEMENTARY INFORMATION** section for individual meeting times and dates. All meetings are Eastern time and ending times are approximate.

ADDRESSES: National Endowment for the Arts, Constitution Center, 400 7th St. SW, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from Ms. Sherry Hale, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; *hales@arts.gov,* or call 202/682–5696.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of July 5, 2016, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of title 5, United States Code.

The upcoming meeting is:

Federal Advisory Committee on International Exhibitions (FACIE) (review of applications): This meeting will be closed.

Date and time: April 30, 2019; 3:00 p.m. to 5:00 p.m.

Dated: April 9, 2019.

Sherry Hale,

Staff Assistant, National Endowment for the Arts.

[FR Doc. 2019–07295 Filed 4–11–19; 8:45 am]

BILLING CODE 4537–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–7028; NRC–2017–0233]

Special Nuclear Materials License: Johns Hopkins University Applied Physics Laboratory

AGENCY: Nuclear Regulatory Commission.

ACTION: License; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued special nuclear materials (SNM) License No. SNM–7004 to the Johns Hopkins University Applied Physics Laboratory (JHU/APL), in Laurel, Maryland to possess and use SNM for research and development programs. The license authorizes JHU/APL to possess and use SNM for 10 years from the date of issuance.

DATES: License SNM–7004 was issued on February 22, 2019.

ADDRESSES: Please refer to Docket ID NRC–2017–0233 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket NRC–2017–0233. Address questions about NRC docket IDs to Jennifer Borges Roman; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Document collection at

https://www.nrc.gov/reading-rm/adams.html. To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, 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. In addition, for the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of 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.

FOR FURTHER INFORMATION CONTACT: Merritt N. Baker, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7119; email: *Merritt.Baker@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion

Pursuant to section 2.106 of title 10 of the *Code of Federal Regulations* (10 CFR), the NRC is providing notice of the issuance of new License SNM–7004 to JHU/APL, which authorizes JHU/APL to possess and use SNM for research and development programs at its location in Laurel, Maryland. This licensee's original application for a license was made on December 23, 2016 (ADAMS Accession No. ML17018A080). Because the licensed material will be used for research and development purposes, issuance of License SNM–7004 is an action that is categorically excluded from a requirement to prepare an environmental assessment or environmental impact statement, pursuant to 10 CFR 51.22(c)(14)(v). A notice of receipt of the license renewal application with an opportunity to request a hearing and petition for leave to intervene was published in the **Federal Register** on December 15, 2017 (82 FR 59660). The NRC did not receive a request for a hearing or for a petition for leave to intervene. This license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the NRC's rules and regulations as set forth in 10 CFR chapter 1. Accordingly, the license was issued on February 22, 2019, and was effective immediately.

The NRC prepared a safety evaluation report for the issuance of License SNM–7004 and concluded that the licensee can operate the facility without endangering the health and safety of the public.

II. Availability of Documents

The documents identified in the following table are available to interested persons through ADAMS accession numbers as indicated.

Document	ADAMS Accession No.
JHU/APL Request for New License, December 23, 2016.	ML17018A080
NRC Request for Additional Information, September 7, 2017.	ML17227A533
JHU/APL Response to Request for Additional Information, October 31, 2017.	ML17328A509
Transmittal of JHU/APL License (SNM-7004), February 22, 2019.	ML18157A288
Enclosure 1: SNM–7004 JHU/APL Materials License, February 22, 2019.	ML18157A343
Enclosure 2: Safety Evaluation Report for JHU/APL License February 22, 2019.	ML18159A285

Dated at Rockville, Maryland, this 8th day of April, 2019.

For the Nuclear Regulatory Commission.

Michael F. King,

Director, Division of Fuel Cycle Safety, Safeguards, and Environmental Review, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2019–07253 Filed 4–11–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–025 and 52–026; NRC–2008–0252]

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Inspections, Tests, Analyses, and Acceptance Criteria

AGENCY: Nuclear Regulatory Commission.

ACTION: Determination of the successful completion of inspections, tests, and analyses.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff has determined that the inspections, tests, and analyses have been successfully completed, and that the specified acceptance criteria are met for the Vogtle Electric Generating Plant (VEGP), Units 3 and 4.

DATES: The determination of the successful completion of inspections, tests, and analyses for VEGP Units 3 and 4 takes effect on April 12, 2019.

ADDRESSES: Please refer to Docket ID NRC–2008–0252 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

• *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0252. Address questions about NRC docket IDs to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *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 ''ADAMS Public Documents'' and then 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 in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

• *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.

FOR FURTHER INFORMATION CONTACT: Chandu Patel, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3025; email: *Chandu.Patel@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Licensee Notification of Completion of Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC)

Southern Nuclear Operating Company, Inc. (SNC), Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC., MEAG Power SPVJ, LLC., MEAG Power SPVP, LLC., and the City of Dalton, Georgia, (hereafter called the licensee) have submitted Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) closure notifications (ICNs) under paragraph 52.99(c)(1) of title 10 of the *Code of Federal Regulations* (10

CFR), informing the NRC that the licensee has successfully performed the required inspections, tests, and analyses, and that the acceptance criteria are met for:

VEGP Unit 3 ITAAC
2.2.01.04a.ii (96), 2.2.03.08c.iv.01 (183), 2.2.03.08c.iv.03 (185), 2.2.03.08c.v.01 (187), 2.2.03.08d (200), 2.3.05.03b.i (346), and 3.3.00.12 (818).

VEGP Unit 4 ITAAC
2.2.01.04a.ii (96), 2.3.05.03a.i (343), and 3.3.00.12 (818).

The ITAAC for VEGP Unit 3 are in Appendix C of the VEGP Unit 3 combined license (ADAMS Accession No. ML14100A106). The ITAAC for VEGP Unit 4 are in Appendix C of VEGP Unit 4 combined license (ADAMS Accession No. ML14100A135).

II. NRC Staff Determination of Completion of ITAAC

The NRC staff has determined that the specified inspections, tests, and analyses have been successfully completed, and that the specified acceptance criteria are met. The documentation of the NRC staff's determination is in the ITAAC Closure Verification Evaluation Form (VEF) for each ITAAC. The VEF is a form that represents the NRC staff's structured process for reviewing ICNs. Each ICN presents a narrative description of how the ITAAC was completed. The NRC's ICN review process involves a determination on whether, among other things: (1) Each ICN provides sufficient information, including a summary of the methodology used to perform the ITAAC, to demonstrate that the inspections, tests, and analyses have been successfully completed; (2) each ICN provides sufficient information to demonstrate that the acceptance criteria of the ITAAC are met; and (3) any NRC inspections for the ITAAC have been completed and any ITAAC findings associated with that ITAAC have been closed.

The NRC staff's determination of the successful completion of these ITAAC is based on information available at this time and is subject to the licensee's ability to maintain the condition that the acceptance criteria are met. If the staff receives new information that suggests the staff's determination on any of these ITAAC is incorrect, then the staff will determine whether to reopen that ITAAC (including withdrawing the staff's determination on that ITAAC). The NRC staff's determination will be used to support a subsequent finding, pursuant to 10 CFR 52.103(g), at the end of construction that all acceptance criteria in the combined license are met. The ITAAC closure process is not finalized for these ITAAC until the NRC makes an affirmative finding under 10 CFR 52.103(g). Any future updates to the status of these ITAAC will be reflected on the NRC's website at *http://www.nrc.gov/reactors/new-reactors/oversight/itaac.html.*

This notice fulfills the staff's obligations under 10 CFR 52.99(e)(1) to publish a notice in the **Federal Register** of the NRC staff's determination of the successful completion of inspections, tests and analyses.

Vogtle Electric Generating Plant Unit 3, Docket No. 5200025

A complete list of the review status for VEGP Unit 3 ITAAC, including the submission date and ADAMS Accession Numbers for each ICN received, each VEF, and for the inspection reports associated with these specific ITAAC, can be found on the NRC's website at *http://www.nrc.gov/reactors/new-reactors/new-licensing-files/vog3-icnsr.pdf.*

Vogtle Electric Generating Plant Unit 4, Docket No. 5200026

A complete list of the review status for VEGP Unit 4 ITAAC, including the submission date and ADAMS Accession Numbers for each ICN received, each VEF, and for the inspection reports associated with these specific ITAAC, can be found on the NRC's website at *http://www.nrc.gov/reactors/new-reactors/new-licensing-files/vog4-icnsr.pdf.*

Dated at Rockville, Maryland, this 9th day of April, 2019.

For the Nuclear Regulatory Commission.

Jennifer L. Dixon-Herrity,

Chief, Licensing Branch 2, Division of Licensing, Siting, and Environmental Analysis, Office of New Reactors.

[FR Doc. 2019–07281 Filed 4–11–19; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85547; File No. SR–FINRA–2019–010]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Period Related to FINRA Rule 6121.02 (Market-Wide Circuit Breakers in NMS Stocks)

April 8, 2019.

Pursuant to 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 April 5, 2019, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. 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

FINRA is proposing to extend the pilot period related to FINRA Rule 6121.02 (Market-wide Circuit Breakers in NMS Stocks) to the close of business on October 18, 2019.

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org,* at the principal office of FINRA 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, FINRA 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. FINRA 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.

[3] 17 CFR 240.19b–4(f)(6).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Rule 6121.02 provides a methodology for determining when to halt trading in all NMS Stocks due to extraordinary market volatility, *i.e.,* market-wide circuit breakers. The market-wide circuit breaker mechanism under Rule 6121.02 was approved by the Commission to operate on a pilot basis, the term of which was to coincide with the pilot period for the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS (the ''LULD Plan''),[4] including any extensions to the pilot period for the LULD Plan.[5] The Commission published an amendment to the LULD Plan for it to operate on a permanent, rather than pilot, basis.[6]

FINRA proposes to amend Rule 6121.02 to untie the pilot's effectiveness from that of the LULD Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019. FINRA does not propose any additional changes to Rule 6121.02.

Market-wide circuit breakers under Rule 6121.02 provide an important, automatic mechanism that is invoked to promote stability and investor confidence during a period of significant stress when securities markets experience extreme broad-based declines. All U.S. equity exchanges have rules similar to Rule 6121.02 relating to market-wide circuit breakers, which are designed to slow the effects of extreme price movement through coordinated trading halts across securities markets when severe price declines reach levels that may exhaust market liquidity. Market-wide circuit breakers provide for trading halts in all equities and options markets during a severe market decline as measured by a single-day decline in the S&P 500 Index.

Rule 6121.02 generally provides that, in the event of a Level 1, Level 2 or Level 3 Market Decline,[7] as determined by a primary listing market and publicly disseminated, FINRA shall halt trading otherwise than on an exchange in all NMS stocks and shall not permit the resumption of trading for the time periods specified by the primary listing market. Rule 6121.02 also provides that, if trading is halted in all NMS stocks for a Level 1 or a Level 2 Market Decline, FINRA will halt trading otherwise than on an exchange in all NMS stocks until trading has resumed on the primary listing market; if, however, the primary listing market does not reopen a security within 15 minutes following the end of the 15-minute halt period, FINRA may permit the resumption of trading otherwise than on an exchange in that security if trading in the security has commenced on at least one other national securities exchange. If a Level 3 Market Decline occurs at any time during the trading day, FINRA shall halt trading otherwise than on an exchange in all NMS stocks until the primary listing market opens the next trading day.

FINRA intends to file a separate proposed rule change with the Commission to operate Rule 6121.02 on a permanent, rather than pilot, basis. Extending the effectiveness of Rule 6121.02 to the close of business on October 18, 2019 should provide the Commission adequate time to consider whether to approve FINRA's separate proposal to operate the market-wide circuit breaker mechanism under Rule 6121.02 on a permanent basis.

FINRA has filed the proposed rule change for immediate effectiveness and has requested that the SEC waive the requirement that the proposed rule change not become operative for 30 days after the date of the filing, so FINRA can implement the proposed rule change immediately.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[8] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, 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. FINRA also believes that the proposed rule change promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning when and how to halt trading in all stocks as a result of extraordinary market volatility. Extending the market-wide circuit breaker pilot under Rule 6121.02 for an additional six months would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across the U.S. markets while the Commission considers whether to approve the pilot on a permanent basis. The proposed rule change would thus promote fair and orderly markets and the protection of investors and the public interest. Based on the foregoing, FINRA believes the benefits to market participants from the market-wide circuit breaker mechanism under Rule 6121.02 should continue on a pilot basis while the Commission considers whether to permanently approve Rule 6121.02.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA 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. FINRA does not believe that the proposed rule change implicates any competitive issues because the proposal would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across the U.S. markets while the Commission considers whether to permanently approve the market-wide circuit breaker mechanism under Rule 6121.02. Further, FINRA understands that the other self-regulatory organizations will file proposals to extend their rules regarding the market-wide circuit breaker pilot with the Commission so that the market-wide circuit breaker mechanism may continue uninterrupted while the Commission considers whether to approve its operation on a permanent basis.

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

[4] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[5] *See* Securities Exchange Act Release Nos. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (Order Approving File No. SR–FINRA–2011–054).

[6] *See* Securities Exchange Act Release Nos. 84843 (December 18, 2018), 83 FR 66464 (December 26, 2018) (Amendment No. 18 Proposing Release).

[7] For purposes of the Rule, a ''Market Decline'' means a decline in the value of the S&P 500® Index between 9:30 a.m. and 4:00 p.m. on a trading day as compared to the closing value of the S&P 500® Index for the immediately preceding trading day.

[8] 15 U.S.C. 78*o*–3(b)(6).

19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10]

A proposed rule change filed under Rule 19b–4(f)(6)[11] normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii),[12] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. FINRA has asked the Commission to waive the 30-day operative delay so that the proposal may become operative upon filing. Extending the pilot for an additional six months will allow the uninterrupted operation of the existing pilot to halt trading across the U.S. markets while the Commission considers whether to approve the pilot on a permanent basis. The extension simply maintains the status quo. Therefore, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission hereby designates the proposed rule change to be operative upon filing.[13]

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 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 Number SR–FINRA–2019–010 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–FINRA–2019–010. 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 FINRA. 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–FINRA–2019–010, and should be submitted on or before May 3, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–07243 Filed 4–11–19; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

[11] *Id.*

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] 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).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85541; File No. SR–PEARL–2019–12]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX PEARL Fee Schedule

April 8, 2019.

Pursuant to 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 March 27, 2019, MIAX PEARL, LLC (''MIAX PEARL'' 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 PEARL Fee Schedule (the ''Fee Schedule'') to establish certain non-transaction fees applicable to participants and new members trading options on and/or using services provided by MIAX PEARL.

MIAX PEARL commenced operations as a national securities exchange registered under Section 6 of the Act[3] on February 6, 2017.[4] The Exchange adopted its transaction fees and certain of its non-transaction fees in its filing SR–PEARL–2017–10.[5]

While changes to the Fee Schedule pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative on April 1, 2019.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/pearl* at MIAX PEARL's principal office, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f.

[4] *See* Securities Exchange Act Release No. 79543 (December 13, 2016), 81 FR 92901 (December 20, 2016) (File No. 10–227) (order approving application of MIAX PEARL, LLC for registration as a national securities exchange).

[5] *See* Securities Exchange Act Release No. 80061 (February 17, 2017), 82 FR 11676 (February 24, 2017) (SR–PEARL–2017–10).

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 purpose of the proposed rule change is to establish certain non-transaction fees applicable to certain market participants and new members trading options on and/or using certain services provided by the Exchange. The Exchange introduced the structure of certain non-transaction fees in its filing SR–PEARL–2017–10 (without proposing actual fee amounts), but also explicitly waived the assessment of any such fees for the period of time which the Exchange defined as the ''Waiver Period.'' [6] The Exchange now proposes to adopt certain non-transaction fees as described below, and thereby terminate the Waiver Period applicable to such non-transaction fees. In general, the Exchange proposes to amend the Fee Schedule to establish one-time application for membership fees for MIAX PEARL Members; [7] Application Programming Interface (''API'') Testing and Certification fees; and MIAX PEARL Member Participant Identifier (''MPID'') [8] fees.

The Exchange also proposes to amend its Fee Schedule to remove the text and application of the New Member Non-Transaction Fee Waiver.[9] The Exchange adopted the three month New Member Non-Transaction Fee Waiver in its filing SR–PEARL–2018–07.[10]

The Exchange now proposes to remove the New Member Non-Transaction Fee Waiver as described below, and thereby terminate the New Member Non-Transaction Fee Waiver as it applies to all relevant fees, including the Monthly Trading Permit fee; Port fees; and MIAX PEARL Top of Market (''ToM'') and MIAX PEARL Liquidity Feed (''PLF'') market data fees. The Exchange also proposes to amend the Definitions section of the Fee Schedule to delete the definitions of ''New Member Non-Transaction Fee Waiver'' and ''Waiver Period'' because those definitions are no longer applicable in accordance with this proposal to remove the Waiver Period for all remaining waived non-transaction fees, as described below, including the three month fee waiver applicable to certain non-transaction fees for new Members of the Exchange.

A. Application for MIAX PEARL Membership

A one-time application fee based upon the applicant's status as either an Electronic Exchange Member [11] (''EEM'') or as a Market Maker [12] will be assessed by MIAX PEARL. Applicants for MIAX PEARL Membership as an EEM will be assessed a one-time application fee of $500. Applicants for MIAX PEARL Membership as a Market Maker will be assessed a one-time application fee of $1,500. The difference in the fee charged to EEMs and Market Makers reflects the additional review and processing effort needed for Market Maker applications. MIAX PEARL's one-time application fees are similar to and generally lower than one-time application fees in place at the Cboe Exchange, Inc. (''Cboe'') ($3,000 for an individual applicant and $5,000 for an applicant organization) [13] and at Nasdaq ISE, LLC (''Nasdaq ISE'') ($7,500 per firm for a primary market maker, $5,500 per firm for a competitive market maker, and $3,500 per firm for an electronic market maker).[14] Below is the table for the proposed one-time fee for membership application for MIAX PEARL:

Type of membership	Application fee
Electronic Exchange Member	$500.00
Market Maker	1,500.00

MIAX PEARL will assess a one-time Membership Application Fee on the earlier of (i) the date the applicant is certified in the membership system, or (ii) once an application for MIAX PEARL membership is finally denied.

B. Member API Testing and Certification Fee

MIAX PEARL will assess an API Testing and Certification fee on Members. An API makes it possible for Member software to communicate with MIAX PEARL software applications, and is subject to Member testing with, and certification by, MIAX PEARL. API testing and certification includes, for EEMs, testing all available order types, new order entry, order management, order throughput and mass order cancellation. For Market Makers, API testing and certification also includes testing of all available quote types, quote throughput, quote management and cancellation, Aggregate Risk Manager settings and triggers, and confirmation of quotes within the trading engines.

The API Testing and Certification fees for Members are based upon the type of interface that the Member has been credentialed to use. MIAX PEARL will assess an API testing and certification fee for Members (i) initially per API for

[6] ''Waiver Period'' means, for each applicable fee, the period of time from the initial effective date of the MIAX PEARL Fee Schedule until such time that the Exchange has an effective fee filing establishing the applicable fee. The Exchange will issue a Regulatory Circular announcing the establishment of an applicable fee that was subject to a Waiver Period at least fifteen (15) days prior to the termination of the Waiver Period and effective date of any such applicable fee. *See* the Definitions Section of the Fee Schedule.

[7] ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of the Exchange Rules for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''Market Maker.'' Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[8] An MPID is a code used in the MIAX PEARL system to identify the participant to MIAX PEARL and to the participant's Clearing Member respecting trades executed on MIAX PEARL. Participants may use more than one MPID.

[9] ''New Member Non-Transaction Fee Waiver'' means the waiver of certain non-transaction fees, as explicitly set forth in specific sections of the Fee Schedule, for a new Member of the Exchange, for the waiver period. For purposes of this definition, the waiver period consists of the calendar month the new Member is credentialed to use the System in the production environment following approval as a new Member of the Exchange and the two (2) subsequent calendar months thereafter. For purposes of this definition, a new Member shall mean any Member who has not previously been approved as a Member of the Exchange. *See* the Definitions Section of the Fee Schedule.

[10] *See* Securities Exchange Act Release No. 82867 (March 13, 2018), 83 FR 12044 (March 19, 2018) (SR–PEARL–2018–07).

[11] ''Electronic Exchange Member'' or ''EEM'' means the holder of a Trading Permit who is a Member representing as agent Public Customer Orders or Non-Customer Orders on the Exchange and those non-Market Maker Members conducting proprietary trading. Electronic Exchange Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100. *See* the Definitions Section of the Fee Schedule.

[12] ''Market Maker'' means a Member registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VI of Exchange Rules. *See* Exchange Rule 100. *See* the Definitions Section of the Fee Schedule.

[13] *See* Cboe Fees Schedule, p. 12, Cboe Trading Permit Holder Application Fees.

[14] *See* Nasdaq ISE Pricing Schedule, IX(A).

FIX,[15] MEO,[16] FXD [17] and CTD [18] in the month the Member has been credentialed to use one or more ports in the production environment for the tested API, and (ii) each time a Member initiates a change to its system that requires testing and certification. API Testing and Certification fees will not be assessed in situations where the Exchange initiates a mandatory change to the Exchange's system that requires testing and certification.

Any Member can select any type of interface (FIX Interface, MEO Interface, FXD Interface, and/or the CTD Port) to test and certify. Each Member who uses the FIX Interface to connect to the System [19] will be assessed an API Testing and Certification fee of $1,000. Each Member who uses the MEO Interface to connect to the System will be assessed an API Testing and Certification fee of $1,500. Each Member who uses the FXD Interface to connect to the system will be assessed an API Testing and Certification fee of $500. Each Member who uses the CTD Port to connect to the system will be assessed an API Testing and Certification fee of $500.

Below is the proposed fee table for API Testing and Certification fees for Members:

Type of interface	API testing and certification fee
FIX	$1,000.00
MEO	1,500.00
FXD	500.00
CTD	500.00

API Testing and Certification Fees will be assessed (i) initially per API for FIX, MEO, FXD and CTD in the month the Member has been credentialed to use one or more ports in the production environment for the tested API, and (ii) each time a Member initiates a change to its system that requires testing and certification. API Testing and Certification Fees will not be assessed in situations where the Exchange initiates a mandatory change to the Exchange's system that requires testing and certification.

C. Non-Member API Testing and Certification Fee

MIAX PEARL will assess an API Testing and Certification fee for Third Party Vendors [20], Service Bureaus [21] and other non-Members (i) initially per API for FIX, MEO, FXD, and CTD in the month the non-Member has been credentialed to use one or more ports in the production environment for the tested API, and (ii) each time a Third Party Vendor, Service Bureau, or other non-Member initiates a change to its system that requires testing and certification. API Testing and Certification fees will not be assessed in situations where the Exchange initiates a mandatory change to the Exchange's system that requires testing and certification.

The MIAX PEARL API Testing and Certification fees for non-Members are based upon the type of interface used by the non-Member to connect to the Exchange—the FIX Interface, the MEO Interface, the FXD Interface, and/or the CTD Port. Any non-Member can select any type of interface (FIX Interface, MEO Interface, FXD Interface, and/or the CTD Port) to test and certify. As with Members, an API makes it possible for third party vendors' and Service Bureaus' software to communicate with MIAX PEARL software applications, and is subject to testing with, and certification by, MIAX PEARL. The higher fee charged to non-Members reflects the greater amount of time spent by MIAX PEARL employees testing and certifying non-Members. It has been MIAX PEARL's experience that Member testing takes less time than non-Member testing because Members have more experience testing these systems with exchanges; generally fewer questions and issues arise during the testing and certification process. Also, because Third Party Vendors and Service Bureaus are redistributing data and reselling services to other Members and market participants, the number and types of scenarios that need to be tested are more numerous and complex than those tested and certified for a single Member.

Each non-Member who uses the FIX Interface to connect to the System will be assessed an API Testing and Certification fee of $1,200. Each non-Member who uses the MEO Interface to connect to the System will be assessed an API Testing and Certification fee of $2,000. Each non-Member who uses the FXD Interface to connect to the system will be assessed an API Testing and Certification fee of $600. Each non-Member who uses the CTD Port to connect to the system will be assessed an API Testing and Certification fee of $600.

Below is the proposed fee table for API Testing and Certification fees for non-Members:

Type of interface	API testing and certification fee
FIX	$1,200.00
MEO	2,000.00
FXD	600.00
CTD	600.00

API Testing and Certification Fees for Third Party Vendors, Service Bureaus and other non-Members will be assessed (i) initially per API for FIX, MEO, FXD, and CTD in the month the non-Member has been credentialed to use one or more ports in the production environment for the tested API, and (ii) each time a Third Party Vendor, Service Bureau, or other non-Member initiates a change to its system that requires testing and certification. API Testing and Certification Fees will not be assessed in situations where the Exchange initiates a mandatory change to the Exchange's system that requires testing and certification.

D. MPID Fees

MIAX PEARL will assess monthly MPID fees on Members based upon type of MPID. MIAX PEARL assesses MPID

[15] ''FIX Interface'' means the Financial Information Exchange interface for certain order types as set forth in Exchange Rule 516. *See* Exchange Rule 100. *See* the Definitions Section of the Fee Schedule.

[16] ''MEO Interface'' means a binary order interface for certain order types as set forth in Rule 516 into the MIAX PEARL System. *See* Exchange Rule 100. *See* the Definitions Section of the Fee Schedule.

[17] ''FXD Interface'' or ''FIX Drop Copy Port'' means a messaging interface that provides a copy of real-time trade execution, trade correction and trade cancellation information to FIX Drop Copy Port users who subscribe to the service. FXD Port users are those users who are designated by an EEM to receive the information and the information is restricted for use by the EEM only. *See* the Definitions Section of the Fee Schedule.

[18] ''CTD Port'' or ''Clearing Trade Drop Port'' provides an Exchange Member with a real-time clearing trade updates. The updates include the Member's clearing trade messages on a low latency, real-time basis. The trade messages are routed to a Member's connection containing certain information. The information includes, among other things, the following: (i) Trade date and time; (ii) symbol information; (iii) trade price/size information; (iv) Member type (for example, and without limitation, Market Maker, Electronic Exchange Member, Broker-Dealer); and (v) Exchange MPID for each side of the transaction, including Clearing Member MPID.

[19] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[20] Third party vendors are subscribers of MIAX's market and other data feeds, which they in turn use for redistribution purposes. Third party vendors do not provide connectivity and therefore are not subject to Network testing and certification. *See* the Definitions Section of the Fee Schedule.

[21] ''Service Bureau'' means a technology provider that offers and supplies technology and technology services to a trading firm that does not have its own proprietary system. *See* the Definitions Section of the Fee Schedule.

fees to cover the administrative costs it incurs in assigning and managing these identifiers for each Member. Members will be assessed a monthly MPID fee of $125 for each FIX MPID. Members will be assessed a monthly MPID fee of $125 for each MEO MPID. MPIDs allow the Exchange to provide additional services to its Members, including reporting, monitoring and risk protection services, down at the MPID level. MPIDs provide the Members the ability to segment their business operations in a manner that can be tailored to their business needs, as well as receive certain additional administrative and operational services provided by the Exchange.

The Exchange also proposes to introduce a cap on the amount of MPID fees that are assessed by the Exchange to a Member of $500 per month, regardless of the actual number of EEM or MEO MPIDs assigned to such Member. The Exchange believes that establishing a monthly cap on MPID fees will give Members greater flexibility to accommodate their varying business models and customer configurations, as many Members often request multiple MPIDs from the Exchange, and the Exchange does not want MPID costs to serve as a barrier for requesting multiple MPIDs. The Exchange notes that this fee cap is similar to the MPID fee cap assessed by the Exchange's affiliate, MIAX Options.[22]

Below is the proposed MPID fee table:

Type of MPID	Monthly MPID fees
FIX MPID	$125.00
MEO MPID	125.00

MPID fees are capped at $500.00 per month per Member.

E. New Member Non-Transaction Fee Waiver

The Exchange proposes to remove the New Member Non-Transaction Fee Waiver from the Fee Schedule. The New Member Non-Transaction Fee Waiver waived the assessment of a fee for a Trading Permit, Port, ToM or PLF market data feed for a new Member of the Exchange for the first calendar month during which the new Member was approved as a Member and was credentialed to use the System in the production environment, and for the two (2) subsequent calendar months thereafter.[23]

The Exchange initially waived certain non-transaction fees for new Members in order to attract new business and encourage Members to use the Exchange. The Exchange now believes that the New Member Non-Transaction Fee Waiver is no longer necessary since the MIAX PEARL market is established and MIAX PEARL no longer needs to rely on such waivers to attract market participants.

The Exchange notes that any Member who began receiving the New Member Non-Transaction Fee Waiver prior to the filing of this proposal, will continue to receive that benefit for the first calendar month during which they were approved as a Member and were credentialed to use the System in the production environment, and for the two (2) subsequent calendar months thereafter.

The Exchange has issued a Regulatory Circular announcing the establishment of the aforementioned fees that were subject to the Waiver Period at least 15 days prior to the termination of the Waiver Period and effective date of the applicable fee.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act[24] in general, and furthers the objectives of Section 6(b)(4) of the Act[25] 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 facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act 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 the proposed change to eliminate the waiver of the non-transaction fees described above is reasonable because the Exchange no longer believes it is necessary to waive these fees to attract market participants to the MIAX PEARL market since this market is now established and MIAX PEARL no longer needs to rely on such waivers to attract market participants. The Exchange believes that the proposed changes are equitable and not unfairly discriminatory because the elimination of the non-transaction fees will uniformly apply to all Exchange participants based on market participant type.

The Exchange believes its one-time membership application fees are reasonable, equitable and not unfairly discriminatory. As described above, the one-time application fees are similar and generally lower than application fees in place at other options exchanges,[26] and are designed to recover costs associated with the processing of such applications. The Exchange believes that it is reasonable, equitable, and not unfairly discriminatory that Market Maker applicants are charged slightly more than EEM applicants because of the additional work involved in processing a Market Maker's application.

The Exchange believes it is reasonable, equitable, and not unfairly discriminatory to begin to assess API Testing and Certification fees for both Members and non-Members. The Exchange believes the proposed API Testing and Certification fees are a reasonable allocation of its costs and expenses among its Members and non-Members using its facilities since it is recovering the costs associated with providing such infrastructure testing and certification services.

MIAX PEARL believes it is reasonable, equitable and not unfairly discriminatory to assess different API Testing and Certification fees to Members and non-Members. The higher fee charged to non-Members reflects the greater amount of time spent by MIAX PEARL employees testing and certifying non-Members. It has been MIAX PEARL's experience that Member testing takes less time than non-Member testing because Members have more experience testing these systems with exchanges; generally fewer questions and issues arise during the testing and certification process. Also, with respect to API testing and certification, because Third Party Vendors and Service Bureaus are redistributing data and reselling services to other Members and market participants the number and types of scenarios that need to be tested are more numerous and complex than those tested and certified for Members.

The Exchange believes its fees for MPIDs are reasonable, equitable and not unfairly discriminatory in that they apply to all Members assigned MPIDs equally and allow the Exchange to recover administrative and operational costs in assigning and maintaining such services. In particular, MPIDs provide Members the ability to segment their

[22] *See* Securities Exchange Act Release No. 82823 (March 7, 2018), 83 FR 10935 (March 13, 2018) (SR–MIAX–2018–09).

[23] *See* the Definitions Section of the Fee Schedule.

[24] 15 U.S.C. 78f(b).

[25] 15 U.S.C. 78f(b)(4) and (5).

[26] *See supra* notes 13 and 14.

business operations in a manner that can be tailored to their business needs, as well as receive certain additional administrative and operational services provided by the Exchange. The Exchange also believes that the proposed amendment to establish a fee cap for Members on MPID fees is reasonable, equitable, and not unfairly discriminatory. The proposal to cap the total amount of MPID fees that can be assessed upon a Member to a maximum of $500 per month is designed to promote just and equitable principles of trade by encouraging Members to configure their MPID assignments with greater granularity and for MPID costs to not serve as a barrier for requesting multiple MPIDs. Because any Member is eligible to take advantage of the fee cap, the Exchange believes the fee cap is fair and equitable and not unreasonably discriminatory because it applies equally to all Members, and access to such fee cap is offered on terms that are not unfairly discriminatory.

The Exchange believes that the proposed amendment to remove the New Member Non-Transaction Fee Waiver is reasonable, equitable, and not unfairly discriminatory because the removal of the New Member Non-Transaction Fee Waiver applies equally to all new Members of the Exchange. The Exchange initially waived certain non-transaction fees for new Members in order to attract new business and encourage Members to join the Exchange. The Exchange believes that the New Member Non-Transaction Fee Waiver is no longer necessary since the MIAX PEARL market is established and MIAX PEARL no longer relies on such waivers to attract market participants. Further, the proposed rule change will not apply to any new Member who began receiving the New Member Non-Transaction Fee Waiver prior to the filing of this proposal and will continue to receive that benefit for the first calendar month during which they were approved as a Member and were credentialed to use the System in the production environment, and for the two (2) subsequent calendar months thereafter.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges. The Exchange believes that the proposed changes reflect this competitive environment.

B. Self-Regulatory Organization's Statement on Burden on Competition

MIAX PEARL 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. Unilateral action by MIAX PEARL in the assessment of certain non-transaction fees for services provided to its Members and others using its facilities will not have an impact on competition. As a more recent entrant in the already highly competitive environment for equity options trading, MIAX PEARL does not have the market power necessary to set prices for services that are unreasonable or unfairly discriminatory in violation of the Act. MIAX PEARL's proposed non-transaction fee levels, as described herein, are comparable to fee levels charged by other options exchanges for the same or similar services, including those fees assessed by its affiliate, MIAX Options.

Further, the Exchange believes that the proposed rule change will promote transparency by making it clear to Members and non-Members the applicable fees that MIAX PEARL will assess for application for membership to MIAX PEARL, API testing and certification, and MPID fees, as well as the cap on MPID fees for EEMs. This will permit Members and non-Members to more accurately anticipate and account for non-transactional costs, which promotes consistency.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees and fee waivers to remain competitive with other exchanges and to attract order flow to the Exchange.

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,[27] and Rule 19b–4(f)(2)[28] 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 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 Number SR–PEARL–2019–12 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–PEARL–2019–12. 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

[27] 15 U.S.C. 78s(b)(3)(A)(ii).

[28] 17 CFR 240.19b–4(f)(2).

submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PEARL–2019–12 and should be submitted on or before May 3, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–07238 Filed 4–11–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85551; File No. SR–MSRB–2019–07]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing of a Proposed Rule Change To Amend Rules G–11 and G–32 and Form G–32 Regarding a Collection of Data Elements Provided in Electronic Format to the EMMA Dataport System in Connection With Primary Offerings

April 8, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Exchange Act'' or ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 2, 2019 the Municipal Securities Rulemaking Board (the ''MSRB'' or ''Board'') filed with the Securities and Exchange Commission (the ''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the MSRB. 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 MSRB filed with the Commission a proposed rule change to amend MSRB Rule G–11, on primary offering practices, MSRB Rule G–32, on disclosures in connection with primary offerings and Form G–32, regarding a collection of data elements provided in electronic format to the Electronic Municipal Market Access Dataport (the ''EMMA Dataport'')[3] system in connection with primary offerings (the ''proposed rule change''). The proposed rule change seeks to update and enhance the general practices undertaken by underwriters and others, as applicable, in a primary offering of municipal securities.

Following the effectiveness of the proposed rule change, assuming all amendments are approved, the MSRB will publish one or more regulatory notices within 180 days of effectiveness, and such notices shall specify the compliance dates for the respective rule changes, which in any case shall be not less than 90 days nor more than one year following the date of the notice establishing each such compliance date. The MSRB will also make both amended Form G–32 as well as the updated EMMA Dataport Manual for Primary Market Submissions and the Specifications for Primary Market Submissions Service document[4] available to underwriters in advance of relevant compliance date(s) to aid them in completing the amended form. The MSRB will announce the availability of amended Form G–32 and the updated manual and specification document by publishing a regulatory notice at a later date.

The text of the proposed rule change is available on the MSRB's website at *www.msrb.org/Rules-and-Interpretations/SEC-Filings/2019-Filings.aspx,* at the MSRB'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 MSRB 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 MSRB 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

Background

Rule G–11—Primary Offering Practices

Rule G–11 establishes terms and conditions for sales by brokers, dealers and municipal securities dealers (together, ''dealers'') of new issues of municipal securities in primary offerings, including provisions on communications relating to the syndicate and designations and allocations of securities. The rule was first adopted by the MSRB in 1978, and was designed to

> increase the scope of information available to syndicate managers and members, other municipal securities professionals and the investing public, in connection with the distribution of new issues of municipal securities without impinging upon the right of syndicates to establish their own procedures for the allocation of securities and other matters.[5]

The MSRB noted that, in adopting Rule G–11, the Board generally chose to require the disclosure of practices of syndicates rather than dictate what those practices must be.[6]

Because of the evolving nature of the municipal securities market, Rule G–11 has been amended several times over the years. More recently, as part of a retrospective rule review, the MSRB considered how Rule G–11 applies in the current market and whether amendments may be needed to address changing practices in primary offerings of municipal securities. In its review, the MSRB found there were opportunities to enhance regulatory transparency, equalize information dissemination in primary offerings, reinforce aspects of Rule G–11 to selling group members regarding their existing obligations under the rule and align the mandatory time frames for certain payments to syndicate members in order to reduce credit risk.

More specifically, the proposed amendments to Rule G–11 would enhance the information dissemination requirements of Rule G–11 to require the senior syndicate manager to disseminate free-to-trade information to all syndicate and selling group members at the same time, thus eliminating any potential for unfair advantages in secondary market trading that could result from having advance notice that

[29] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] EMMA® is a registered trademark of the MSRB. The EMMA Dataport is the submission portal through which information is provided for display to the public on EMMA.

[4] The EMMA Dataport Manual for Primary Market Submissions describes the requirements of MSRB Rule G–32 for underwriters to submit primary offering disclosure documents and information to EMMA and gives instructions for making such submissions. Rule G–32 requires that such submissions be made as set forth in the EMMA Dataport Manual.

The Specifications for Primary Market Submissions Service document provides instructions for making continuous submissions of multiple offerings of securities to the EMMA Dataport and contains figures for making submissions to the EMMA Dataport through a computer-to-computer interface.

[5] MSRB Reports, Vol. 5, No. 6 (Nov. 1985).

[6] *See, e.g.,* MSRB Reports, Vol. 2, No. 5 (Jul. 1982).

an issue is free-to-trade. Additionally, the proposed rule change would require the senior syndicate manager to provide the issuer with information relating to the designations, group net sales credits and allocations of the securities in a primary offering. The MSRB believes this information could assist issuers in their review of the distribution of compensation and compliance with the terms and conditions of the primary offering. The proposed rule change also would codify a selling group member's existing obligation to comply with the issuer terms and conditions, priority provisions and order period requirements, as communicated to them, in a primary offering. Finally, the proposed rule change would further eliminate unnecessary credit risk in the market and ensure the timely payment of sales credits by aligning the timing of the payments of such credits to syndicate members in group net and net designation transactions.

Rule G–32—Disclosures in Connection With Primary Offerings

Rule G–32 sets forth the disclosure requirements applicable to underwriters engaged in primary offerings of municipal securities. Among other things, Rule G–32 requires underwriters in primary offerings to submit electronically to the EMMA Dataport official statements and advance refunding documents, if prepared, and related primary market documents and new issue information, such as that collected on Form G–32. The rule is designed to ensure that an investor that purchases new issue municipal securities is provided with timely access to information relevant to his or her investment decision. Rule G–32 was originally adopted by the Board in 1977,[7] and has been amended periodically since then to help ensure that, as market practices evolved and other regulatory developments occurred, Rule G–32 would remain current and achieve its goal of providing timely access to relevant information about primary offerings.

Again, as part of a retrospective rule review, the MSRB considered the disclosures required pursuant to Rule G–32 and whether revisions were needed to meet current market needs. The proposed changes to Rule G–32 would ensure that access to information regarding CUSIP numbers advance refunded is provided to all market participants at the same time. Additionally, the proposed changes would eliminate the requirement under Rule G–32(c) that when a dealer acting as a financial advisor, prepares the official statement, it must provide the official statement to the underwriter promptly after approval by the issuer.

Form G–32 Information Submission

Pursuant to MSRB Rule G–34, on CUSIP numbers, primary offering, and market information requirements, an underwriter of certain new issues of municipal securities must, as applicable, make the primary offering depository eligible and submit information about the new issue to the Depository Trust Company's (DTC) New Issue Information Dissemination Service (NIIDS).[8] Separately, the underwriter in primary offerings of municipal securities is required, pursuant to Rule G–32, to submit electronically to the EMMA Dataport, in a timely and accurate manner, certain primary offering disclosure documents and related information, including the data elements set forth on Form G–32.[9]

In 2012, the MSRB adopted amendments to Rule G–32 and Rule G–34 to streamline the process by which underwriters submit data in connection with primary offerings. The amendments integrated the submission of certain matching data elements to NIIDS with the EMMA Dataport, obviating the need for duplicative submissions of information in NIIDS-eligible primary offerings.[10]

For a ''NIIDS-eligible primary offering,'' the underwriter must submit all information to NIIDS as required under Rule G–34.[11] Subsequently, Form G–32 is auto-populated by the data the underwriter has input into NIIDS. Information required to be included on Form G–32 and for which no corresponding data element is available through NIIDS must be submitted manually through the EMMA Dataport on Form G–32 (*i.e.,* it would not be auto-populated from NIIDS) pursuant to Rule G–32(b)(i)(A)(1)(a). Any correction to NIIDS data (and thus Form G–32 data) must be made promptly and, to the extent feasible, in the manner originally submitted. For a primary offering ineligible for NIIDS,[12] the underwriter of the offering must submit information required by Form G–32 manually as set forth under Rule G–32(b)(i)(A)(2).

The requirement under Rule G–34(a)(ii)(C) that an underwriter of a primary offering of municipal securities that is NIIDS-eligible submit certain information about the new issue to NIIDS was designed to facilitate timely and accurate trade reporting and confirmation, among other things. Additionally, the submission of this information was meant to address difficulties dealers have in obtaining descriptive information about new issues of municipal securities.[13] While underwriters of issues that are NIIDS-eligible submit a great deal of information about a primary offering to NIIDS, much of this information is not currently auto-populated into Form G–32 because not all of the fields required to be submitted to NIIDS are required fields on Form G–32.[14]

[7] *See* File No. SR–MSRB–77–12 (Sept. 20, 1977). The SEC approved Rule G–32 in Release No. 34–15247 (Oct. 19, 1978), 43 FR 50525 (Oct. 30, 1978).

[8] NIIDS is an automated, electronic system that receives comprehensive new issue information on a market-wide basis for the purposes of establishing depository eligibility and immediately re-disseminating the information to information vendors supplying formatted municipal securities information for use in automated trade processing systems. *See* Rule G–34(a)(ii) regarding the application for depository eligibility and dissemination of new issue information and the exclusion of certain issues as set forth in that subsection.

DTC sets forth the criteria for making a security depository eligible and thus NIIDS eligible. According to DTC, securities that can be made depository eligible include those that have been issued in a transaction that: (i) Has been registered with the SEC pursuant to the Securities Act of 1933, as amended (''Securities Act''); (ii) was exempt from registration pursuant to a Securities Act exemption that does not involve (or, at the time of the request for eligibility, no longer involves) transfer or ownership restrictions; or (iii) permits resale of the securities pursuant to Rule 144A or Regulation S under the Securities Act, and, in all cases, such securities otherwise meet DTC's eligibility criteria. *See* The Depository Trust Company, Operational Arrangements p. 2 (Oct. 2018).

[9] *See* Rule G–32(b)(i)(A), on Form G–32 information submissions, and Rule G–32(b)(vi), on procedures for submitting documents and Form G–32 information. Form G–32 submissions may be made by the underwriter or its designated agent through the EMMA Dataport accessed via MSRB Gateway. The EMMA Dataport is the utility through which submissions of documents and related information are made to the MSRB and its Market Transparency Programs.

[10] *See* MSRB Notice 2012–64 (Dec. 24, 2012).

[11] Non-NIIDS-eligible offerings would include, for example, private placements that are not registered under the Securities Act or issuances that are subject to restrictions on resales.

[12] *See supra* footnote 8 regarding depository eligibility criteria. Additionally, Rule G–34(d) exempts from all Rule G–34 requirements any issue of a municipal security (and for purposes of secondary market municipal securities, any part of an outstanding maturity of an issue) which (i) does not meet the eligibility criteria for CUSIP number assignment or (ii) consists entirely of municipal fund securities.

[13] The requirement to provide this information and the process for doing so are addressed in Rule G–34 and Rule G–32, respectively. While NIIDS provides the system for submitting the information, its use does not obviate the requirement that information submitted pursuant to Rule G–34 be timely, comprehensive and accurate. *See* MSRB Notice 2007–36 (Nov. 27, 2007).

[14] The proposed rule change includes an attachment showing those NIIDS data fields the MSRB is proposing to include on Form G–32. Data fields marked with an ''N'' are not currently auto-populated into Form G–32 because Form G–32 does

Continued

The proposed rule change would add 57 data fields to Form G–32 to capture data that an underwriter already is required to input into NIIDS, as applicable, for NIIDS-eligible offerings.[15] These new Form G–32 data fields would be auto-populated, as applicable, by NIIDS submissions made by the underwriter, pursuant to G–34 or otherwise required for NIIDS eligibility.[16] By adding these data fields to Form G–32, the MSRB ensures its continued access [17] to relevant and accurate new issue information. For non-NIIDS-eligible offerings, the underwriter would be required to manually complete the data field that indicates the original minimum denomination of the offering. The underwriter in a non-NIIDS-eligible offering would not be required to manually complete the other 57 additional fields.

Currently, the MSRB, securities data providers, other regulators and industry participants that have set up a communications link with DTC, have access to NIIDS data in real time. Additionally, the MSRB may disseminate some or all of the information in the future.

In addition to the data fields auto-populated by NIIDS submissions, the proposed rule change also would add nine data fields to Form G–32 for manual completion by underwriters in NIIDS-eligible offerings. Of these nine data fields, underwriters in non-NIIDS-eligible primary offerings would be required to complete two of these nine additional data fields. Specifically, as discussed in more detail below, underwriters in non-NIIDS-eligible offerings would be required to manually complete the data fields that provide a ''yes/no'' flag to indicate whether the minimum denomination for the issue has the ability to change and the ''yes/no'' flag to indicate if the primary offering is being made with restrictions.[18] As previously noted, the MSRB may disseminate some or all of this information, in the future.

Proposed Rule Change

On September 14, 2017, the MSRB published a concept proposal (''Concept Proposal'') requesting comment on possible amendments to the current primary offering practices of dealers.[19] The MSRB received *12 comment letters* in response to the Concept Proposal,[20] which formed the foundation for a subsequent Request for Comment on Draft Rule Changes Related to Primary Offering Practices, published on July 19, 2018 (''Request for Comment'').[21] The MSRB received *10 comment letters* in response to the Request for Comment.[22] Following review of the comments, the MSRB conducted additional outreach with various market participants. The comments received and follow-up conversations formed the basis for the proposed rule change.

Proposed Rule Change Under Rule G–11

Codify That Selling Group Members Have an Existing Obligation To Comply With Communications Relating to the Issuer Terms and Conditions, Priority Provisions and Order Period Requirements

The proposed rule change would amend Rule G–11(f) to codify an existing obligation of selling group members to comply with the written communications they receive from the senior syndicate manager relating to, among other things, issuer requirements, priority provisions and order period requirements. Rule G–11(f) currently states that prior to the first offer of any securities by the syndicate, the senior syndicate manager is required to provide, in writing, to syndicate members and selling group members, if any, ''(i) a written statement of all terms and conditions required by the issuer, (ii) a written statement of all of the issuer's retail order period requirements, if any, [and] (iii) the priority provisions . . .'' The senior syndicate manager must also promptly furnish in writing to the syndicate members and the selling group members any changes in the priority provisions or pricing information.

Additionally, the MSRB has stated that the activities of all dealers should be viewed in light of the basic fair dealing principles of Rule G–17, on conduct of municipal securities and municipal advisor activities.[23] In 2013, the MSRB amended Rule G–11 to, among other things, address concerns related to retail order period practices and required expressly that the senior syndicate manager's written statement of all terms and conditions required by

not have corresponding data fields to receive the information. While the MSRB is currently not aware of any reason NIIDS would become unavailable, the inability to auto-populate information from NIIDS would not negate the requirement that information be provided pursuant to MSRB Rule G–32.

[15] *See* Rule G–34(a)(ii) regarding the application for depository eligibility and dissemination of new issue information. *See also* DTC Important Notice 3349–08 (April 9, 2008); SEC Release No. 34–57768 (May 2, 2008), 90 FR 26181 (May 8, 2008) (File No. SR–OTC–2007–10), regarding NIIDS trade and settlement eligibility requirements.

[16] An underwriter currently completes data fields in NIIDS that are applicable to the particular primary offering. Not all NIIDS data fields are completed in a typical primary offering and thus, the Form G–32 data fields will not all be auto-populated for every offering. Specifically, for a newly issued municipal security an underwriter must input the key data elements required for the reporting, comparison, confirmation, and settlement of trades in municipal securities (''NIIDS Data Elements'') into NIIDS. NIIDS Data Elements are defined as data needed for trade reporting, trade matching and to set up trade confirmations (''Trade Eligible Data''). Additional data elements are also needed for a municipal security to settle at DTC and are settlement eligible data (''Settlement Eligible Data''). *See* The Depository Trust Company Operational Arrangements (June 2018).

[17] As used herein, ''continued access'' means that MSRB would be able to obtain and, if it determines to do so, disseminate information, independent of integrated data from a third-party or utilities.

[18] *See infra* discussion on amending Form G–32 to include nine additional data fields not currently collected by NIIDS.

[19] *MSRB Regulatory Notice 2017–19 (Sept. 14, 2017).*

[20] Letter from Mike Nicholas, Chief Executive Officer, Bond Dealers of America, dated Nov. 16, 2017 (''BDA Letter I''); Letter from City of San Diego, undated (''City of San Diego Letter I''); Letter from Robert W. Doty, dated Nov. 2, 2017 (''Doty Letter I''); Email from Stephan Wolf, Global Legal Entity Identifier Foundation, dated Nov. 6, 2017 (''GLEIF Letter I''); Letter from Emily Brock, Director, Federal Liaison Center, Government Finance Officers Association, dated Nov. 27, 2017 (''GFOA Letter I''); Letter from Alexandra M. MacLennan, National Association of Bond Lawyers, dated Nov. 17, 2017 (''NABL Letter I''); Letter from Susan Gaffney, Executive Director, National Association of Municipal Advisors, dated Nov. 13, 2017 (''NAMA Letter I''); Letter from Julie Egan, NFMA Chair 2017 and Lisa Washburn, NFMA Industry Practices & Procedures Chair, National Federation of Municipal Analysts, dated Nov. 9, 2017 (''NFMA Letter I''); Email from Michael Paganini, dated Sept. 15, 2017 (''Paganini Email I''); Letter from Leslie M. Norwood, Managing Director and Associate General Counsel, Securities Industry Financial Markets Association, dated Nov. 15, 2017 (''SIFMA Letter I''); Letter from John S. Craft, Managing Director, TMC Bonds LLC, dated Nov. 13, 2017 (''TMC Bonds Letter I''); and Letter from Gilbert L. Southwell III, Vice President, Wells Capital Management, Inc., dated Nov. 1, 2017 (''Wells Capital Letter I'').

[21] MSRB Notice 2018–15 (July 19, 2018).

[22] Letter from Noreen P. White, Co-President and Kim M. Whelan, Co-President, Acacia Financial Group, Inc., dated Sept. 17, 2018 (''Acacia Letter II''); Letter from Mike Nicholas, Chief Executive Officer, Bond Dealers of America, dated Sept. 17, 2018 (''BDA Letter II''); Email from Stephen Holstein, CFI, dated Jul. 25, 2018 (''CFI Email II''); Letter from Steve Apfelbacher, Ehlers Associates, Inc., dated Sept. 17, 2018 (''Ehlers Letter II''); Letter from Emily S. Brock, Director, Federal Liaison Center, Government Finance Officers Association, dated Sept. 19, 2018 (''GFOA Letter II''); Letter from Susan Gaffney, Executive Director, National Association of Municipal Advisors, dated Sept. 18, 2018 (''NAMA Letter II''); Letter from Julie Egan, NFMA Industry Practices & Procedures Chair, and Lisa Washburn, NFMA Industry Practices & Procedures Co-Chair, National Federation of Municipal Analysts, dated Sept. 17, 2018 (''NFMA Letter II''); Letter from Marianne F. Edmonds, Public Resources Advisory Group, dated Sept. 18, 2018 (''PRAG Letter II''); Letter from Leslie M. Norwood, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association, dated Sept. 17, 2018 (''SIFMA Letter II''); Letter from Rick A. Fleming, Investor Advocate, U.S. Securities and Exchange Commission, Office of the Investor Advocate, dated Sept. 17, 2018 (''SEC Investor Advocate Letter II'').

[23] *See* MSRB Notice 2009–42 (July 14, 2009).

the issuer also be delivered to selling group members.[24] The amendment also added Rule G–11(k) to require that any dealer that submits an order designated as retail during a retail order period must provide certain information that would assist in determining if the order is a bona fide retail order. The 2013 amendments to Rule G–11 coupled with the Rule G–17 guidance indicates selling group members are subject to the issuer requirements in allocating securities to their investors.[25]

By codifying this existing obligation, the amendment would highlight that selling group members must comply with the priority provisions and other issuer terms and conditions when they receive written notification of such from the syndicate manager.

Require That the Senior Syndicate Manager Communicate to All Syndicate and Selling Group Members, at the Same Time, When the Issue Is Free To Trade

The proposed rule change would amend Rule G–11(g) to add new subsection (ii) which would require the senior syndicate manager to notify all members of the syndicate and selling group, at the same time via free-to-trade wire or electronically by other industry-accepted method of communication, that the offering is free to trade at a price other than the initial offering price.[26]

In a primary offering of municipal securities where a syndicate is formed (*i.e.,* not a sole-managed offering), a free-to-trade wire is sent by the senior syndicate manager to syndicate members once all of the municipal securities in the issue or particular maturity (or maturities) are free to trade. That is, the free-to-trade wire communicates to members of the syndicate that they may trade the bonds in the secondary market at market prices which could be the same or different than the initial offering price.[27]

The MSRB believes equal access to information is important to the fair and effective functioning of the market for primary offerings of municipal securities. Therefore, the MSRB believes requiring dissemination of this information for receipt by all syndicate and selling group members at the same time would prevent preferential access to the free-to-trade information (thus, understanding that they are then able to commence selling bonds at market prices) by some while other syndicate and selling group members, who are not aware of the information, are delayed in knowing that they may transact at prices other than the initial offering price.

The MSRB understands that methods of communication evolve and change over time. As a result, the dissemination of free-to-trade information eventually may be made by methods other than the traditional ''free-to-trade wire.'' While the MSRB is not proposing to dictate the timing of when, or the form of how, the free-to-trade communication should be sent, requiring dissemination of this information electronically by an industry-accepted method that ensures all syndicate and selling group members receive the information at the same time would level the playing field.[28]

Require the Senior Syndicate Manager To Provide Information Required Under Rule G–11(g)(ii) and (iii) to Issuers in a Primary Offering

Currently, the senior syndicate manager is not required to provide information to issuers regarding designations and allocations of municipal securities in a primary offering.[29] The proposed rule change would amend Rule G–11(g)(ii) and (iii)[30] to require the senior syndicate manager to comply with the information-dissemination provisions of this rule with respect to issuers in addition to just syndicate members. Rule G–11(g)(ii) requires, in part, the senior syndicate manager, within two business days following the date of sale, to disclose to the syndicate, in writing, a summary by priority category, of all allocations of securities accorded priority over member orders. Rule G–11(g)(iii) requires the senior syndicate manager to disclose, in writing and as set forth in the rule, to each member of the syndicate information on the designations paid to syndicate and non-syndicate members.

The MSRB believes that providing this information to the issuer along with information on group net sales credits, as described more fully below, would better inform all issuers of the orders and allocations of their primary offering. The MSRB believes this information would be valued particularly by those issuers who are not aware this information is available for their review. An issuer who does not wish to receive or review this information need simply delete the communication at its discretion.

Align the Timeframe for the Payment of Group Net Sales Credits With the Payment of Net Designation Sales Credits

The proposed rule change would amend Rule G–11(j) to align the current timeframe for the payment of group net sales credits with the existing timeframe for the payment of net designation sales credits as set forth therein. Currently, Rule G–11(i) states that the final settlement of a syndicate or similar account shall be made within 30 calendar days following the date the issuer delivers the securities to the syndicate. Group net sales credits (*i.e.,* those sales credits for orders in which all syndicate members benefit according to their participation in the account) are paid out of the syndicate account when it settles pursuant to Rule G–11(i). As a result, syndicate members may wait 30 calendar days following receipt of the securities by the syndicate before they receive their group net sales credits. By contrast, Rule G–11(j) states that sales credits due to a syndicate member as designated by an investor in connection with the purchase of securities (''net designation payments'') shall be distributed within 10 calendar days following the date the issuer delivers the securities to the syndicate.

The SEC approved amendments to Rule G–11(i) in 2009 to, among other things, shorten the timeframe for settlement of the syndicate account from 60 calendar days to 30 calendar days following the date the issuer delivers the securities to the syndicate. The

[24] *See* Release No. 34–70532 (Sept. 26, 2013), 78 FR 60956 (Oct. 2, 2013) (File No. SR–MSRB–2013–05).

[25] *See also* Rule G–11(b) which requires that every dealer that submits an order to a syndicate or to a member of a syndicate for the purchase of securities must disclose at the time of submission if the order is for its dealer account or a related account of the dealer.

[26] The other provisions of Rule G–11(g) would be renumbered accordingly to account for this addition.

[27] For purposes of reporting transactions after the free-to-trade information has been disseminated, the MSRB has indicated that once a new issue has been released for trading (*i.e.,* is free to trade), normal transaction reporting rules will apply to the syndicate managers, syndicate members and selling group members. *See* Release No. 34–49902; (Jun. 22, 2004), 69 FR 38925 (Jun. 29, 2004) (File No. SR–MSRB–2004–02).

[28] The MSRB reminds dealers that such distributed communication would be subject to the record retention requirements of Rule G–9(b)(viii)(C) which requires the dealer to maintain, among other things, all written and electronic communications received and sent relating to the conduct of the municipal securities activities of such dealer and Exchange Act Rule 17a–4(b)(4) which requires dealers to maintain copes of all communications sent by the dealer relating to its business as such.

[29] ''Designation'' typically refers to the percentage of the takedown or spread that a buyer directs the senior syndicate manager to credit to a particular syndicate member (or members) in a net designated order. ''Allocation'' generally refers to the process of setting securities apart for the purpose of distribution to syndicate and selling group members. *See* MSRB Glossary of Municipal Securities Terms.

[30] Currently, these provisions are Rule G–11(g)(ii) and (iii). However, with the proposed addition of Rule G–11(g)(ii) noted above, these provisions would become Rule G–11(g)(iii) and (iv).

amendments also shortened the timeframe for the payment of net designation orders in Rule G–11(j) from 30 calendar days to 10 calendar days. The MSRB indicated that the shortened timeframes were intended to reduce the exposure of co-managers to the credit risk of the senior manager pending settlement of the accounts.[31]

The proposed amendments would not impact the timing of the settlement of the syndicate account, but rather would merely align the timeframe for the payment of group net and net designation sales credits. The MSRB believes aligning the time frames for the payment and receipt of sales credits would be a minor adjustment that would ensure uniform practice in making and receiving such payments in a timely manner. In addition, this proposed rule change would reduce credit risk by decreasing the exposure of syndicate trading account members to the potential deterioration in the credit of the syndicate or account manager during the pendency of account settlements. The MSRB further believes that the time period of 10 calendar days would provide balance between reducing risk of exposure of co-managers and the credit risk of the senior manager while still providing the senior syndicate manager with the time needed to process and pay the sales credits.

As a result of the alignment of these payments, the information that is currently provided within 30 calendar days of delivery of securities to the syndicate under Rule G–11(h)(ii)(B) would now be provided within 10 business days following the date of sale under revised Rule G–11(g)(iv). Thus, the proposed rule change would delete Rule G–11(h)(ii)(B), and Rule G–11(h)(ii)(C) would be amended to become Rule G–11(h)(ii)(B).

Proposed Rule Change Under Rule G–32

Provide Equal Access To Advance Refunding Documents and Related Information [32]

The proposed rule change would amend Rule G–32(b)(ii) to require that in an advance refunding, where advance refunding documents are prepared, the underwriter must provide access to the documents and certain related information to the entire market at the same time.[33]

Currently, Rule G–32(b)(ii) requires the advance refunding documents and applicable Form G–32 information be submitted to the EMMA Dataport, no later than five business days after the closing date for the primary offering. However, the MSRB understands that in some instances, some market participants may be informed of the advance refunding details before the information is submitted and made public on EMMA.

The MSRB believes that equal access to advance refunding information is important for the efficient functioning of the primary and secondary market for municipal securities. The MSRB also believes requiring underwriters to provide information to the market regarding CUSIP numbers advance refunded in a manner that allows access to the information by the entire market at the same time would support this effort.

Repeal the Requirement That a Dealer Financial Advisor That Prepares the Official Statement Must Make It Available to the Managing or Sole Underwriter After the Issuer Approves It for Distribution

The proposed rule change would repeal the current requirement under Rule G–32(c) that a dealer financial advisor that prepares an official statement on behalf of an issuer with respect to a primary offering of municipal securities make the official statement available to the managing underwriter or sole underwriter in a designated electronic format, promptly after the issuer approves its distribution.

In the Concept Proposal and Request for Comment the MSRB sought comment on whether the requirement under Rule G–32(c) should be extended to require *all* financial advisors (*i.e.,* both dealer and non-dealer) that have prepared the official statement to provide the official statement to the underwriter promptly after approved by the issuer. Upon review of comment letters and discussions with various market participants, the MSRB is proposing to repeal this requirement under Rule G–32(c).

Rule G–32 was adopted in 1977 to ensure that investors purchasing new issue municipal securities are provided with all available information relevant to their investment decision by settlement of the transaction.[34] The Board has recognized that the MSRB cannot prescribe the content, timing, quantity or manner of production of the official statement by the issuer or its agents.[35] Thus, the MSRB crafted Rule G–32(c) to ensure that once the official statement is completed and approved by the issuer, dealers acting as financial advisors would be obligated to begin the dissemination process promptly. The Board further urged that issuers using the services of non-dealer financial advisors hold those financial advisors to the same standards for prompt delivery.[36] The Board noted that the requirement under Rule G–32(c) was not meant to diminish a dealer's obligations under Securities Exchange Act Rule 15c2–12(b)(3).

Exchange Act Rule 15c2–12(b)(3) requires that an underwriter contract with the issuer or its agent to obtain copies of the official statement within the time period mandated by the rule. According to the SEC, the purpose of this provision is to ''facilitate the prompt distribution of disclosure documents so that investors will have a reference document to guard against misrepresentations that may occur in the selling process.'' [37]

In adopting the rule, the SEC recognized the existing delivery requirements under Rule G–32 and noted that

> By adopting paragraph (b)(3), which serves as a foundation for fostering compliance with the requirements of MSRB rule G–32, the Commission wishes to emphasize the importance it places on the prompt distribution of final official statements.[38]

The SEC noted that in adopting Rule 15c2–12(b)(3), it was leaving the determination of the ''precise method and timing of delivery'' of the official statement to the MSRB.[39]

The MSRB understands that several participants in a primary offering may be responsible for preparing the official statement,[40] and while dealers acting as

[31] *See* Release No. 34–60725 (Sept. 28, 2009), 74 FR 50855 (Oct. 1, 2009) (File No. SR–MSRB–2009–12).

[32] In general, advance refunding issues are those municipal bonds issued more than 90 days before the redemption of the refunded bonds. *See* MSRB Interpretive Guidance—Current Refundings (Aug. 8, 1991).

[33] This means underwriters would be precluded from disseminating advance refunding documents and information to any market participant, without first submitting it to the EMMA Dataport; provided that this restriction does not prohibit communication with anyone that may require such information for purposes of facilitating the completion of the transaction.

[34] *See* File No. SR–MSRB–77–12 (Sept. 20, 1977). The SEC approved Rule G–32 in Release No. 34–15247 (Oct. 19, 1978), 43 FR 50525 (1978).

[35] *See* Release No. 34–40230 (July 17, 1998); 63 FR 40148 (July 27, 1998) (File No SR–MSRB–97–14).

[36] *Id.*

[37] *See* Release No. 34–26985 (June 28, 1989); 54 FR 28799 at 28805 (Jul. 10, 1989).

[38] *Id.*

[39] *See* 54 FR 28799 at 28806.

[40] For example, the MSRB understands that bond counsel or underwriter's counsel frequently prepares the official statement on behalf of the issuer and may seek input on various components from the underwriter or the municipal advisor. However, Rule G–32(c) does not apply to bond

financial advisors and non-dealer municipal advisors may be engaged to review and contribute to portions of the document, they are less frequently engaged to ''prepare'' the official statement as they might have been in the past. Therefore, while the goal of Rule G–32(c) is consistent with the overall goal of Rule G–32 and Exchange Act Rule 15c2–12(b)(3), that is, to facilitate the prompt distribution of the official statement to the market and investors, that section of the rule itself is limited in such a way that its usefulness in the current market is questionable. The MSRB understands that Rule G–32(c) requirements apply to a limited universe of market participants (*i.e.,* dealers acting as financial advisors that prepare the official statement). This leaves a gap such that Rule G–32(c) does not extend to parties other than dealers acting as financial advisors who prepare the official statement.

In reviewing Rule G–32(c) and considering whether to expand the section of the rule to include non-dealer municipal advisors, the MSRB considered whether the existing rule and/or the expansion thereof would resolve a harm in the market. After discussions with various market participants and consideration of the actual scope of the impact of the rule, the MSRB believes any harm in the market related to the delivery of official statements would not be resolved by Rule G–32(c) regardless of whether dealers acting as financial advisors and non-dealer municipal advisors are required to comply. The MSRB believes the scope of Rule G–32(c) may be too limited to have any significant impact on the official statement delivery requirements.

The MSRB understands that the obligation under Exchange Act Rule 15c2–12(b)(3) for an underwriter to contract with the issuer or its agent to receive the official statement within a defined period of time already ensures that the underwriter would receive the official statement within a certain period of time regardless of the party preparing it.

counsel or underwriter's counsel, and the MSRB does not have jurisdiction over these parties in any event. Therefore, if these parties were engaged to prepare the official statement for the issuer, they would not be subject to the requirements of Rule G–32(c).

Proposed Changes to Form G–32

Amend Form G–32 To Include 57 Additional Data Points Already Collected by NIIDS

The proposed rule change would amend Form G–32 to include 57 additional data fields that would be auto-populated with datapoints already required to be input into NIIDS, as applicable, for NIIDS-eligible offerings. As previously noted, these data fields are currently available to regulators and certain other industry participants that have access to NIIDS. However, adding the data fields to Form G–32 would ensure the MSRB's continued access to important primary offering information, and enhance its ability to oversee the accuracy and distribution of the information provided.

At this time, however, the MSRB believes requiring the manual completion of all the above data fields for non-NIIDS-eligible issues such as private placements and other restricted offerings that are not intended for secondary market trading would be burdensome on underwriters.[41] Thus, for a non-NIIDS-eligible primary offering, an underwriter would continue to be required to manually complete the same data fields on Form G–32 that it currently completes with the addition of one of the 57 data fields discussed above. The additional data field would indicate the original minimum denomination of the offering, as applicable. As with the other data points currently required on Form G–32, once an underwriter provides the information, it would be available to regulators. Regulators could use this information to determine whether a new issue of municipal securities is trading at the appropriate minimum denomination in the secondary market. Additionally, as with the other NIIDS data points discussed above, the MSRB may disseminate this information in the future.

The MSRB believes that, at this time, requiring this additional information on Form G–32, as applicable, for NIIDS-eligible offerings, and requiring the single additional data point for non-NIIDS-eligible offerings would not only assist the MSRB in ensuring its continued access to new issue information but would enhance MSRB regulatory transparency initiatives.

[41] Non-NIIDS-eligible securities are less likely to trade in the secondary market because they typically are issued with trading restrictions and, therefore, less liquid. They are different from NIIDS-eligible securities, which by their nature are DTC eligible, and are freely tradable in the market. *See supra* footnote 8. The MSRB would continue to monitor the need for specific information with respect to non-NIIDS-eligible offerings to determine whether any other additional data elements may be required at a later time.

Amend Form G–32 To Include Nine Additional Data Fields Not Currently Collected by NIIDS

The proposed rule change would amend Form G–32 to include nine additional data fields, set forth below, for manual completion (*i.e.,* not auto-populated from NIIDS), as applicable, by underwriters in NIIDS-eligible primary offerings of municipal securities. Underwriters in non-NIIDS-eligible primary offerings would be required to manually complete two of these data fields: the ''yes'' or ''no'' indicator regarding whether the original minimum denomination for a new issue has the ability to change, and the ''yes'' or ''no'' indicator regarding whether the new issue has any restrictions. However, underwriters in non-NIIDS-eligible offerings would not be required to complete the other seven data fields.

The MSRB believes that the information collected by these data fields would enhance MSRB regulatory transparency initiatives as all the additional data elements would be immediately available to regulators to perform regulatory oversight of primary offerings and subsequent secondary market trading practices to ensure a fair and efficient market. Additionally, the MSRB may disseminate some or all of this information in the future.

The proposed rule change would amend Form G–32 to add the following data fields:

Ability for original minimum denomination to change—The MSRB believes providing a ''yes'' or ''no'' indicator at the time of issuance as to whether the original minimum denomination for an issue can change, would immediately enhance regulatory transparency and provide useful information to investors, should the MSRB disseminate this information in the future. In some primary offerings, for example, if the official statement or other offering document indicates that a municipal security is non-rated or below investment grade at the time of issuance, but the security achieves an investment grade rating at some point in the future, this could result in a change to the original minimum denomination. Because an underwriter would not be required to update this information over the life of the municipal security, having this indicator would highlight the need to check relevant disclosure documents for developments that could trigger a change in the original minimum denominations.

Additional syndicate managers—The MSRB believes that having a data field

that indicates all the syndicate managers (senior and co-managers) on an underwriting would provide useful information for regulators. For example, regulators would be able to more easily identify where a particular syndicate manager was engaged or seek more information about particular syndicate managers, as needed, in performing oversight. Additionally, should the MSRB disseminate this information in the future, it could be used to evaluate the experience of a syndicate manager for an upcoming offering.

The MSRB believes the complete list of underwriters typically is known at or before the pricing of an issue and, therefore, senior and co-manager information is readily available to the senior underwriter before Form G–32 is due.

Call schedule—Requiring call schedule information on Form G–32 would include, for example, premium call dates and prices, and the par call date. For primary offerings with call prices stated as a percentage of the compound accreted value (CAV) the underwriter would enter the premium call dates and percentage of CAV the new issue can be called at as well as the par call date. All of which would immediately increase regulatory transparency, providing regulators with intermediate premium call dates and prices, and a means to differentiate between a call price represented in dollars as opposed to CAV. Additionally, should the MSRB disseminate this information in the future, access to all the relevant call information could help investors make more informed investment decisions.

Identity of obligated person(s), other than the issuer—The MSRB believes that providing the name(s) of the obligated person(s), other than the issuer, for a primary offering of municipal securities is important because they are responsible for continuing disclosures, and this information is sometimes not easily identifiable for regulatory transparency purposes. Also, having more ways of identifying those legally committed to support payment of all or part of a primary offering would increase transparency, should the MSRB disseminate this information in the future. The MSRB recognizes that there may be confusion in identifying other obligated persons in a manner that is consistent. As a result, the MSRB believes the identity of the other obligated person(s) should be input on Form G–32 the same as it appears on the official statement, or if there is no official statement, in the manner it appears in the applicable offering documents for the issue. This would ensure uniform practice in the identity of the obligated person(s), other than the issuer, with respect to that issue.

LEI for credit enhancers and obligated person(s), other than the issuer,[42] *if readily available*—The LEI provides a method to uniquely identify legally distinct entities that engage in financial transactions. The goal of this global identification system is to precisely identify parties to a financial transaction to assist regulators, policymakers and financial market participants in identifying and better understanding risk exposure in the financial markets and to allow monitoring of areas of concern. The MSRB believes that requiring this information for credit enhancers and obligated persons, other than the issuer, if readily available, would promote the value of obtaining LEIs and encourage industry participants to obtain them as a matter of course. An LEI would be considered ''readily available'' if it were easily obtainable via a general search on the internet (*e.g.,* web pages such as *https://www.gleif.org/en/lei/search*). The MSRB also believes that obtaining this information, when readily available, on credit enhancers and other obligated persons would help advance the goal of having a global identification method for these parties and improve the quality of municipal market financial data and reporting.

Dollar amount of each CUSIP number advance refunded—The MSRB believes requiring information regarding the dollar amount of each CUSIP number advance refunded on Form G–32 would provide regulators important information regarding material changes to a bond's structure and value and should the MSRB disseminate this information in the future, may assist investors in making more informed investment determinations.

In the Request for Comment, the MSRB sought comment on a data field that would show the percentage of each CUSIP number advance refunded. Upon review of comments and discussions with certain market participants, the MSRB believes requiring the dollar amount of each CUSIP number advance refunded instead of the percentage advance refunded would be more useful in understanding the value of the portion of an issue being advance refunded and would be less burdensome for underwriters to calculate.

Retail order period by CUSIP number—Currently, primary offerings are flagged in the EMMA Dataport to indicate whether there is/was a retail order period. However, quite often not every maturity related to the offering is subject to a retail order period. The MSRB believes that requiring underwriters to mark a primary offering with a flag to indicate the existence of a retail order period for each CUSIP number would provide greater regulatory transparency as to the amount and types of bonds being offered in that retail order period. For example, a ''yes'' or ''no'' flag by CUSIP number would help regulators more easily identify orders that may not comply with a retail order period.

Name of municipal advisor—The MSRB believes including this information would enhance regulatory transparency as key market participants would be more easily identifiable to regulators. Additionally, should the MSRB disseminate this information in the future, it could also assist certain market participants in evaluating the experience of the municipal advisor when reviewing primary offerings, especially for similar credits and structures. Finally, the MSRB intends to make this field autofill as the underwriter begins to input the name of the municipal advisor into the applicable text box.

Restrictions on the issue—The MSRB believes adding a ''yes'' or ''no'' flag to Form G–32 for an underwriter to indicate whether the primary offering is being made with restrictions would help regulators and, should the MSRB disseminate this information in the future, it could help certain other market participants more easily identify this information. An explanation would be provided on Form G–32 indicating that ''yes'' should be selected for any offerings made with a restriction on sales, resales or transfers of securities such as, for example, sales only to qualified institutional buyers as defined under Securities Act Rule 144A and sales only to accredited investors as defined under Rule 501 of Regulation D under the Securities Act.

2. Statutory Basis

The MSRB believes that the proposed rule change is consistent with the provisions of Section 15B(b)(2)(C) of the

[42] An LEI is a 20-digit alpha-numeric code that connects to key reference information providing unique identification of legal entities participating in financial transactions. Only organizations duly accredited by GLEIF are authorized to issue LEIs. The MSRB believes that, at this time, except for credit enhancers and obligated person(s), other than the issuer, the LEI information being sought is not critical in evaluating the financial risks of an issuer, and because issuers typically do not obtain an LEI, the likely time and costs associated with having to conduct a search to determine if LEI information is readily available for an issuer, would exceed any potential benefits.

Act,[43] which provides that the MSRB's rules shall:

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 municipal securities and municipal financial products, to remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products, and, in general, to protect investors, municipal entities, obligated persons, and the public interest.

The proposed rule change would promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market by amending Rule G–11 to require the senior syndicate manager to notify all syndicate and selling group members, at the same time via free-to-trade wire or other industry-accepted electronic communication method, that the offering is free to trade in the secondary market. This proposed change would eliminate the potential for an unfair advantage in the secondary sales of municipal securities. Similarly, the proposed rule change would remove impediments to and perfect the mechanism of a free and open market by requiring the underwriter in an advance refunding to disclose advance refunding information, so all market participants have access to such information at the same time.

The proposed rule change would promote just and equitable principles of trade by codifying in Rule G–11 the existing obligation of selling group members to comply with the issuer's terms and conditions in a primary offering of municipal securities. The proposed rule change also would promote just and equitable principles of trade by ensuring issuers in a primary offering have information regarding the designations and allocations of their offering. Additionally, providing this information to issuers removes impediments to a free and open market in municipal securities by giving issuers valuable information they otherwise may not realize or know is available.

The proposed rule change would promote just and equitable principles of trade and foster cooperation and coordination with persons engaged in processing information with respect to transactions in municipal securities and municipal financial products by aligning the payment of sales credits in net designation and group net sales transactions. Additionally, aligning these payments would remove impediments to a free and open market in municipal securities and municipal financial products by reducing credit risk in the market and allowing group net sales credit payments to be made to syndicate members on a shortened timeframe.

The inclusion on Form G–32 of additional data fields would foster cooperation with persons engaged in regulating and processing information with respect to transactions in municipal securities and municipal financial products, by providing more transparency with respect to municipal securities offerings. For example, by obtaining this information, the MSRB and other regulators would have access to more fulsome and useful market data to help inform its regulation of the municipal securities markets.

Finally, the proposed rule change would remove impediments to and perfect the mechanism of a free and open market in municipal securities by removing Rule G–32(c). By eliminating a rule that no longer resolves a market harm, the proposed rule change seeks to more appropriately respond to actual market practices, reduce regulatory burdens and thus encourage compliance with a more appropriate and beneficial process by which the underwriter receives the official statement in a primary offering of municipal securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

Section 15B(b)(2)(C) of the Exchange Act requires that MSRB rules not be designed to impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.[44] The MSRB has considered the economic impact associated with the proposed amendments to Rule G–11, Rule G–32 and Form G–32 including a comparison to reasonable alternative regulatory approaches, relative to the baseline.[45] The MSRB does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.

The MSRB believes the proposed rule change is needed to increase regulatory transparency in the primary offering process and secondary market trading. Additionally, the MSRB believes the proposed rule change is necessary to ensure its continued access to important new issue information, address possible information asymmetry that arises from certain market practices and to improve the overall efficiency of the market.

Rule G–11—Primary Offering Practices

The proposed amendments to Rule G–11 would address free-to-trade information dissemination, require information regarding designations, group net sales credits and allocations be provided to the issuer in a primary offering, align the time period for the payment of group net sales credits with the payment of net designation sales credits and explicitly state that selling group members must comply with the issuer's terms and conditions in a primary offering. The need for the proposed amendments arises from the MSRB's oversight of underwriters in primary offerings of municipal bonds. The MSRB believes that by not amending Rule G–11 and instead leaving the rule in its current state, certain market issues would remain unaddressed. For example, market transparency would not be enhanced, and information asymmetry would not be reduced with respect to certain areas.

The MSRB also considered other alternative approaches to the proposed changes to Rule G–11. Regarding the requirement for the senior syndicate manager to provide detailed information regarding designations, group net sales credits and allocations of the securities in a primary offering to the issuer, the MSRB could also require that the information be provided to the issuer, but only upon the issuer's request. However, the MSRB believes this alternative could result in frequent issuers having better access to information than issuers who are unaware that the information is available upon request. The proposed change to this requirement is designed to ensure that all issuers receive the relevant information on designations, group net sales credits and allocations, and the obligation can be met with the existing documents that are sent to syndicate members. A similar alternative would be to require the senior syndicate manager to provide designation, group net sales credit and allocation information to all issuers with an option to opt out of receiving the information. However, the MSRB is not aware of any likely rationale behind an issuer's decision to decline the information other than the fact that the issuer may decide the burden of

[43] 15 U.S.C. 78*o*–4(b)(2)(C).

[44] *Id.*

[45] *See* Policy on the Use of Economic Analysis in MSRB Rulemaking, available at *http://msrb.org/Rules-and-Interpretations/Economic-Analysis-Policy.aspx.* In evaluating whether there was a burden on competition, the Board was guided by its principles that required the Board to consider costs and benefits of a rule change, its impact on capital formation and the main reasonable alternative regulatory approaches.

reviewing the information exceeds the benefits of the information itself.[46]

The MSRB has taken into consideration the likely costs and benefits associated with the proposed rule change and provides the following analysis for each specific proposal.[47]

Benefits and Costs—Free-to-Trade Information Dissemination

Requiring senior syndicate managers to disseminate free-to-trade information to all syndicate and selling group members at the same time should ensure timely access to critical information. As is the case for all asymmetric information transactions, when a participant does not have the same information as others in a transaction, they are at a disadvantage. All syndicate and selling group members need to receive the information simultaneously to reduce any risk of unfair practices.

The free-to-trade information is typically issued by the senior syndicate manager to all members of the syndicate. However, the MSRB understands that the timing of receipt of the free-to-trade information can vary such that information is not always received by all syndicate members at the same time. It is the MSRB's understanding that, typically, the free-to-trade information is sent electronically and would be simple to provide to all syndicate and selling group members at the same time. Therefore, above-the-baseline costs [48] to senior syndicate managers associated with this requirement are expected to be insignificant. Syndicate and selling group members currently receiving the free-to-trade information after others in the syndicate have already received it would benefit from being notified earlier that they may trade in the secondary market at market prices equal to or different than the offering price. Thus, the MSRB believes that the likely benefits of this requirement significantly outweigh its likely costs.

Benefits and Costs—Additional Information for the Issuer

The main benefit of providing information regarding designations, group net sales credits and allocations to the issuer is to provide transparency to the issuer by giving them the same information received by the syndicate members. This information is beneficial to the issuer because it provides the issuer with relevant details regarding the issue and assists the issuer in determining whether certain syndicate rules or terms have been followed. Additionally, providing this information, in the aggregate, may help issuers understand the syndicate structures, the distinct responsibility of syndicate managers and members and fees earned by each syndicate participant, which may benefit issuers when they come to market again in the future.

Because the senior syndicate manager is already required to provide these disclosures to each syndicate member and could meet this requirement with the same information that is sent to the syndicate members, the incremental cost of providing this information to the issuers as well should be negligible. The information on net designations, group net sales credits and allocations is typically provided electronically and therefore is easy to disseminate to additional parties.

Benefits and Costs—Alignment of the Timeframe for the Payment of Group Net Sales Credits With the Payment of Net Designation Sales Credits

Aligning the timeframe for the payment of group net sales credits to syndicate members with the timeframe for the payment of net designation sales credits would promote a uniform practice among payments of sales credits for syndicate members and limit the delay in getting paid for group net orders, while reducing syndicate members' exposure to the senior syndicate manager's credit risk.

It is the MSRB's understanding that many firms acting as a senior syndicate manager are already operating on the ten-day deadline for the payment of group net sales credits. For the limited number of firms who are not currently operating on the ten-day deadline, in order to meet the new timeframe for the payment of group net sales credits, those firms initially may need to revise certain internal processes, and thus may incur some upfront costs. However, the MSRB is not proposing to change the timeframe related to settlement of the syndicate or similar account, but rather, the timeframe within which payment of the group net sales credits occurs. Therefore, the associated costs should not be significant once the new process is in place.

Benefits and Costs—Reinforce Selling Group Members' Existing Obligations

Currently, syndicate managers under Rule G–11(f) are required to promptly furnish in writing the issuer's terms and conditions information described in this section to other members of the syndicate and selling group members. The benefit of this proposed rule change would be to reinforce selling group members' existing obligation to comply with the issuer's terms and conditions in a primary offering of municipal securities. Without this change, the issuer has much less certainty that their terms and conditions would be met.

Selling group members presumably have a choice to become a member if they determine that the benefits from the ability to participant in a deal exceeds the compliance costs. This cost increase, however, would not be applicable to selling group members who are already in compliance with Rule G–11(f) when participating in a primary offering of municipal securities. The MSRB is unable to quantify the percentage of selling group members who are presently not in compliance and thus provide an estimate of the material increase of costs. However, the MSRB believes the overall benefits of full compliance by all selling group members should exceed the costs borne by non-compliant selling group members, as this has been the intended application of Rule G–11(f).

Proposed Rule Change Under Rule G–11—Effect on Competition, Efficiency and Capital Formation

Since all four proposed changes to Rule G–11 would apply equally to all primary offerings of municipal securities and associated underwriters, they should not impose a burden on competition, efficiency or capital formation. The proposed changes are meant to improve the fairness and efficiency of the underwriting process and thus should improve capital formation. Specifically, the proposed changes are intended to protect issuers, syndicate members and investors, and thus to increase confidence in the capital markets by enhancing transparency and promoting fairness of the competition in the primary offering process.

Rule G–32—Disclosures in Connection With Primary Offerings

The proposed rule change as it relates to Rule G–32 would provide equal access to market participants regarding CUSIP numbers advance refunded and repeal the requirement for dealers acting as financial advisors that prepare the

[46] Issuers could choose to delete the information to avoid the burden.

[47] In addition to the costs to dealers for compliance with the proposed amendments to Rule G–11, the MSRB believes that there also would be a small one-time cost associated with revising policies and procedures by syndicate managers as a result of these proposals.

[48] For economic evaluation the proposed rule changes, the baseline is the current state under existing MSRB rules.

official statement to make the official statement available to the underwriter promptly after approval by the issuer.

Benefits and Costs—Equal Access to the Disclosure of the CUSIP Numbers Advance Refunded

Currently, Rule G–32 requires underwriters of an advance refunding to provide the advance refunding document, which only includes a list of the advance refunded CUSIPs, to the EMMA Dataport and related information on Form G–32, no later than five business days after the closing date. The proposed change is needed to reduce information asymmetry that may arise in the secondary markets. In the case of advance refundings, information regarding the CUSIPs advance refunded may currently be available to certain market participants before it is available to others. This could result in negative consequences for the less informed market participants by forcing them to make investment decisions with less information than other market participants.

The MSRB has considered the alternative of requiring the advance refunding document to be submitted to the EMMA Dataport sooner than five business days after closing to minimize the chance of discrepancy in the timing of disclosures made to different market participants. However, the MSRB understands that this information sometimes is not available sooner than five days after closing and proposing a requirement that the information be provided in a shorter timeframe may not be feasible at this time.

The main benefit of advance refunding disclosure is reduced information asymmetry in the secondary market, which may in turn improve the market's fairness and efficiency. Data are readily available to the underwriter; therefore, costs above the baseline would be limited to manually entering the amount of bonds advance refunded per CUSIP number, since underwriters are already required to provide advance refunding documents, if prepared, to the EMMA Dataport and related information on Form G–32.

Effect on Competition, Efficiency and Capital Formation

Since the proposed amendments would apply equally to all primary offerings and associated underwriters, they should not impose a burden on competition, efficiency or capital formation. In fact, since the proposed amendments are meant to improve the fairness and efficiency through equal access for all market participants of the underwriting process and thereafter the secondary market trading, the proposed amendments should improve capital formation. Specifically, the proposed amendments protect investors, dealers and other market participants who currently do not have the equal access to the CUSIP number advance refunded information disclosure, and these protections could improve the competitiveness of the primary and the secondary markets, potentially benefiting issuers and investors alike.

Benefits and Costs—Repeal of Requirement for Dealers Acting as Financial Advisors To Make the Official Statement Available to the Underwriters

The official statement contains information that is critical to underwriters and market participants. Rule G–32(c) is limited in scope as it only applies to delivery of the official statement when it has been prepared by a dealer acting as a financial advisor. Exchange Act Rule 15c2–12(b)(3) more broadly applies to the underwriter in contracting with the issuer or its agent for receipt of the official statement in a certain amount of time. By eliminating the requirement for a dealer acting as a financial advisor to promptly deliver the official statement to the underwriters, the proposed rule change would promote the uniform practice of regulatory responsibility between dealer financial advisors and non-dealer municipal advisors with a potentially limited negative impact on the distribution of the official statement to the underwriter. Therefore, eliminating this requirement should not result in delayed information dissemination to market participants or hamper their ability to make more informed investment decisions. It will also reduce a burden for dealers acting as financial advisors that is no longer deemed necessary.

To promote regulatory consistency and uniform practice, the MSRB considered the alternative of keeping the requirement and proposing to expand the requirement to also require non-dealer municipal advisors to make the official statement available to the underwriter after the issuer approves its distribution. However, upon further review, the MSRB believes this regulatory alternative would increase the burden for non-dealer municipal advisors but would provide limited benefits to the market. Based on market participant feedback, the MSRB understands that underwriters and issuers more frequently rely upon the contractual arrangements required by Exchange Act Rule 15c2–12(b)(3) for the delivery of the official statement in a timely manner.

While the MSRB believes the costs of sending an official statement electronically to the underwriter is negligible, this proposed rule change would nevertheless reduce costs for dealers acting as financial advisors since they are no longer required to disseminate the official statement to the underwriter unless required pursuant to Exchange Act 15c2–12(b)(3), regardless of who prepared the official statement.

Effect on Competition, Efficiency and Capital Formation

The proposed rule change to eliminate the requirement for dealer financial advisors that prepare the official statement to disseminate the document to the underwriter is applicable to all dealer financial advisors. The proposed rule change removes an imbalance among financial advisors since currently dealer financial advisors are required to provide the official statement, but non-dealer municipal advisors are not. Therefore, the proposed rule change should not impose a burden on competition, efficiency or capital formation. In fact, because the amendments are meant to improve the fairness and consistency of regulatory responsibility between dealer financial advisors and non-dealer municipal advisors, they should create uniform practice which should improve competition and thus benefit capital formation. Eliminating this requirement should not result in delayed information dissemination to some market participants, hampering their ability to make more informed investment decisions.

Changes to Form G–32

The proposed changes to Form G–32 would require additional data fields that would be auto-populated from NIIDS on Form G–32 as well as submission of additional data fields not currently in NIIDS on Form G–32, as applicable. The economic analysis below discusses the two categories of data fields separately.

Broadly speaking, the need for the two categories of proposed additional data fields on Form G–32 arises from the fact that the existing information not currently on Form G–32, but proposed to be included, would enhance the MSRB's regulatory transparency initiatives and facilitate the MSRB's own usage of data. The two categories of proposed additional data points on Form G–32 should also reduce the MSRB's dependence on third-party data providers and utilities for information disclosure and provide the MSRB greater flexibility in ensuring the accuracy of the data. Additionally, as part of the MSRB's long running

transparency initiatives, the MSRB may disseminate some or all of this information, in the future. The MSRB believes that providing transparency of municipal market information is an important way to reduce information asymmetry in the market and enhance data continuity. If the MSRB chooses to disseminate some or all of the information, in the future, investors would have an additional resource providing access to the information used in their assessment of the market value of the security.

Benefits and Costs—Auto Population of Additional Data Fields on Form G–32 With Information From NIIDS

An underwriter of a new issue that is NIIDS-eligible provides data to NIIDS with respect to that issue, as applicable; however, only some of that information is auto-populated into Form G–32. Therefore, the MSRB may be limited in its long-term flexibility to make the information transparent to the broader market on a sustained basis, as a result of the MSRB not being in full control of the collection of those additional data fields. The proposed changes would reduce the MSRB's dependence on third-party data providers and utilities. These additional data elements comprise pertinent information about the municipal securities and not collecting the data would impede the MSRB's goal of creating an ongoing transparent market for municipal securities. Having these fields on Form G–32 would also ensure that the MSRB would have continued access to vital primary offering information now and in the future. While much of the information contained in the proposed additional data fields is currently available to the public in the official statement for a primary offering, it is often not easily located or explicitly stated therein. Because official statements are not consistently formatted, and the specific information sought is not necessarily prominently displayed, at least some portion of retail and other investors may be unaware of, or have difficulty locating, pertinent information. Therefore, should the MSRB disseminate some or all of this information in the future, having readily-available information, on an ongoing basis is, consistent with the MSRB's mission of market transparency.

Underwriters of non-NIIDS-eligible offerings would be exempt from the requirement to manually complete the data fields on Form G–32 that would be auto-populated from NIIDS for NIIDS-eligible offerings, except for one data field that indicates the original minimum denomination of the offering. The MSRB considered the alternative of requiring underwriters of non-NIIDS-eligible issues to manually input all the applicable information from the 57 data fields onto Form G–32. However, the MSRB believes that, at this time, this alternative would impose an unnecessary burden on regulated entities by requiring them to devote additional time and resources to providing information for issues that are not likely to be traded in the secondary market and are less likely to be traded by retail investors.[49] The MSRB believes that, other than the original minimum denomination information, the additional information being sought in the proposed data fields is not critical in evaluating these offerings at this time, and the likely costs associated with inputting all of the applicable fields manually onto Form G–32 would exceed the limited benefits.

The MSRB considered the alternative of collecting the additional information from a third-party data vendor other than NIIDS, to the extent one exists. However, this would require the third party to obtain the information either from NIIDS, official statements, offering circulars or from the underwriter directly, again requiring unnecessary duplication of information input. Additionally, obtaining information from a third party might limit the MSRB's ability to make the information available, thus hindering the MSRB's goal of increasing market transparency.

The MSRB believes that expanding the number of data fields on Form G–32 would improve the MSRB's flexibility regarding data usage. Specifically, by collecting the NIIDS data for inclusion on Form G–32, the MSRB would have greater control and flexibility for the foreseeable future without depending on third-party data providers or utilities. The effort would also have several long-term benefits for the MSRB, including its ability to increase transparency, improve market information and reduce the likelihood of information asymmetries, should the MSRB disseminate some or all of the information, in the future. In that regard, market participants, such as retail investors, issuers and smaller-sized institutional investors, and municipal advisors could have access to less information than market professionals, possibly resulting in information asymmetry. Information asymmetry could cause market price distortion and/or transaction volume depression resulting in an undesirable impact on the municipal securities market.

[49] *See supra* footnote 39.

Because underwriters are already required to submit this information to NIIDS for NIIDS-eligible offerings, the costs associated with providing these data elements are considered part of the baseline, assuming full compliance with applicable provisions of Rule G–32 and Rule G–34. The additional cost imposed on certain market participants for data to be auto-populated from NIIDS onto Form G–32 should be limited, which may include, for example, additional time to review the pre-populated information for accuracy.[50]

Underwriters of non-NIIDS-eligible primary offerings are already obligated to complete Form G–32 manually pursuant to Rule G–32(b)(i)(A)(2). Because the proposed rule change only requires underwriters of non-NIIDS-eligible offerings to manually complete one of the 57 data fields (*e.g.,* original minimum denomination), the MSRB believes the proposed addition should not impose any significant additional time or burden on those underwriters.

Effect on Competition, Efficiency and Capital Formation

Since the data is already provided to and available through NIIDS from underwriters of primary offering municipal securities that are NIIDS-eligible, the proposed changes would not impose a significant burden on regulated entities. Submitters of Form G–32 would have a continued responsibility to ensure that pre-populated information is complete and accurate. However, this responsibility would not rise to the level of a burden on competition since it would apply equally to all underwriters inputting information for new issues.

Additional Data Fields on Form G–32 Not Auto-Populated With Information From NIIDS

Generally, the MSRB seeks to minimize the burden of rule amendments by, for example, obtaining information from existing sources such as NIIDS. Certain data elements that the

[50] Presently, one firm submits data elements to Form G–32 via a business-to-business connection (''B2B''), which is a computer-to-computer connection that does not require any human intervention and provides underwriters a direct data submission channel to Form G–32. With respect to the proposed changes, this B2B submitter would presumably continue to provide all of the proposed data elements via the same B2B connection, because auto-population from NIIDS is not possible with this format of submission. However, B2B is an automated submission itself; therefore, the burden of providing these additional data elements would be limited to the initial time and cost of coding for the process. Subsequently, there should not be additional burdens associated with providing this information to the MSRB on a periodic basis.

MSRB believes would be useful to regulators, however, are not currently input into NIIDS or collected by the MSRB but once directly input on Form G–32 they will be available to regulators. This information could also be useful to certain market participants, such as investors, issuers and municipal advisors and thus the MSRB may disseminate this information, in the future.

As discussed in detail above with regard to the additional data elements not currently captured by NIIDS (*i.e.,* ability for minimum denomination to change, additional syndicate managers, call schedule, legal entity identifiers for credit enhancers and obligated persons, name of municipal advisor, name of obligated person, the dollar amount of CUSIP advance refunded, restrictions on the issue and retail order period by CUSIP number), the MSRB has considered the need to require each of the proposed data elements individually. The MSRB believes that this information is valuable and would immediately enhance regulatory transparency. The information could also help promote a more efficient secondary market for municipal securities, should the MSRB disseminate some or all of the information, in the future. Not collecting the additional data elements would prevent the benefits that are associated with the proposed changes, including enhanced regulatory transparency, and the option to disseminate the information in the future, from being realized. Therefore, for the proposed changes to Form G–32 that are related to additional data elements that are not currently submitted to NIIDS, the MSRB is proposing to require underwriters of NIIDS-eligible offerings to manually input this information onto Form G–32 and to require underwriters of non-NIIDS-eligible offerings to include the data field related to whether the minimum denomination has the ability to change and whether the offering is being made with restrictions, as described below.

Like the alternative above for auto-population of data from NIIDS, the MSRB has considered the alternative to collect this information from a third-party vendor, to the extent one exists. However, reliance on third-party vendors could limit the MSRB's flexibility and latitude to make the data available to the market, thus hindering the goal of increased regulatory transparency. The MSRB also considered collecting all of the proposed additional data through NIIDS, including the newly proposed data elements that are not currently input into NIIDS. However, those data elements are currently not available from NIIDS; thus, it is more practicable for the MSRB to collect the information directly on Form G–32. If DTC were at some point to change its data collection scope, the MSRB could revisit the approach.

The MSRB believes there would be many benefits associated with collection of the proposed additional data elements not currently collected in NIIDS, as these new data elements are currently not readily available or easily extractable by the MSRB. The proposed changes would ensure the MSRB can provide this information to the market, in the future, as appropriate, which would increase transparency, reduce information asymmetry, enhance market efficiency, and may assist individual investors and other market participants with more informed decision making. Additionally, should the MSRB disseminate some or all of this information, in the future, academic studies support disclosure and have consistently demonstrated that information disclosures on municipal bond issuances have benefited investors, particularly retail investors who have higher information acquisition costs than institutional investors.[51]

Finally, all the additional data elements would be useful for regulators to perform regulatory oversight of the primary offering practices and the secondary market trading practices to ensure a fair and efficient market.

In the context of this proposal, the relevant costs are those associated with providing information for the proposed new data elements. For the most part, this information is readily available to underwriters. However, it is useful to consider each of the below elements individually.

• *Ability for Minimum Denomination to Change*—The proposed rule change would include a ''yes/no'' flag on Form G–32 to indicate whether the minimum denomination for the new issue could change. Since this information is contained in the official statement, which is readily available to underwriters prior to issuance, the MSRB believes the costs associated with providing this information would be negligible.

• *Call Schedule*—The proposed rule change would require additional call information on Form G–32. Like most of the proposed data elements, call information is known to underwriters prior to issuance. Therefore, the costs associated with providing this information on Form G–32 primarily take the form of additional time needed to complete Form G–32. Like other proposed data elements, the MSRB believes that the time required to provide this information (and any subsequent cost) would not be significant.

• *Names of Municipal Advisors, Obligated Persons, Other than the Issuer and Additional Syndicate Managers (Senior and Co-Managers)*—The proposed rule change would require the names of municipal advisors, obligated persons, other than the issuer, and additional syndicate managers (if applicable) on Form G–32. This information is readily available to underwriters and the incremental cost of providing this information takes the form of additional time required to complete Form G–32.

• *Retail Order Period by CUSIP*—The proposed rule change would require more retail order period information on Form G–32. Specifically, underwriters would be required to provide CUSIP-specific retail order period information. Like other of the proposed data elements, this information is well known to the underwriter prior to issuance. Therefore, the burden of providing this proposed additional information is limited to simply inputting it on the form. Thus, the main associated burden would be the additional time required to complete the form. Incrementally, this cost would be minor as it should not require significant time to enter the information.

• *Dollar Amount of Security Advance Refunded by Each CUSIP Number*—The proposed rule change would require the underwriter, in a refunding, to provide the dollar amount of each CUSIP number advance refunded in an issue. The dollar amount of CUSIP numbers being advance refunded is readily available and should not be difficult for underwriters to gather and to provide to the market, as underwrites should already have the information on hand.

• *LEIs for Credit Enhancers and Obligated Person(s), Other than the Issuer, if Available*—The proposed rule change would require the LEI for the obligated person, other than the issuer, and any credit enhancers to be provided, if readily available. In the case of the LEI for credit enhancers, this

[51] *See* Christine Cuny, ''When Knowledge is Power: Evidence from the municipal bond market,'' Journal of Accounting and Economics, 2017, and Komla Dzigbede, ''Regulatory Disclosure Interventions in Municipal Securities Secondary Markets: Market Price Effects and the Relative Impacts on Retail and Institutional Investors,'' Working Paper, State University of New York at Binghamton, July 2017.

information would only be required if credit enhancements were used. LEI information is publicly available through various platforms so the cost of obtaining and providing this information would be limited. Additional costs in the form of search time may be incurred if the underwriter does not have the appropriate LEI(s) on hand.

• *Restrictions on the Issue*—The proposed rule change would add a ''yes'' and ''no'' flag to Form G–32 for an underwriter to indicate whether the offering is being made with restrictions. Because this information should be readily available to underwriters prior to issuance, the MSRB believes the costs associated with providing this information would be negligible.

As noted above, for non-NIIDS-eligible offerings, the underwriter would not be required to manually complete these additional fields, except for the data field that indicates the ability for the minimum denomination of an offering to change, where the underwriter would provide a ''yes/no'' flag to indicate whether the original minimum denomination for the issue has the ability to change, and the data field that indicates whether the offering is being made with any restrictions.

The MSRB believes that the immediate increase in regulatory transparency and enhanced quality control, along with the potential long-term accrued benefits of disseminating the information, in the future, would outweigh the burden imposed on underwriters.[52]

Effect on Competition, Efficiency and Capital Formation

The MSRB believes that the proposed rule change may improve the efficiency of the municipal securities market by promoting a uniform practice and consistency and transparency of information. At present, the MSRB is unable to quantitatively evaluate the magnitude of efficiency gains or losses, or the impact on capital formation. However, the MSRB believes that the benefits would outweigh the costs over the long term. Additionally, in the MSRB's view, the proposed changes would not result in an undue burden on competition since they would apply to all underwriters equally.

Overall, the MSRB believes, in aggregate, the above proposed changes should bring additional benefits to the primary and secondary markets, with relatively limited costs to market participants. The MSRB has assessed the impact of the proposed changes and believes that the likely aggregate benefits should accrue and outweigh the likely costs over the long term.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

As previously noted, on September 14, 2017 and July 19, 2018, the MSRB published the Concept Proposal[53] and Request for Comment,[54] respectively, seeking public comments on various aspects of current primary offering practices and setting forth several questions related to Rule G–11 and Rule G–32, as well as Form G–32 data fields. Following its review of the comments, the MSRB also conducted additional outreach with various market participants. The following summarizes the comments received on both the Concept Proposal and the Request for Comment and sets forth the MSRB's responses thereto. With regard to the Concept Proposal, the MSRB only provides responses to comments regarding those items that were not subsequently addressed in the Request for Comment. With respect to the Request for Comment, the MSRB provides responses to comments for each proposed change therein as set forth below.

Summary of Comments Received in Response to the Concept Proposal

The MSRB received 12 comment letters in response to the Concept Proposal. BDA and SIFMA both indicated their belief that current primary offering practices are adequate, and they saw no need for sweeping changes. NABL focused its comments on questions in the Concept Proposal that it believed could result in unintended consequences on dealers in primary offerings. NAMA indicated that its main concern was ''that elements of the Concept Proposal suggest MSRB rule changes that exceed the MSRB's statutory authority.'' Other commenters provided views on various aspects of the Concept Proposal as set forth in the summary below.

Rule G–11—Primary Offering Practices

Bona Fide Public Offering

In the Concept Proposal, the MSRB sought comment on whether there should be a requirement in Rule G–11 that syndicate members must make a ''bona fide public offering'' of municipal securities at the public offering price. The MSRB asked, among other things, how such a requirement would apply, what definition of ''bona fide public offering'' should apply, what documentation would be necessary to document compliance and whether issuing guidance might be a better alternative.

Four commenters provided comments on this issue,[55] with three commenters expressly opposing any rulemaking by the MSRB with respect to ''bona fide public offerings.''[56] NABL and SIFMA noted that the contract between the issuer and the underwriter dictates whether there is a requirement to make a bona fide public offering at the public offering price and that the MSRB should not inject itself into those negotiations.[57] SIFMA stated its concern that creating a regulatory requirement that offerings must be undertaken in a bona fide public offering would ultimately require a much more extensive set of regulatory changes and line drawing to deal with many situations where a traditional public offering may appropriately not be sought.[58] According to SIFMA, this would raise considerable risk of regulations driving market decisions rather than the intentions of the party or free market forces.[59] Finally, SIFMA noted that it is in the process of reviewing its Master Agreement Among Underwriters (''AAU'') and will consider what, if any, changes could be made to address some of the issues related to a syndicate member's ''bona fide public offering'' obligations.[60]

NABL suggested that the MSRB update its guidance with respect to Rule G–17 to clarify that, if an underwriter is not contractually obligated to conduct a bona fide public offering, the underwriter should be required to indicate this point, as well as any material risks to the issuer of not conducting a bona fide public offering, in its disclosures under Rule G–17.[61] SIFMA suggested that the MSRB could

[52] For B2B submissions, to provide the above-proposed data elements, this submitter would incur development costs to code for the new submission format since their information is not auto-populated on Form G–32 from NIIDS. The MSRB realizes that this firm would most likely face greater up-front costs in the event of a rule change due to the one-time cost to revise the firm's B2B submission code than firms submitting manually.

[53] MSRB Regulatory Notice 2017–19 (September 14, 2017).

[54] MSRB Notice 2018–15 (July 19, 2018).

[55] BDA Letter I, NABL Letter I, TMC Bonds Letter I and SIFMA Letter I.

[56] BDA Letter I, NABL Letter I and SIFMA Letter I.

[57] NABL Letter I at 1; SIFMA Letter I at 4–5.

[58] SIFMA Letter I at 4.

[59] *Id.*

[60] SIFMA Letter I at 5–6.

[61] NABL Letter I at 1.

consider issuing interpretive guidance under Rule G–17 relating to material failures of a syndicate member to adhere to the contractual offering requirements that have a material adverse impact on the syndicate or the issuer.[62]

TMC Bonds stated that it is possible that the closed nature of the traditional syndicate structure has an unintended consequence—instead of assuring that the public has access to new issue municipal securities, only members of the syndicate or participants in a distribution agreement have such access.[63] TMC Bonds suggested that the MSRB could consider that a ''bona fide public offering'' may be accomplished by posting new issues on a ''market center,'' independent of syndicate structure, allowing investors (via a dealer) with no access to the retail order period to enter orders for new issues.[64] TMC Bonds noted that this would allow the ''public'' to have access to new issues in a more transparent manner than in a syndicate retail order period.[65] TMC Bonds suggested that, among other requirements, dealers submitting orders would need to provide an attestation that orders are from ''bona fide'' retail investors, and anonymous orders would not be allowed.[66] Finally, SIFMA noted that the Internal Revenue Service's (IRS) issue price rules should take the lead on matters related to bona fide public offerings and initial offering prices and that the MSRB should wait on any rulemaking in this area until the market has adapted to the IRS requirements.[67]

In response to the comments received, the MSRB agrees with NABL and SIFMA that the contract between the issuer and the underwriter dictates whether there is a requirement to make a bona fide public offering at the public offering price. As a result, the MSRB determined to set aside discussions related to amending Rule G–11 to require syndicate members to make a bona fide public offering of municipal securities.

Free-to-Trade Wire

The MSRB sought comment on whether the senior syndicate manager should issue the free-to-trade wire to all syndicate members at the same time. Two commenters provided input on this issue.[68] BDA believed the MSRB should require all senior syndicate managers to send a free-to-trade wire to all syndicate members once formal award has been assigned and that the wire should be sent on a maturity-by-maturity basis.[69]

Alternatively, SIFMA indicated that no regulatory requirements are needed to address the distribution of the free-to-trade wire.[70] SIFMA, in reviewing and revising its AAU, indicated it will consider whether to include provisions that would make more explicit the method by which free-to-trade information is communicated to syndicate members and other dealers involved in the distribution of a new issue.[71] If the MSRB were to pursue a rulemaking in this area, SIFMA stated it should be limited to ensuring communications occur on a material simultaneous basis and not pursuant to specified timeframes.[72]

Additional Information for the Issuer

The MSRB asked commenters whether the senior syndicate manager should be required to provide information to issuers on designations and allocation of securities in an offering and, if so, whether there would be a preferred method for providing the information. Additionally, the MSRB asked whether there were reasonable alternatives to this potential requirement and what benefits and burdens might be associated therewith.

Four commenters responded to this inquiry.[73] BDA indicated that not all issuers have access to detailed information about their securities (and in fact, according to BDA, frequently even syndicate members do not receive this information).[74] BDA recommended that the MSRB require syndicate managers to send the issuers such information, as well as the underwriting spread breakdown, upon request.[75] Similarly, GFOA noted that an issuer should be made aware of information distributed to the syndicate and that such information should be distributed to the entire syndicate at the same time, so no syndicate member has an advantage over another.[76] The City of San Diego indicated that it actively requests and receives the relevant information from syndicate managers. However, it stated that, if the information is not currently provided to all issuers, the City of San Diego believes that Rule G–11 should be amended to require the senior syndicate manager to provide it unless the issuer opts out of receiving it.[77]

The City of San Diego further indicated that the senior syndicate manager in negotiated sales should be required to obtain the issuer's approval of designations and/or allocations unless otherwise agreed to between the parties.[78] GFOA indicated that it is a best practice to have discussions about the issuer's approval of designations and/or allocations.[79]

SIFMA indicated that it was unaware of any circumstances where a syndicate manager refused to provide information to an issuer or where an issuer complained that such information was withheld.[80] If the MSRB were to undertake rulemaking in this area, SIFMA stated that the senior syndicate manager should only be required to provide the information to the issuer upon request.[81] Finally, SIFMA stated that a senior syndicate member should not be required to obtain the issuer's approval of designations and/or allocations.[82] According to SIFMA, most issuers likely have no interest in approving allocations, and those that do, normally reach agreement with the syndicate manager to do so.[83] SIFMA is unaware of circumstances where a syndicate manager has agreed to allow the issuer to approve of designations/allocations and then has failed to do so.[84]

Alignment of the Payment of Sales Credits for Group Net Orders With the Payment of Sales Credits for Net Designation Orders and Shortened Timeframe

The MSRB asked commenters whether the timing of the payment of sales credits on group net orders should be aligned with the timing of the payment of sales credits on net designated orders. Two commenters responded.[85]

BDA recommended that the MSRB align the time period for the payment of sales credits on both group net and net designated to 10 business days.[86] SIFMA, on the other hand, indicated that absent evidence of significant problems with the current timeframes, the MSRB should make no changes.[87]

[62] SIFMA Letter I at 4–5.
[63] TMC Bonds Letter I at 1.
[64] TMC Bonds Letter I at 2.
[65] *Id.*
[66] *Id.*
[67] SIFMA Letter I at 5.
[68] BDA Letter I and SIFMA Letter I.
[69] BDA Letter I at 2.
[70] SIFMA Letter I at 7.
[71] SIFMA Letter I at 5.
[72] SIFMA Letter I at 7.
[73] BDA Letter I, City of San Diego Letter I, GFOA Letter I and SIFMA Letter I.
[74] BDA Letter I at 2.
[75] *Id.*
[76] GFOA Letter I at 1.
[77] City of San Diego Letter I at 1.
[78] *Id.*
[79] GFOA Letter I at 1.
[80] SIFMA Letter I at 7–8.
[81] SIFMA Letter I at 8.
[82] SIFMA Letter I at 9.
[83] *Id.*
[84] *Id.*
[85] BDA Letter I and SIFMA Letter I.
[86] BDA Letter I at 3.
[87] SIFMA Letter I at 10.

According to SIFMA, the determinations of these two payments are based on different inputs that could drive the time disparity.[88]

Priority of Orders and Allocation of Bonds

Four commenters provided comment on whether Rule G–11 should be amended to explicitly state the process by which orders must be given priority.[89]

BDA and the City of San Diego believed that the rule should be amended to require senior syndicate managers, in negotiated sales, to allocate retail priority orders up to the amount of priority set by the issuer before allocating to lower priority orders, unless the issuer provides otherwise.[90] SIFMA, however, stated that the current priority provisions achieve an appropriate balance of competing legitimate interests in the primary offering distribution process.[91] SIFMA stated that syndicate members are obligated to follow the direction given by the issuer with regard to the priority for filling orders on that issuer's primary offering offerings, and it is critical that MSRB rules not impede this practice.[92] Further, according to SIFMA, existing MSRB guidance under Rule G–17 is adequate to address situations where the syndicate has materially departed from priority requirements.[93] GFOA stated that the issuer's priority of order designations are stated on the pricing wire and, if the issuer has indicated its preference for priority, the senior syndicate manager should abide by the issuer's preference.[94]

In response to the comments received, the MSRB determined not to seek additional comment on the proposed amendment to explicitly define the process by which orders must be given priority in a primary offering. The MSRB believes that the requirements under Rule G–11 regarding priority of orders and the interpretative guidance under Rule G–17 expressly address how orders are given priority. At this time, the MSRB believes that additional rulemaking would not enhance existing priority and allocation related rules and guidance.

Rule G–32—Disclosures in Connection With Primary Offerings

Disclosure of the CUSIPs Advance Refunded and the Percentages Thereof

The MSRB requested comment on whether the MSRB should require underwriters to disclose, within a shorter timeframe than is currently required, and to all market participants at the same time, CUSIPs advance refunded and the percentages thereof. Six commenters provided their views.[95]

The City of San Diego, NFMA and Wells Capital agreed that underwriters should disclose the refunding CUSIPs to all market participants at the same time.[96] Wells Capital noted that incomplete refunding disclosures or selective disclosures can create inequitable trading advantages for those obtaining refunding information prior to it being posted on EMMA.[97] NFMA stated that the most effective and least costly solution to ensure all investors have equal access to advance refunded CUSIP information is the disclosure of information to EMMA at the same time, as soon as practicable.[98] BDA agreed that the MSRB should require the senior syndicate manager or sole manager to disclose the CUSIPs advance refunded and the percentages thereof within a short period following the pricing of the refunding bonds, if available.[99] SIFMA questioned the value of requiring submission of the percentages.[100]

NABL indicated that, while it has no view as to whether such a requirement should be adopted, it does believe it is important that any requirement not serve to indirectly regulate issuers by creating a *de facto* requirement that CUSIPs be identified by the issuer at pricing or any time before the issuer is otherwise obligated to provide such information.[101]

SIFMA believed the deadline for submitting advance refunding documents should remain at the current five business days after closing.[102] SIFMA noted that, while making information about advance refunded bonds available at an earlier timeframe would be beneficial to the marketplace, it cautioned that the MSRB should thoroughly analyze the changes required to be made to Form G–32 and the EMMA primary market submission system.[103] Further, SIFMA stated that, if a municipal advisor participates, the municipal advisor rather than the underwriter should be required to submit the advance refunding document and associated information to EMMA.[104]

Submission of Preliminary Official Statements to EMMA

Nine commenters addressed the question about whether Rule G–32 should require the posting of the preliminary official statement (''POS'') to EMMA.[105] Four commenters believed there should be a requirement that the POS be submitted to EMMA promptly.[106] The City of San Diego noted that there is no valid reason for some market participants to have access to the POS before others.[107] It indicated that the underwriter in a negotiated sale and the municipal advisor in a competitive sale should be required to submit the POS to EMMA concurrently with, or within one business day of, receiving confirmation from the issuer that the POS has been electronically printed/posted.[108] If the information changes, the City of San Diego believed the underwriter or municipal advisor should be required to post a supplement or remove the POS if it becomes stale.[109] Similarly, NFMA supported submission of the POS to EMMA prior to pricing to ensure that all market participants, including holders of parity bonds, have equal access to the latest disclosure documents of an issuer.[110] Paganini and Wells Capital urged the MSRB to require underwriters (and municipal advisors, in the case of Wells Capital) to promptly submit the POS to EMMA so all potential buyers/investors have access to the information at the same time.[111]

Five commenters opposed requiring the mandatory posting of a POS to EMMA.[112] Three commenters believed such a requirement would be outside the MSRB's jurisdiction and would be indirect regulation of issuers by the MSRB in violation of the Exchange

[88] *Id.*

[89] BDA Letter I, City of San Diego Letter I, GFOA Letter I and SIFMA Letter I.

[90] BDA Letter I at 3 and City of San Diego Letter I at 1.

[91] SIFMA Letter I at 10.

[92] *Id.*

[93] SIFMA Letter I at 12.

[94] GFOA Letter I at 1.

[95] BDA Letter I, City of San Diego Letter I, NABL Letter I, NFMA Letter I, SIFMA Letter I and Wells Capital Letter I.

[96] City of San Diego Letter I at 1, NFMA Letter I at 2 and Wells Capital Letter I at 2.

[97] Wells Capital Letter I at 2.

[98] NFMA Letter I at 2.

[99] BDA Letter I at 3.

[100] SIFMA Letter I at 14.

[101] NABL Letter I at 2.

[102] SIFMA Letter I at 13.

[103] *Id.*

[104] SIFMA Letter I at 14.

[105] BDA Letter I, City of San Diego Letter I, GFOA Letter I, NABL Letter I, NAMA Letter I, NFMA Letter I, Paganini Letter I, SIFMA Letter I and Wells Capital Letter I.

[106] City of San Diego Letter I, NFMA Letter I, Paganini Email I and Wells Capital Letter I.

[107] City of San Diego Letter I at 1–2.

[108] *Id.*

[109] City of San Diego Letter I at 2.

[110] NFMA Letter I at 2.

[111] Paganini Email I at 1 and Wells Capital Letter I at 2.

[112] BDA Letter I, GFOA Letter I, NABL Letter I, NAMA Letter I and SIFMA Letter I.

Act.[113] GFOA indicated that the POS should only be posted at the direction of the issuer.[114] NAMA believed that requiring the municipal advisor to post the POS could cause them to be engaging in broker-dealer activity and could possibly force them to violate their fiduciary responsibilities to their municipal issuer clients if posting the information may be counter to the issuer's wishes or benefit.[115] According to SIFMA, the POS as a disclosure document is incomplete, subject to change and quickly replaced by the final official statement; as marketing material, it would transform EMMA from a disclosure and transparency venue to a central marketplace.[116] Additionally, according to SIFMA, any pre-sale posting of the POS would require issuer consent, thus the MSRB would need to work with the issuer community to ensure they would be willing to give such consent. SIFMA also noted that the MSRB previously sought comment on this same issue in 2012 and noted that ''very little has changed since then.'' [117] If the MSRB chooses to pursue rulemaking in this area, SIFMA indicated that the MSRB should carefully consider the points raised by SIFMA and other commenters in response to the 2012 release.[118] Two commenters noted the difficulty in ensuring that updated information is disseminated once a POS has been posted. For example, BDA stated that the MSRB would need to develop a mechanism to ensure that everyone who viewed a POS on EMMA would receive any supplements subsequently provided.[119] Similarly, NAMA asked how updated information would be ''flagged as being revised'' and how a dealer would reach investors who had previously received a POS that was now stale.[120]

The MSRB agrees with the majority of commenters that there should not, at this time, be a requirement to post the preliminary POS to EMMA. Because the POS is more likely to change than the OS, the MSRB agrees that it would be difficult to ensure that the POSs posted were current and not outdated and that posting such documents could lead to confusion and misinformation about a particular issue. In addition, issuers currently are free to upload their preliminary POS to EMMA if they so choose.

Whether Non-Dealer Financial Advisors Should Make the Official Statement Available to the Underwriter After the Issuer Approves It for Distribution

Three commenters provided comment on this question.[121] BDA and SIFMA urged the MSRB to amend Rule G–32(c) to apply to all municipal advisors [122] instead of only to dealer financial advisors.[123] NAMA indicated that the municipal advisor should not have the responsibility to make the official statement available to the underwriter unless tasked to do so by the issuer.[124] NAMA noted that municipal advisors should be removed all together from Rule G–32(c) because Exchange Act Rule 15c2–12 sets forth a process by which an underwriter obtains the official statement.[125]

Whether the MSRB Should Auto-Populate Into Form G–32 Certain Information That Is Submitted to NIIDS But Is Not Currently Required To Be Provided on Form G–32

The MSRB received three comments on the question of whether Form G–32 should be amended to require certain additional data fields that would be auto-populated with information currently submitted to NIIDS.[126] BDA recommended, generally, that the MSRB auto-populate information from NIIDS into Form G–32, and NAMA indicated that this is the type of review the MSRB should be undertaking to reduce the compliance burden on regulated entities.[127] SIFMA suggested that auto-populating Form G–32 with initial minimum denomination information from NIIDS would assist the marketplace overall in better complying with MSRB Rule G–15(f), on minimum denominations.[128] SIFMA also suggested that certain call-related fields in NIIDS might be useful if included on Form G–32, but suggested that the MSRB first should conduct a thorough review of the data to ensure that the structure of the data provided in NIIDS provides an accurate representation of the different call features used in the municipal securities market.[129] In any event, SIFMA suggested that the MSRB should undertake a notice and comment period with respect to any additional data elements it would propose to make public through EMMA.[130]

Whether the MSRB Should Request Additional Information on Form G–32 That Currently Is Not Provided in NIIDS, and If So, What Data

Five commenters provided comments on this issue.[131] All five of the commenters thought certain items would be useful if included on Form G–32, and disseminated, but none believed all of the identified potential items from the Concept Proposal should be included. The City of San Diego and NAMA specifically thought the municipal advisor fee should not be included, and the City of San Diego also believed the management fee should be excluded because of the vast differences in how it is determined between differing transactions.[132] SIFMA indicated that EMMA is not the proper venue for disclosing fees and expenses that are incorporated into the information provided in the official statement.[133] Additionally, BDA indicated that minimum denomination and call information would be useful on Form G–32.[134]

NAMA indicated that additional information would benefit issuers and the marketplace, especially information related to true interest cost and yield to maturity.[135] SIFMA raised concerns regarding the current process for submitting information on commercial paper issues, which are not subject to the NIIDS requirement and, according to SIFMA, ''consistently raise significant operational and compliance difficulties.'' [136] SIFMA asked that the MSRB engage in discussions with SIFMA members to assess the operational issues and develop solutions to enhance efficiency and effectiveness of commercial paper submissions.[137]

Two commenters specifically noted their support for the inclusion of legal entity identifiers (''LEIs'') on Form G–32.[138] GLEIF indicated its belief that

[113] GFOA Letter I, NABL Letter I and NAMA Letter I.

[114] GFOA Letter I at 2.

[115] NAMA Letter I at 2–3.

[116] SIFMA Letter I at 15.

[117] SIFMA Letter I at 16.

[118] *Id. See also* MSRB Notice 2012–61 (Dec. 12, 2012).

[119] BDA Letter I at 4.

[120] NAMA Letter I at 3–4.

[121] BDA Letter I, NAMA Letter I and SIFMA Letter I.

[122] In discussing the Request for Comment, commenters used the terms ''financial advisor'' and ''municipal advisor'' interchangeably for purposes of describing a dealer acting as a financial advisor.

[123] BDA Letter I at 4 and SIFMA Letter I at 19.

[124] NAMA Letter I at 2.

[125] NAMA Letter I at 4.

[126] BDA Letter I, NAMA Letter I and SIFMA Letter I.

[127] BDA Letter I at 4 and NAMA Letter I at 5.

[128] SIFMA Letter I at 19.

[129] *Id.*

[130] *Id.*

[131] BDA Letter I, City of San Diego Letter I, GLEIF Letter I, NAMA Letter I and SIFMA Letter I.

[132] City of San Diego Letter I at 2 and NAMA Letter I at 5.

[133] SIFMA Letter I at 19.

[134] BDA Letter I at 4.

[135] NAMA Letter I at 5.

[136] SIFMA Letter I at 24.

[137] *Id.*

[138] GLEIF Letter I and SIFMA Letter I.

requiring issuers to register for LEIs would help move towards global harmonization for U.S. issuers to be identified by LEIs.[139] SIFMA noted that Form G–34 should have a field for the submission of LEIs, as the LEI system would be useful to the MSRB in terms of enhancing transparency in the issuance of municipal securities.[140] While SIFMA recognized the potential costs to issuers to register for LEIs, it believed the MSRB should strongly promote the value of obtaining LEIs by issuers and obligors as part of the issuance process.[141] Additionally, SIFMA suggested the MSRB provide written materials describing the benefits of and the process for obtaining LEIs to assist the industry in promoting the benefits to issuers and obligors during the issuance process.[142]

Other Questions

Has the IRS's issue price rule impacted any primary offering practices in the municipal securities market, and in what ways? If any MSRB rules are affected, what, if any, amendments should be considered?

BDA, GFOA, NABL and SIFMA each provided comments on this question. BDA believed the IRS's issue price rule has not changed the primary offering practices for municipal securities.[143] NABL stated that no MSRB rule should be adopted if it would undermine, conflict with or make impractical the continued compliance with the issue price rules.[144] GFOA expressly supported NABL's position.[145] Finally, SIFMA noted that the issue price rules should take the lead on matters related to bona fide public offerings and initial offering prices and that the MSRB should wait on any rulemaking in this area until the market has adapted to the IRS requirements.[146] The MSRB determined that the rules being considered in the Concept Proposal did not impact or conflict with the IRS issue price rules, nor did they impact an underwriter's ability to conform with those rules.

Are there any other primary offering practices that the MSRB should consider in its review?

Three commenters provided thoughts on other primary offering practices the MSRB should consider.[147] Doty suggested that the MSRB consider amending Rule G–32(iii)(A) to require disclosure of ''the amount of any compensation received by the broker, dealer or municipal securities dealer at any stage of the offering from an obligated person or any other party, in addition to the governmental issuer, in connection with completion of one or more stages of the offering or completion of the entire offering or both.'' [148] According to Doty, without disclosure, investors would believe that the underwriter/placement agent received only the compensation paid by the governmental issuer, without knowledge of the underwriter's/placement agent's full compensatory motivation to complete the transaction.[149] Doty further suggested that municipal advisors should disclose all of their compensation in both negotiated and competitive offerings and whether their compensation was contingent upon the closing of the transaction or achievement of any other factor, such as the size of the transaction.[150] The MSRB agrees that the issue of compensation paid to the underwriter is an issue of interest, but believes consideration of this issue should be undertaken separately from the primary offering practices rule review.

NAMA suggested that the MSRB should ensure that all references in the MSRB rule book to dealer-municipal advisors, municipal advisors and financial advisors ''correctly reflect the actual duties and responsibilities of [m]unicipal [a]dvisors that are stated in the Exchange Act and the Final Municipal Advisor Rule.'' [151] Additionally, NAMA urged the MSRB to address the impact of rulemaking on small municipal advisory firms.[152] The MSRB agrees that certain terminology and references in its rules could be clarified or modernized as a result of the municipal advisor regulatory regime, but that consideration of such changes should be undertaken separately from the primary offering practices rule review.

Wells Capital asked that the MSRB address in Rule G–32 the current practices related to the ''deemed final'' POS required under SEC Rule 15c2–12 regarding both timing of the pricing and completeness of the deemed final POS.[153] In Wells Capital's experience, pricing of municipal deals usually is not based on a deemed final POS as is required under Rule 15c2–12.[154] Additionally, Wells Capital requested that the MSRB address issues regarding the minimum time needed between the issuance of a deemed final POS and pricing. Wells Capital urged the MSRB to impose a minimum number of business days between the distribution of a deemed final POS and the pricing of that transaction. According to Wells Capital, underwriters attempt to rush final pricing without a deemed final POS in the hopes that the buy-side will not detect all the ''warts'' in the transaction or will not raise questions that have not been adequately addressed in the POS. Finally, Wells Capital urged the MSRB to address current practices by issuers and underwriters related to selective disclosure.[155] For jurisdictional reasons the MSRB is unable to address the issues proposed by Wells Capital.

What are the reasonable alternatives to each of the above proposals? For example, are any of the proposals that would require a rule change better addressed through other means, such as interpretive guidance, compliance resources, additional outreach/education, new MSRB resources, or voluntary industry initiatives? Are there less burdensome or more beneficial alternatives?

The MSRB received no comments related to this set of questions.

After carefully considering commenters' suggestions and concerns regarding the Concept Proposal, the MSRB determined to seek further comment, on certain of the concepts, as discussed in more detail below.

Summary of Comments Received in Response to the Request for Comment

The Request for Comment sought further comment on proposed amendments to Rule G–11 related to (1) simultaneous issuance of the free-to-trade wire; (2) providing additional information to the issuer related to designations and allocations; and (3) alignment of the timeframe for the payment of group net sales credits with the payment of net designation sales credits. Additionally, the Request for Comment sought input on proposed amendments related to Rule G–32 and Form G–32, including (1) disclosures of CUSIP numbers advance refunded and the percentages thereof; (2) whether non-dealer municipal advisors should be required to make the official statement available to the underwriter after the issuer approves it for

[139] GLEIF Letter I at 1.

[140] SIFMA Letter I at 21.

[141] *Id.*

[142] *Id.*

[143] BDA Letter I at 5.

[144] NABL Letter I at 2.

[145] GFOA Letter I at 1.

[146] SIFMA Letter I at 24.

[147] Doty Letter I, NAMA Letter I and Wells Capital Letter I.

[148] Doty Letter I at 1.

[149] Doty Letter I at 2.

[150] *Id.*

[151] NAMA Letter I at 6.

[152] *Id.*

[153] Wells Capital Letter I at 3.

[154] *Id.*

[155] *Id.*

distribution; (3) whether Form G–32 should be auto-populated with additional information from NIIDS; and (4) whether Form G–32 should be amended to request additional information that would not be auto-populated from NIIDS. The MSRB received 10 comments letters in response, which are summarized below.

Rule G–11—Primary Offering Practices

Free-to-Trade Wire

The Request for Comment again sought feedback on proposed amendments to Rule G–11, on primary offering practices, to add a requirement that the senior syndicate manager issue the free-to-trade wire to all syndicate members at the same time. BDA, GFOA and SIFMA supported this proposed change. However, BDA recommended that the rule not prescribe the manner of dissemination of a free-to-trade wire, specifically, because industry customs change and eventually dissemination of such information may be made in another manner.[156] Instead, BDA suggested modifying the proposed language to require notification ''in any reasonable manner accepted and customary'' in the industry.[157] GFOA suggested that the proposed change include language that addresses the Internal Revenue Service (IRS) issue price rules.[158] Specifically, GFOA suggested that language be included that indicates trades may not be allowable at any price if issue price restrictions (such as hold-the-price restrictions) are in place.[159]

As previously noted, the MSRB believes equal access to information is important to the fair and effective functioning of the market for primary offerings of municipal securities. In addition, after consulting with stakeholders, the MSRB added selling groups to the parties that should receive the free-to-trade information as proposed. The MSRB believes requiring dissemination of this information for receipt by all syndicate and selling group members at the same time, would prevent preferential access to the free-to-trade information. In response to commenters, the MSRB is not proposing to dictate the timing of when, or the form of how, the free-to-trade communication should be sent, but that dissemination be electronic by an industry-accepted method. The MSRB does not believe it is prudent or necessary to include a reference to IRS issue price rules in proposed changes to Rule G–11, as syndicate and selling group members have an existing obligation to comply with all other rules and regulations that may apply to primary offerings.

Additional Information for the Issuer

In the Request for Comment, the MSRB asked whether MSRB Rule G–11(g) should be amended to require the senior syndicate manager to provide to the issuer the same information it provides to the syndicate regarding the designations and allocations of securities in an offering. Four commenters generally supported the proposed change.[160] Both BDA and SIFMA indicated that the information should be required to be provided to the issuer only upon request and suggested that additional issuer education regarding the information and its availability should be undertaken.[161] SIFMA also noted that, if Rule G–11 is amended as proposed, it should provide that issuers can opt out of receiving this information.[162] Additionally, SIFMA suggested that the information should be provided in a consistent manner across the industry so that it is useable.[163] GFOA and NAMA supported having the senior syndicate manager provide the issuer, at all times, with the same information it provides the syndicate regarding designations and allocations.[164] GFOA noted that education of issuers cannot replace the actual receipt of the information,[165] and NAMA indicated that it is not helpful to allow issuers to opt out of receiving the information or to direct them to a website to review the official statement.[166]

In response to the comments received, the MSRB has determined to propose requiring the senior syndicate manager to provide issuers the same information it provides to the syndicate regarding both the designations and allocations of securities in an offering. As previously noted, the MSRB believes that, while issuers sometimes may be involved in reviewing and approving allocations or may be able to request information regarding designations and allocations from various sources, including the senior syndicate manager and certain third-party information resources, some issuers are unaware this information is available and can be requested. By making dissemination of this information to issuers a requirement, the MSRB ensures that all issuers, regardless of size, will receive the designation and allocation information relevant to their primary offerings. The MSRB also notes that because underwriters are already required to provide this information to syndicate members, no additional documents should have to be produced to comply with the proposed requirement.

Alignment of the Timeframe for the Payment of Group Net Sales Credits With the Payment of Net Designation Sales Credits

In the Request for Comment, the MSRB sought input on whether Rule G–11 should be amended to align the time period for the payment of group net sales credits (currently, 30 calendar days following delivery of the securities to the syndicate) with the payment of net designation sales credits (10 calendar days following delivery of the securities to the syndicate). BDA supported this change,[167] while SIFMA opposed it.[168] According to SIFMA, the determination of the amounts due and owing to each syndicate member for group orders is based on different information than that needed for the determination of amounts due and owing for net designation orders.[169] SIFMA stated its belief that, absent evidence of significant problems with the current timing of the payments, no changes should be made.[170]

After carefully considering the potential differences in the timing of these payments, the MSRB has proposed amendments to Rule G–11 that would align the payment of net designation and group net sales credits. The MSRB believes that based on current practices there is no reason for the discrepancy in the timing of the payment of these sales credits and that aligning these payments would avoid unnecessary credit risks among syndicate members. If fact, several stakeholders indicated that they are already making group net sales credit payments consistent with the 10-day requirement.

Rule G–32—Disclosures in Connection With Primary Offerings

Equal Access to the Disclosure of the CUSIP Numbers Advance Refunded and the Percentages Thereof

In the Request for Comment, the MSRB asked for comment on proposed amendments to Rule G–32, on disclosures in connection with a

[156] BDA Letter II at 1.

[157] *Id.*

[158] GFOA Letter II at 2.

[159] *Id.*

[160] BDA Letter II; GFOA Letter II; NAMA Letter II; and SIFMA Letter II.

[161] *Id.*

[162] SIFMA Letter at 2.

[163] *Id.*

[164] GFOA Letter II at 1; and NAMA Letter II at 5.

[165] GFOA Letter II at 1.

[166] NAMA Letter II at 5.

[167] BDA Letter II at 2.

[168] SIFMA Letter II at 2.

[169] *Id.*

[170] SIFMA Letter II at 3.

primary offering, to require disclosures of CUSIP numbers advance refunded and percentages thereof to be made to all market participants at the same time. GFOA and NFMA supported this proposed change, with both indicating a preference for a shorter timeframe for disclosure than the current five business days.[171] BDA and SIFMA noted they support access to this information, but in light of recent tax changes that eliminate some advance refundings, they questioned the value of such a requirement.[172]

The MSRB believes that advanced refunding information should be provided to market participants, at the same time, because equal access to advance refunding information is important for the efficient functioning of the primary market for municipal securities.

Additionally, the Request for Comment sought input on whether information on *potential* advance refundings would be useful to the market (*i.e.,* a ''gray list''). The MSRB asked whether there should be a requirement, or a voluntary option, for underwriters to submit to EMMA lists of bonds, by CUSIP number, that the issuer has indicated *may be* advance refunded. NFMA indicated that a list of partial refunding candidates should be made available on EMMA.[173] GFOA and SIFMA objected to the submission of information on potential refundings, indicating that information should be provided only once the information regarding the advance refunded maturities is final.[174]

At this time, given that ''potential refunding'' is not a consistently defined term in the municipal securities market, the MSRB believes that the disclosure of such information could be confusing to investors. Thus, the MSRB has determined not to pursue rulemaking regarding the disclosure of ''potential'' refundings in the market.

Whether Non-Dealer Municipal Advisors Should Make the Official Statement Available to the Managing or Sole Underwriter After the Issuer Approves It for Distribution

In the Request for Comment, the MSRB asked for feedback on proposed amendments to Rule G–32(c) that would extend the requirements of that rule to non-dealer municipal advisors. Acacia, Ehlers, NAMA and PRAG opposed this suggested change,[175] while BDA, NFMA and SIFMA supported it.[176] Acacia, Ehlers, NAMA and PRAG urged the MSRB to eliminate Rule G–32(c) entirely, noting that there is no longer a need for this requirement, even with respect to dealer financial advisors, given that Exchange Act Rule 15c2–12 addresses the delivery of the official statement.[177] Acacia and NAMA indicated that, if the MSRB decides to amend the rule as proposed, further clarification would be needed to understand exactly how it would be applied (*e.g.,* terms should be defined and clarification given to application of the rule).[178] Acacia and NAMA also indicated that requiring the non-dealer municipal advisor to deliver the official statement to the underwriter blurred the lines between municipal advisor and broker-dealer roles.[179] NFMA believed that including non-dealer municipal advisors in this requirement would enhance market transparency and fairness.[180] SIFMA noted that there is no reason for the requirement to apply differently to dealer financial advisors and non-dealer municipal advisors.[181]

In response to commenters, the MSRB engaged in additional outreach on the usefulness of the requirements of Rule G–32(c). As a result of these additional discussions and the written comments received, the MSRB is proposing to eliminate Rule G–32(c) entirely. The MSRB agrees with commenters that there is no longer a need for this requirement because, as noted by commenters, SEC Rule 15c2–12 requires the delivery of the official statement to the underwriter by the issuer or its agent regardless of who prepares the document. This requirement, thus, encompasses those instances where a dealer acting as a financial advisor or non-dealer municipal advisor has prepared the official statement.

Additional Data Fields on Form G–32 Auto-Populated From NIIDS

In the Request for Comment, the MSRB sought public comment on the inclusion of certain additional data fields on Form G–32 that would be auto-populated with information underwriters currently are required to input into NIIDS. The Request for Comment included an appendix of those data elements on which comment was sought.[182]

BDA, SIFMA and the SEC Investor Advocate supported the inclusion of the proposed data fields on Form G–32.[183] SIFMA indicated that while it supports the auto-populating of minimum denomination information from NIIDS onto Form G–32, it does not believe the submitting underwriter should have an obligation to update minimum denomination changes over the life of the security.[184] The SEC Investor Advocate, however, encouraged the MSRB to consider requiring an ongoing disclosure obligation for minimum denomination information.[185]

For those instances where a primary offering is not NIIDS eligible, the MSRB noted in the Request for Comment, that these additional data fields would need to be input manually by the underwriter. SIFMA noted that the requirement to input information into such a large number of fields on a manual basis would create a significant burden on the dealer.[186] SIFMA urged the MSRB to consider exempting private placements and other non-NIIDS-eligible issues from the proposed rule.[187]

The MSRB is proposing to add 57 additional data fields on Form G–32, only one of which (*i.e.,* minimum denomination) would be required to be input manually for primary offerings that are not NIIDS eligible. Commenters agreed that, with respect to NIIDS-eligible offerings, the burden of compliance would be low given that this information is already required to be input into NIIDS. With respect to non-NIIDS-eligible offerings, however, the MSRB believes the benefits associated with requiring the manual entry of all 57 additional data points does not outweigh the burden of requiring the manual entry of this data. Particularly because non-NIIDS-eligible issues such as private placements are less likely to trade in the secondary market where this information would be useful. Therefore, with respect to non-NIIDS-eligible offerings, at this time, the MSRB is not proposing to require the underwriter manually input the remaining 56 proposed additional data fields.

[171] GFOA Letter II at 2; and NFMA Letter II at 2.

[172] BDA Letter II at 2; and SIFMA Letter II at 3.

[173] NFMA Letter II at 2.

[174] GFOA Letter II at 2; and SIFMA Letter II at 4.

[175] Acacia Letter II at 1; Ehlers Letter II at 1; NAMA Letter II at 1; and PRAG Letter II at 1.

[176] BDA Letter II at 2; NFMA Letter II at 2; and SIFMA Letter II at 4.

[177] Acacia Letter II at 1–2; Ehlers Letter II at 1; NAMA Letter II at 2–3; and PRAG Letter II at 1.

[178] Acacia Letter II at 2; and NAMA Letter II at 2–3.

[179] Acacia Letter II at 2; and NAMA Letter II at 3.

[180] NFMA Letter II at 2.

[181] SIFMA Letter II at 4.

[182] *See* Appendix A to MSRB Notice 2018–15 for the complete list of these data fields as originally proposed.

[183] BDA Letter II at 2; SEC Investor Advocate Letter II at 3; and SIFMA Letter II at 4.

[184] SIFMA Letter II at 4.

[185] SEC Investor Advocate Letter II at 5.

[186] SIFMA Letter II at 4.

[187] SIFMA Letter II at 5.

Additional Data Fields on Form G–32 Not Auto-Populated From NIIDS

In the Request for Comment, the MSRB sought comment on the addition of certain data fields on Form G–32 that would not be auto-populated with information from NIIDS and, thus, would require manual completion. Specifically, the MSRB sought comment on the addition of eight data fields on Form G–32.

Ability for minimum denomination to change—BDA, NFMA and the SEC Investor Advocate supported the inclusion of this information on Form G–32.[188] The SEC Investor Advocate indicated he also wants the MSRB to require the updating of minimum denomination information over the life of the security.[189] SIFMA supported adding a field for ''initial minimum denomination'' and suggested that a dealer should not be required to update minimum denomination information over the life of the security.[190]

The MSRB agrees with commenters that the information relating to whether the minimum denomination may change would be useful to regulators. In addition, this information would be useful to investors, should the MSRB disseminate the information in the future. However, the MSRB agrees with SIFMA that requiring an underwriter or dealer to continuously update this information for the life of the municipal security would be burdensome.

Additional syndicate managers—BDA objected to inclusion of this manual data field and stated that the information would not assist market participants and could impose new burdens on underwriters.[191] The SEC Investor Advocate supported including this data field, noting that it may provide additional transparency to the market.[192]

The MSRB believes that including this additional data field would be useful to regulators. The MSRB disagrees that providing this information is burdensome as this information is typically known at or before the pricing of an issue, and therefore, is generally readily available for disclosure by the senior syndicate manager.

Call schedule—BDA and SIFMA opposed including this data field and indicated that including this information would be burdensome for the underwriter.[193] SIFMA suggested that the underwriter be required to provide a link to the official statement instead.[194] NFMA and the SEC Investor Advocate supported the addition of this information and believed it would promote increased transparency and fairness to the market.[195]

The MSRB agrees with NFMA and the SEC Investor Advocate and is proposing to require this information on Form G–32. The MSRB believes requiring this information would immediately increase regulatory transparency, providing regulators with intermediate premium call dates and prices. Additionally, should the MSRB make this information available in the future, access to the relevant call information could help investors make more informed decisions.

LEI for credit enhancers and obligated person(s) if readily available—BDA objected to this data field, stating that this information is not easily obtainable in almost all instances and that the market would not benefit from this information.[196] BDA further noted that any benefits would not outweigh the burden to underwriters.[197] NFMA, the SEC Investor Advocate and SIFMA supported the inclusion of this data field on Form G–32.[198] The SEC Investor Advocate encouraged the MSRB to take more initiative, as appropriate, with respect to the use of LEIs, and encouraged the MSRB to continue incorporating LEIs into its rulemakings and engaging in industry outreach and education on the importance of obtaining LEIs, as well as the process for obtaining them.[199] SIFMA supported this proposed change and urged the MSRB to work with LEI issuers to ensure the most efficient and least burdensome collection methodology.[200]

The MSRB believes requiring this information on Form G–32, if readily available, would further promote the value of obtaining LEIs and encourage industry participants to obtain them as a matter of course. The MSRB also believes that LEI information provides for the more precise identification of parties that are financially responsible to support the payment of some or all of an issue and would further assist regulators and policymakers in identifying and monitoring risk exposure in the financial markets. In response to concerns regarding the potential burden of providing this information, the MSRB is only proposing LEI information be provided for obligated persons, other than the issuer, that is ''readily available.'' An LEI would be considered ''readily available'' if it were easily obtainable via a general search on the internet (*e.g.,* web pages such as *https://www.gleif.org/en/lei/search*).

Name of obligated person(s)—BDA, NFMA and the SEC Investor Advocate supported this proposed change.[201] The SEC Investor Advocate indicated that providing this information may provide additional transparency to the market.[202] They further noted that the name(s) of obligated persons in a primary offering are not always readily available, thus requiring this information on Form G–32 ''may help investors make more informed investment decisions and better understand who is legally committed to support the payment of all or some of an issue.'' [203] SIFMA questioned the value of having to manually key in the name of an obligated person, noting that there is no standard naming convention.[204]

During its stakeholder outreach, the MSRB also received comments regarding the potential burden of manually entering this information for issues in which there are multiple obligated persons, other than the issuer. The MSRB understands that those instances in which there are multiple obligated persons may be relatively infrequent. Thus, the benefit of having the entire financial picture, including the identity of all obligated persons, outweighs the proposed burden that may exist in the rare instances in which there are multiple obligated persons responsible for support payment and continuing disclosures.

The MSRB believes that the proposed data field would allow for easier access to important primary market information and enhance regulatory transparency. The MSRB also agrees with commenters, that should it make this information available in the future, it could help investors make more informed investment decisions.

Percentage of CUSIP numbers advance refunded—NFMA and the SEC Investor Advocate supported this

[188] BDA Letter II at 2–3; NFMA Letter II at 3; and SEC Investor Advocate Letter II at 4.

[189] SEC Investor Advocate Letter II at 5.

[190] SIFMA Letter II at 4.

[191] BDA Letter II at 3.

[192] SEC Investor Advocate Letter II at 7.

[193] BDA Letter II at 3; and SIFMA Letter II at 5.

[194] SIFMA Letter II at 5.

[195] NFMA Letter II at 3; and SEC Investor Advocate Letter II at 6–7.

[196] BDA Letter II at 3.

[197] *Id.*

[198] NFMA Letter II at 3; SEC Investor Advocate Letter II at 4–6; and SIFMA Letter II at 5.

[199] SEC Investor Advocate Letter II at 5.

[200] SIFMA Letter II at 5.

[201] BDA Letter II at 3; NFMA Letter II at 3; and SEC Investor Advocate Letter II at 7.

[202] SEC Investor Advocate Letter II at 7.

[203] *Id.*

[204] SIFMA Letter II at 5.

proposed data field.[205] The SEC Investor Advocate noted that providing this information to all market participants at the same time, would, in his view reduce information asymmetry, which may equate to more fairness and efficiency in the market.[206] BDA objected to this proposed data field noting that it was unnecessary and not meaningful.[207] BDA suggested that for holders of refunded bonds, the more useful information would be the portion of a particular CUSIP number that has been refunded.[208]

As previously noted, the MSRB agrees with commenters that while the proposed data field would be useful, the more useful data element would be the dollar amount of each CUSIP number advance refunded. As a result, the MSRB modified its proposed rule change accordingly.

Retail order period by CUSIP number—The SEC Investor Advocate supported including a ''yes'' or ''no'' flag by CUSIP numbers to identify orders that should not be retail orders, while SIFMA believes more thought should be given to the addition of this field because there are a variety of retail order period structures and the process for defining them can change intra-day.[209] In response, the MSRB determined to limit its request for retail order period information to the proposed ''yes'' or ''no'' flag by CUSIP. The MSRB believes that this information will enhance regulatory transparency. The MSRB also believes that, as currently contemplated, the potential benefits of collecting additional retail order period information by CUSIP are outweighed by the burdens it could impose on the industry.

Name of municipal advisor—NFMA and the SEC Investor Advocate supported this addition.[210] BDA objected and noted that this information is available in the official statement and not valuable information for secondary trading.[211] The MSRB believes including the name of the municipal advisor on Form G–32 would provide useful information to investors and issuers and allow them to evaluate the experience of a municipal advisor, should the MSRB disseminate the information, in the future. The MSRB anticipates making this field autofill as the underwriter begins to input the name of the municipal advisor into the applicable text box.

In addition, the MSRB asked commenters whether there were any other data fields that should be considered for inclusion on Form G–32. For example, the Request for Comment asked whether the MSRB should include a ''yes'' or ''no'' flag data field to indicate when a new issue is issued with restrictions such as being only available to qualified institutional buyers. NFMA supported this suggested additional data field, while SIFMA objected to its inclusion on Form G–32.[212] In response to commenters, the MSRB determined to add to its proposed data fields a ''yes'' or ''no'' flag to indicate whether a primary offering is being made with restrictions. The MSRB believes the additional information would assist regulators in more easily identifying transactions that may involve a restricted issue and should the MSRB disseminate the information in the future, it could enhance dealers' ability to identify issues that may be subject to restrictions during the course of buying and selling.

The MSRB considered the above-noted comments in formulating the proposed rule change herein.

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 of 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 self-regulatory organization 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–MSRB–2019–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–MSRB–2019–07. 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 MSRB. 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–MSRB–2019–07 and should be submitted on or before May 3, 2019.

For the Commission, pursuant to delegated authority.[213]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–07244 Filed 4–11–19; 8:45 am]

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[205] NFMA Letter II at 2; and SEC Investor Advocate Letter II at 6.

[206] SEC Investor Advocate Letter II at 6.

[207] BDA Letter II at 3.

[208] *Id.*

[209] SEC Investor Advocate Letter II at 6; and SIFMA Letter II at 5.

[210] NFMA Letter II at 3; and SEC Investor Advocate Letter II at 7.

[211] BDA Letter II at 3.

[212] NFMA Letter II at 3; and SIFMA Letter II at 5.

[213] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85542; File No. SR–CboeBYX–2019–003]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Current Pilot Program Related to BYX Rule 11.17, Clearly Erroneous Executions

April 8, 2019.

Pursuant to 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 April 2, 2019, Cboe BYX Exchange, Inc. (''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''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 Act[3] 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 BYX Exchange, Inc. (''BYX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to extend the current pilot program related to BYX Rule 11.17, Clearly Erroneous Executions, to the close of business on October 18, 2019 The text of the proposed rule change is attached as Exhibit 5. [sic]

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/byx/*), 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 purpose of the proposed rule change is to extend the current pilot program related to BYX Rule 11.17, Clearly Erroneous Executions, to the close of business on October 18, 2019. This change is being proposed in connection with proposed amendments to the Plan to Address Extraordinary Market Volatility (the ''Limit Up-Limit Down Plan'' or the ''Plan'') that would allow the Plan to continue to operate on a permanent basis.[5]

On October 4, 2010, the Exchange filed an immediately effective filing to make a number of changes to BYX rules to bring those rules up to date with the changes that had been made to the rules of the Exchange's affiliate, BATS Exchange, Inc. (n/k/a Cboe BZX Exchange, Inc.), while BYX's Form 1 application to register as a national security exchange was pending approval. Such changes included changes made, on a pilot basis, to BYX Rule 11.17, that, among other things: (i) Provided for uniform treatment of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (ii) reduced the ability of the Exchange to deviate from the objective standards set forth in the rule.[6] In 2013, the Exchange adopted a provision designed to address the operation of the Plan.[7] Finally, in 2014, the Exchange adopted two additional provisions providing that: (i) A series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions; and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[8] These changes are currently scheduled to operate for a pilot period that coincides with the pilot period for the Limit Up-Limit Down Plan,[9] including any extensions to the pilot period for the Plan.[10]

The Commission recently published the proposed Eighteenth Amendment to the Plan to allow the Plan to operate on a permanent, rather than pilot, basis. The Exchange proposes to amend BYX Rule 11.17 to untie the pilot program's effectiveness from that of the Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019—*i.e.,* six months after the expiration of the current pilot period for the Plan. If the pilot period is not either extended, replaced or approved as permanent, the prior versions of paragraphs (c), (e)(2), (f), and (g) shall be in effect, and the provisions of paragraphs (i) through (k) shall be null and void.[11] In such an event, the remaining sections of BYX Rule 11.17 would continue to apply to all transactions executed on the Exchange. The Exchange understands that the other national securities exchanges and Financial Industry Regulatory Authority (''FINRA'') will also file similar proposals to extend their respective clearly erroneous execution pilot programs, the substance of which are identical to BYX Rule 11.17.

The Exchange does not propose any additional changes to BYX Rule 11.17. The Exchange believes the benefits to market participants from the more objective clearly erroneous executions rule should continue on a limited six month pilot basis after Commission approves the Plan to operate on a permanent basis. Assuming the Plan is approved by the Commission to operate on a permanent, rather than pilot, basis the Exchange intends to assess whether

[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).

[5] *See* Securities Exchange Act Release No. 84843 (December 18, 2018), 83 FR 66464 (December 26, 2018) (File No. 4–631) (''Eighteenth Amendment'').

[6] *See* Securities Exchange Act Release No. 63097 (Oct. 13, 2010), 75 FR 64767 (Oct. 20, 2010) (SR–BYX–2010–002).

[7] *See* Securities Exchange Act Release No. 68798 (Jan. 31, 2013), 78 FR 8628 (Feb. 6, 2013) (SR–BYX–2013–005).

[8] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–BYX–2014–007).

[9] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[10] *See* Securities Exchange Act Release No. 71796 (March 25, 2014), 79 FR 18099 (March 31, 2014) (SR–BYX–2014–003).

[11] *See* supra notes 6–8. The prior versions of paragraphs (c), (e)(2), (f), and (g) in effect before the 2010 changes to the rule generally provided greater discretion to the Exchange with respect to breaking erroneous trades.

additional changes should also be made to the operation of the clearly erroneous execution rules. Extending the effectiveness of BYX Rule 11.17 for an additional six months should provide the Exchange and other national securities exchanges additional time to consider further amendments to the clearly erroneous execution rules in light of the proposed Eighteenth Amendment to the Plan.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[12] in general, and Section 6(b)(5) of the Act,[13] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange believes that the proposed rule change promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning review of transactions as clearly erroneous. The Exchange believes that extending the clearly erroneous execution pilot under BYX Rule 11.17 for an additional six months would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors and the public interest. Based on the foregoing, the Exchange believes the amended clearly erroneous executions rule should continue to be in effect on a pilot basis while the Exchange and the other national securities exchanges consider and develop a permanent proposal for clearly erroneous execution reviews.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposal would ensure the continued, uninterrupted operation of harmonized clearly erroneous execution rules across the U.S. equities markets while the Exchange and other national securities exchanges consider further amendments to these rules in light of the proposed Eighteenth Amendment to the Plan. The Exchange understands that the other national securities exchanges and FINRA will also file similar proposals to extend their respective clearly erroneous execution pilot programs. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received on the proposed rule change.

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)(iii) of the Act [14] and subparagraph (f)(6) of Rule 19b–4 thereunder.[15]

A proposed rule change filed under Rule 19b–4(f)(6) [16] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [17] 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 so that the proposed rule change may become effective and 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 current clearly erroneous execution pilot program to continue uninterrupted, without any changes, while the Exchange and the other national securities exchanges consider and develop a permanent proposal for clearly erroneous execution reviews. For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[18]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission 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 Number SR–CboeBYX–2019–003 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–CboeBYX–2019–003. 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

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 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.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] 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).

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 Number SR–CboeBYX–2019–003 and should be submitted on or before May 3, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–07239 Filed 4–11–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85544; File No. SR–CboeEDGA–2019–005]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Current Pilot Program Related to EDGA Rule 11.15, Clearly Erroneous Executions

April 8, 2019.

Pursuant to 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 April 2, 2019, Cboe EDGA Exchange, Inc. (''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''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 Act[3] 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 EDGA Exchange, Inc. (''EDGA'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to extend the current pilot program related to EDGA Rule 11.15, Clearly Erroneous Executions, to the close of business on October 18, 2019. The text of the proposed rule change is attached as Exhibit 5. [sic]

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/edga/*), 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 purpose of the proposed rule change is to extend the current pilot program related to EDGA Rule 11.15, Clearly Erroneous Executions, to the close of business on October 18, 2019. This change is being proposed in connection with proposed amendments to the Plan to Address Extraordinary Market Volatility (the ''Limit Up-Limit Down Plan'' or the ''Plan'') that would allow the Plan to continue to operate on a permanent basis.[5]

On September 10, 2010, the Commission approved, on a pilot basis, changes to EDGA Rule 11.15 that, among other things: (i) Provided for uniform treatment of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (ii) reduced the ability of the Exchange to deviate from the objective standards set forth in the rule.[6] In 2013, the Exchange adopted a provision designed to address the operation of the Plan.[7] Finally, in 2014, the Exchange adopted two additional provisions providing that: (i) A series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions; and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[8] These changes are currently scheduled to operate for a pilot period that coincides with the pilot period for the Limit Up-Limit Down Plan,[9] including any extensions to the pilot period for the Plan.[10]

The Commission recently published the proposed Eighteenth Amendment to the Plan to allow the Plan to operate on a permanent, rather than pilot, basis. The Exchange proposes to amend EDGA Rule 11.15 to untie the pilot program's effectiveness from that of the Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019—*i.e.,* six months after the expiration of the current pilot period for the Plan. If the pilot period is not either extended, replaced or approved as permanent, the prior versions of paragraphs (c), (e)(2), (f), and (g) shall be in effect, and the provisions of paragraphs (i) through (k) shall be null and void.[11] In such an

[19] 17 CFR 200.30–3(a)(12).

[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).

[5] *See* Securities Exchange Act Release No. 84843 (December 18, 2018), 83 FR 66464 (December 26, 2018) (File No. 4–631) (''Eighteenth Amendment'').

[6] *See* Securities Exchange Act Release No. 62886 (Sept. 10, 2010), 75 FR 56613 (Sept. 16, 2010) (SR–EDGA–2010–03).

[7] *See* Securities Exchange Act Release No. 68813 (Feb. 1, 2013), 78 FR 9073 (Feb. 7, 2013) (SR–EDGA–2013–06).

[8] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–EDGA–2014–11).

[9] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[10] *See* Securities Exchange Act Release No. 71808 (March 26, 2014), 79 FR 18355 (April 1, 2014) (SR–EDGA–2014–006).

[11] *See* supra notes 6–8. The prior versions of paragraphs (c), (e)(2), (f), and (g) in effect before the 2010 changes to the rule generally provided greater discretion to the Exchange with respect to breaking erroneous trades.

event, the remaining sections of EDGA Rule 11.15 would continue to apply to all transactions executed on the Exchange. The Exchange understands that the other national securities exchanges and Financial Industry Regulatory Authority (''FINRA'') will also file similar proposals to extend their respective clearly erroneous execution pilot programs, the substance of which are identical to EDGA Rule 11.15.

The Exchange does not propose any additional changes to EDGA Rule 11.15. The Exchange believes the benefits to market participants from the more objective clearly erroneous executions rule should continue on a limited six month pilot basis after Commission approves the Plan to operate on a permanent basis. Assuming the Plan is approved by the Commission to operate on a permanent, rather than pilot, basis the Exchange intends to assess whether additional changes should also be made to the operation of the clearly erroneous execution rules. Extending the effectiveness of EDGA Rule 11.15 for an additional six months should provide the Exchange and other national securities exchanges additional time to consider further amendments to the clearly erroneous execution rules in light of the proposed Eighteenth Amendment to the Plan.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[12] in general, and Section 6(b)(5) of the Act,[13] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange believes that the proposed rule change promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning review of transactions as clearly erroneous. The Exchange believes that extending the clearly erroneous execution pilot under EDGA Rule 11.15 for an additional six months would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors and the public interest. Based on the foregoing, the Exchange believes the amended clearly erroneous executions rule should continue to be in effect on a pilot basis while the Exchange and the other national securities exchanges consider and develop a permanent proposal for clearly erroneous execution reviews.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposal would ensure the continued, uninterrupted operation of harmonized clearly erroneous execution rules across the U.S. equities markets while the Exchange and other national securities exchanges consider further amendments to these rules in light of the proposed Eighteenth Amendment to the Plan. The Exchange understands that the other national securities exchanges and FINRA will also file similar proposals to extend their respective clearly erroneous execution pilot programs. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received on the proposed rule change.

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)(iii) of the Act[14] and subparagraph (f)(6) of Rule 19b–4 thereunder.[15]

A proposed rule change filed under Rule 19b–4(f)(6)[16] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[17] 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 so that the proposed rule change may become effective and 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 current clearly erroneous execution pilot program to continue uninterrupted, without any changes, while the Exchange and the other national securities exchanges consider and develop a permanent proposal for clearly erroneous execution reviews. For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[18]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission 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 Number SR–CboeEDGA–2019–005 on the subject line.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 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.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] 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–CboeEDGA–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 10:00 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 Number SR–CboeEDGA–2019–005 and should be submitted on or before May 3, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–07240 Filed 4–11–19; 8:45 am]

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[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85546; File No. SR–NASDAQ–2019–023]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Transaction Fees at Equity 7, Section 118(a)

April 8, 2019.

Pursuant to 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 March 28, 2019, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''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 Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's transaction fees at Equity 7, Section 118(a), as described further below.

While these amendments are effective upon filing, the Exchange has designated the proposed amendments to be operative on April 1, 2019.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaq.cchwallstreet.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 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.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's transaction fees at Equity 7, Section 118(a)(1), (2), and (3) to adjust the qualifying terms for an existing credit it offers to members with orders that provide liquidity to the Exchange in all three Tapes.

The Exchange operates on the ''maker-taker'' model, whereby it pays credits to members that provide liquidity and charges fees to members that access liquidity. Currently, the Exchange offers several different credits for orders that display quotes/orders in securities (other than Supplemental Orders or Designated Retail Orders) in Tapes A, B, and C that provide liquidity to the Exchange. Among these credits, the Exchange offers a $0.0027 per share executed credit to a member (i) with shares of liquidity provided in all securities during the month representing more than 0.10% of Consolidated Volume[3] during the month, through one or more of its Nasdaq Market Center MPIDs, and (ii) adds Customer,[4] Professional,[5] Firm,[6] Non-NOM Market Maker[7] and/or Broker-Dealer[8] liquidity in Non-Penny

[3] Pursuant to Equity 7, Section 118(a), the term ''Consolidated Volume'' means the total consolidated volume reported to all consolidated transaction reporting plans by all exchanges and trade reporting facilities during a month in equity securities, excluding executed orders with a size of less than one round lot. For purposes of calculating Consolidated Volume and the extent of a member's trading activity the date of the annual reconstitution of the Russell Investments Indexes is excluded from both total Consolidated Volume and the member's trading activity.

[4] The term ''Customer'' applies to any transaction that is identified by a participant for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of broker or dealer or for the account of a ''Professional,'' as defined in Chapter I, Section 1 of the NOM rules.

[5] A ''Professional'' is defined in Chapter I, Section 1 of the NOM rules as ''any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s).''

[6] The term ''Firm'' or (''F'') applies to any transaction that is identified by a Participant for clearing in the Firm range at OCC.

[7] The term ''Non-NOM Market Maker'' or (''O'') is a registered market maker on another options exchange that is not a NOM Market Maker. A Non-NOM Market Maker must append the proper Non-NOM Market Maker designation to orders routed to NOM.

[8] The term ''Broker-Dealer'' or (''B'') applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category.

Pilot Options of 0.40% or more of total industry average daily volume (''ADV'') in the customer clearing range for Equity and ETF option contracts per day in a month on The Nasdaq Options Market (''NOM''). The Exchange proposes to recalibrate the credit by eliminating the requirement that a member must add liquidity ''in Non-Penny Pilot Options'' on NOM to qualify for it.

When the Exchange first added this particular credit program in 2016,[9] it limited the availability of the credit to members that add liquidity on NOM in Non-Penny Pilot Options because the Exchange wanted to specifically encourage liquidity-adding behavior on NOM in less liquid option classes in order to help improve the markets for those options classes. The Exchange still wishes to encourage such market-improving behavior for Non-Penny Pilot Options, but it seeks to revise the credit so that it also encourages members to add liquidity in other options classes on NOM, including Penny Pilot Options.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[11] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [12]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission* [13] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[14] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [15]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [16] Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

The Exchange believes that its proposal is reasonable to eliminate the credit-qualifying requirement that a member must add liquidity on NOM specifically in Non-Penny Pilot Options [sic]. Under Rule 7018(a), the various credits the Exchange provides for members that add liquidity require members to contribute significantly to market quality by providing certain levels of Consolidated Volume through one or more of its [sic] Nasdaq Market Center MPIDs, and by also contributing volume on NOM. Although the Exchange originally designed this particular credit to encourage members to add liquidity on NOM only in Non-Penny Pilot Options, the Exchange believes that it is reasonable to revise the credit so that it more broadly encourages members to add liquidity on NOM in all options classes. Indeed, the proposed change will help to improve the market on NOM for all, rather than a subset of, options classes.

The Exchange believes that the proposed change [sic] is equitably allocated among members, and is not designed to permit unfair discrimination. By eliminating the requirement that a member must add liquidity only in Non-Penny Pilot Options, the Exchange will potentially expand the availability of the credit to additional members, including those that provide liquidity on NOM primarily or exclusively in Penny Pilot Options. Moreover, all similarly situated members are equally capable of qualifying for the credit if they choose to meet the revised requirements. The Exchange notes that the proposed change applies to securities of all Tapes.

The Exchange believes that the proposed revised requirements for qualifying for the credit are proportionate to the amount of the credit and that the revised requirements equitably reflect the purpose of the credit, which is to incentivize members to transact greater volume on Nasdaq and NOM.

Finally, the Exchange notes that the proposed volume threshold is consistent with other volume-based credits that the Exchange offers in Equity 7, Section 118(a)(1), (2), and (3) to members for displayed quotes/orders (other than Supplemental Orders or Designated Retail Orders) that provide liquidity. Nasdaq currently offers a variety of credits for displayed quotes/orders (other than Supplemental Orders or Designated Retail Orders) that add liquidity, some of which are linked to activity on NOM and some of which relate to activity on Nasdaq only, which range from $0.0025 per share executed to $0.00305 per share executed, and which apply progressively more stringent requirements in return for higher per share executed credits.

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. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any

[9] *See* Securities Exchange Act Release No. 34–78354 (July 19, 2016), 81 FR 48487 (July 25, 2016) (SR–NASDAQ–2016–102).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

[12] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[13] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[14] *See NetCoalition,* at 534–535.

[15] *Id.* at 537.

[16] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

burden on competition is extremely limited.

In this instance, the proposed changes do not impose a burden on competition because the Exchange's execution services are completely voluntary and subject to extensive competition both from other exchanges and from off-exchange venues. The proposal to eliminate from the credit the requirement that members provide liquidity on NOM in Non-Penny Pilot Options is designed to promote competition by improving overall market quality on NOM. The Exchange also notes that its proposed change reflects the Exchange's need to balance the incentives that it provides in return for the market improving behavior it seeks to incentivize. The Exchange has limited funds to apply toward incentives, and therefore must adjust its credit tier qualification criteria to ensure that it applies its limited funds in the most efficient manner.

In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or 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.[17]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission 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 Number SR–NASDAQ–2019–023 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–NASDAQ–2019–023. 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 Number SR–NASDAQ–2019–023 and should be submitted on or before May 3, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–07242 Filed 4–11–19; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78s(b)(3)(A)(ii).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85552; File No. SR–NYSE–2019–05]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change, as Modified by Amendment No. 1

April 8, 2019.

On February 8, 2019, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to: (1) Amend NYSE Rules 7.36 and 7.37 to add the designated market maker (''DMM'') as a Participant for trading of Exchange-listed securities on Pillar; (2) amend NYSE Rule 7.31 to add Auction-Only Orders and make related changes; (3) add new trading rules relating to auctions for Pillar; (4) make conforming amendments to NYSE Rules 1.1, 7.11, 7.12, 7.16, 7.18, 7.32, 7.34, and 7.36; and (5) amend the preambles on current Exchange rules relating to their applicability to the Pillar trading platform. The proposed rule change was published for comment in the **Federal Register** on February 28, 2019.[3] On March 8, 2019, the Exchange filed Amendment No. 1 to the proposed rule change, which supersedes the original filing in its entirety. The Commission has received no comments on the proposed rule change.

Section 19(b)(2) of the Act[4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is April 14, 2019. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 85176 (Feb. 22, 2019), 84 FR 6868 (Feb. 28, 2019).

[4] 15 U.S.C. 78s(b)(2).

within which to take action on the proposed rule change, as modified by Amendment No. 1, so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates May 29, 2019, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change, as modified by Amendment No. 1 (File No. SR–NYSE–2019–05).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–07338 Filed 4–11–19; 8:45 am]

BILLING CODE 8011–01–P

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85545; File No. SR–CboeEDGX–2019–016]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Current Pilot Program Related to EDGX Rule 11.15, Clearly Erroneous Executions

April 8, 2019.

Pursuant to 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 April 2, 2019, Cboe EDGX Exchange, Inc. (''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''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 Act [3] 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 EDGX Exchange, Inc. (''EDGX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to extend the current pilot program related to EDGX Rule 11.15, Clearly Erroneous Executions, to the close of business on October 18, 2019. The text of the proposed rule change is attached as Exhibit 5. [sic]

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

The purpose of the proposed rule change is to extend the current pilot program related to EDGX Rule 11.15, Clearly Erroneous Executions, to the close of business on October 18, 2019. This change is being proposed in connection with proposed amendments to the Plan to Address Extraordinary Market Volatility (the ''Limit Up-Limit Down Plan'' or the ''Plan'') that would allow the Plan to continue to operate on a permanent basis.[5]

On September 10, 2010, the Commission approved, on a pilot basis, changes to EDGX Rule 11.15 that, among other things: (i) Provided for uniform treatment of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (ii) reduced the ability of the Exchange to deviate from the objective standards set forth in the rule.[6] In 2013, the Exchange adopted a provision designed to address the operation of the Plan.[7] Finally, in 2014, the Exchange adopted two additional provisions providing that: (i) A series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions; and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[8] These changes are currently scheduled to operate for a pilot period that coincides with the pilot period for the Limit Up-Limit Down Plan,[9] including any extensions to the pilot period for the Plan.[10]

The Commission recently published the proposed Eighteenth Amendment to the Plan to allow the Plan to operate on a permanent, rather than pilot, basis. The Exchange proposes to amend EDGX Rule 11.15 to untie the pilot program's effectiveness from that of the Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019—*i.e.,* six months after the expiration of the current pilot period for the Plan. If the pilot period is not either extended, replaced or approved as permanent, the prior versions of paragraphs (c), (e)(2), (f), and (g) shall be in effect, and the provisions of paragraphs (i) through (k) shall be null and void.[11] In such an event, the remaining sections of EDGX Rule 11.15 would continue to apply to all transactions executed on the Exchange. The Exchange understands that the other national securities exchanges and Financial Industry Regulatory Authority (''FINRA'') will

[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).

[5] *See* Securities Exchange Act Release No. 84843 (December 18, 2018), 83 FR 66464 (December 26, 2018) (File No. 4–631) (''Eighteenth Amendment'').

[6] *See* Securities Exchange Act Release No. 62886 (Sept. 10, 2010), 75 FR 56613 (Sept. 16, 2010) (SR–EDGX–2010–03).

[7] *See* Securities Exchange Act Release No. 68814 (Feb. 1, 2013), 78 FR 9086 (Feb. 7, 2013) (SR–EDGX–2013–06).

[8] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–EDGX–2014–12).

[9] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[10] *See* Securities Exchange Act Release No. 71809 (March 26, 2014), 79 FR 18353 (April 1, 2014) (SR–EDGX–2014–007).

[11] *See* supra notes 6–8. The prior versions of paragraphs (c), (e)(2), (f), and (g) in effect before the 2010 changes to the rule generally provided greater discretion to the Exchange with respect to breaking erroneous trades.

also file similar proposals to extend their respective clearly erroneous execution pilot programs, the substance of which are identical to EDGX Rule 11.15.

The Exchange does not propose any additional changes to EDGX Rule 11.15. The Exchange believes the benefits to market participants from the more objective clearly erroneous executions rule should continue on a limited six month pilot basis after Commission approves the Plan to operate on a permanent basis. Assuming the Plan is approved by the Commission to operate on a permanent, rather than pilot, basis the Exchange intends to assess whether additional changes should also be made to the operation of the clearly erroneous execution rules. Extending the effectiveness of EDGX Rule 11.15 for an additional six months should provide the Exchange and other national securities exchanges additional time to consider further amendments to the clearly erroneous execution rules in light of the proposed Eighteenth Amendment to the Plan.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[12] in general, and Section 6(b)(5) of the Act,[13] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange believes that the proposed rule change promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning review of transactions as clearly erroneous. The Exchange believes that extending the clearly erroneous execution pilot under EDGX Rule 11.15 for an additional six months would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors and the public interest. Based on the foregoing, the Exchange believes the amended clearly erroneous executions rule should continue to be in effect on a pilot basis while the Exchange and the other national securities exchanges consider and develop a permanent proposal for clearly erroneous execution reviews.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposal would ensure the continued, uninterrupted operation of harmonized clearly erroneous execution rules across the U.S. equities markets while the Exchange and other national securities exchanges consider further amendments to these rules in light of the proposed Eighteenth Amendment to the Plan. The Exchange understands that the other national securities exchanges and FINRA will also file similar proposals to extend their respective clearly erroneous execution pilot programs. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received on the proposed rule change.

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)(iii) of the Act [14] and subparagraph (f)(6) of Rule 19b–4 thereunder.[15]

A proposed rule change filed under Rule 19b–4(f)(6) [16] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [17] 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 so that the proposed rule change may become effective and 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 current clearly erroneous execution pilot program to continue uninterrupted, without any changes, while the Exchange and the other national securities exchanges consider and develop a permanent proposal for clearly erroneous execution reviews. For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[18]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission 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 Number SR–CboeEDGX–2019–016 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–2019–016. This

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 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.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] 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).

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 Number SR–CboeEDGX–2019–016 and should be submitted on or before May 3, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–07241 Filed 4–11–19; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85543; File No. SR–CboeBZX–2019–022]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Current Pilot Program Related to BZX Rule 11.17, Clearly Erroneous Executions

April 8, 2019.

Pursuant to 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 April 2, 2019, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''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 Act[3] 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.

[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).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (''BZX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to extend the current pilot program related to BZX Rule 11.17, Clearly Erroneous Executions, to the close of business on October 18, 2019. The text of the proposed rule change is attached as Exhibit 5. [sic]

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), 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 purpose of the proposed rule change is to extend the current pilot program related to BZX Rule 11.17, Clearly Erroneous Executions, to the close of business on October 18, 2019. This change is being proposed in connection with proposed amendments to the Plan to Address Extraordinary Market Volatility (the ''Limit Up-Limit Down Plan'' or the ''Plan'') that would allow the Plan to continue to operate on a permanent basis.[5]

On September 10, 2010, the Commission approved, on a pilot basis, changes to BZX Rule 11.17 that, among other things: (i) Provided for uniform treatment of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (ii) reduced the ability of the Exchange to deviate from the objective standards set forth in the rule.[6] In 2013, the Exchange adopted a provision designed to address the operation of the Plan.[7] Finally, in 2014, the Exchange adopted two additional provisions providing that: (i) A series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions; and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[8] These changes are currently scheduled to operate for a pilot period that coincides with the pilot period for the Limit Up-Limit Down Plan,[9] including any extensions to the pilot period for the Plan.[10]

The Commission recently published the proposed Eighteenth Amendment to the Plan to allow the Plan to operate on a permanent, rather than pilot, basis. The Exchange proposes to amend BZX Rule 11.17 to untie the pilot program's effectiveness from that of the Plan and

[5] *See* Securities Exchange Act Release No. 84843 (December 18, 2018), 83 FR 66464 (December 26, 2018) (File No. 4–631) (''Eighteenth Amendment'').

[6] *See* Securities Exchange Act Release No. 62886 (Sept. 10, 2010), 75 FR 56613 (Sept. 16, 2010) (SR–BATS–2010–016).

[7] *See* Securities Exchange Act Release No. 68797 (Jan. 31, 2013), 78 FR 8635 (Feb. 6, 2013) (SR–BATS–2013–008).

[8] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–BATS–2014–014).

[9] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[10] *See* Securities Exchange Act Release No. 71795 (March 25, 2014), 79 FR 18089 (March 31, 2014) (SR–BATS–2014–008).

to extend the pilot's effectiveness to the close of business on October 18, 2019—*i.e.,* six months after the expiration of the current pilot period for the Plan. If the pilot period is not either extended, replaced or approved as permanent, the prior versions of paragraphs (c), (e)(2), (f), and (g) shall be in effect, and the provisions of paragraphs (i) through (k) shall be null and void.[11] In such an event, the remaining sections of BZX Rule 11.17 would continue to apply to all transactions executed on the Exchange. The Exchange understands that the other national securities exchanges and Financial Industry Regulatory Authority (''FINRA'') will also file similar proposals to extend their respective clearly erroneous execution pilot programs, the substance of which are identical to BZX Rule 11.17.

The Exchange does not propose any additional changes to BZX Rule 11.17. The Exchange believes the benefits to market participants from the more objective clearly erroneous executions rule should continue on a limited six month pilot basis after Commission approves the Plan to operate on a permanent basis. Assuming the Plan is approved by the Commission to operate on a permanent, rather than pilot, basis the Exchange intends to assess whether additional changes should also be made to the operation of the clearly erroneous execution rules. Extending the effectiveness of BZX Rule 11.17 for an additional six months should provide the Exchange and other national securities exchanges additional time to consider further amendments to the clearly erroneous execution rules in light of the proposed Eighteenth Amendment to the Plan.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[12] in general, and Section 6(b)(5) of the Act,[13] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange believes that the proposed rule change promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning review of transactions as clearly erroneous. The Exchange believes that extending the clearly erroneous execution pilot under BZX Rule 11.17 for an additional six months would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors and the public interest. Based on the foregoing, the Exchange believes the amended clearly erroneous executions rule should continue to be in effect on a pilot basis while the Exchange and the other national securities exchanges consider and develop a permanent proposal for clearly erroneous execution reviews.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposal would ensure the continued, uninterrupted operation of harmonized clearly erroneous execution rules across the U.S. equities markets while the Exchange and other national securities exchanges consider further amendments to these rules in light of the proposed Eighteenth Amendment to the Plan. The Exchange understands that the other national securities exchanges and FINRA will also file similar proposals to extend their respective clearly erroneous execution pilot programs. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received on the proposed rule change.

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)(iii) of the Act[14] and subparagraph (f)(6) of Rule 19b–4 thereunder.[15]

A proposed rule change filed under Rule 19b–4(f)(6)[16] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[17] 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 so that the proposed rule change may become effective and 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 current clearly erroneous execution pilot program to continue uninterrupted, without any changes, while the Exchange and the other national securities exchanges consider and develop a permanent proposal for clearly erroneous execution reviews. For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[18]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission 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.

[11] *See* supra notes 6–8. The prior versions of paragraphs (c), (e)(2), (f), and (g) in effect before the 2010 changes to the rule generally provided greater discretion to the Exchange with respect to breaking erroneous trades.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 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.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] 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).

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–CboeBZX–2019–022 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–CboeBZX–2019–022. 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 Number SR–CboeBZX–2019–022 and should be submitted on or before May 3, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–07247 Filed 4–11–19; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85553; File No. SR–NYSEAMER–2019–09]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Change To Amend the NYSE American Options Fee Schedule

April 8, 2019.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 27, 2019, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (''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 amend the NYSE American Options Fee Schedule (''Fee Schedule''). The Exchange proposes to implement the fee change effective April 1, 2019. The proposed 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify the Fee Schedule to introduce a Floor Broker Volume Rebate Program (''FB Volume Rebate'') for Floor Broker organizations (each a ''Floor Broker'').

The Exchange proposes to offer Floor Brokers the opportunity to qualify for a $5,000 rebate each month that the Floor Broker increases its Average Daily Volume (''ADV'') by a certain percentage over one of two benchmarks. Specifically, a Floor Broker may qualify for the FB Volume Rebate by increasing its contract sides in billable manual ADV by at least 50% over the greater of:

(i) 20,000 contract sides in billable manual ADV; or

(ii) The Floor Broker's total billable manual ADV in contract sides during the second half of 2018—*i.e.,* July through December 2018.

As proposed, the Exchange would exclude Customer volume, Firm Facilitation trades, and QCCs from the calculation of a Floor Broker's billable manual ADV for purposes of the FB Volume Rebate. In addition, the Exchange proposes to exclude from the FB Volume Rebate any volume included in the calculation to achieve the Firm Monthly Fee Cap and the Strategy Execution Fee Cap, regardless of whether either of these caps is achieved, because fees on such volume are already capped and therefore such volume does not increase billable manual volume.

For example, if a Floor Broker achieves 30,000 contract sides (*i.e.,* an increase of 50% over 20,000—the minimum volume requirement under the first benchmark), that Floor Broker would qualify for the monthly $5,000 FB Volume Rebate. However, if that Floor Broker's billable manual ADV in contract sides during the second half of 2018 was 30,000, that Floor Broker would have to achieve at least 45,000 contract sides (*i.e.,* an increase of 50% over 30,000) to receive the rebate—as the FB Volume Rebate applies to the ''50% over the greater of'' the two benchmarks, which in this case would be the Floor Broker's 2018 second half of year volume.

As described above, the Exchange proposes to enumerate which volume would be excluded from the calculation for the FB Rebate Volume. If not specifically enumerated, volume would be eligible to be included in the calculation. For example, Floor Brokers that participate in the Floor Broker Fixed Cost Prepayment Incentive

Program (the ''FB Prepay Program'') [4] may apply the same monthly contract sides in billable ADV to qualify for both the FB Volume Rebate and the Percentage Growth Incentive available via the FB Prepay Program provided the Floor Broker meets the (different) requirements of each incentive program.[5]

The Exchange proposes to amend Section III.E of the Fee Schedule to reflect the FB Volume Rebate by adding a new heading under Section E entitled ''Floor Broker Programs,'' renumbering current Section III.E as Section III.E.1 and adding the proposed FB Volume Rebate as proposed Section III.E.2 to the Fee Schedule.[6] The proposed FB Volume Rebate is designed to encourage Floor Brokers to increase their ADV in billable manual contract sides, regardless of whether the Floor Broker participates in the FB Prepay Programs [sic], as this should encourage more manual volume to be directed to the Exchange.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[8] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The proposal to introduce the FB Volume Rebate is reasonable, equitable and not unfairly discriminatory for the following reasons. First, the Exchange is offering two alternative means to achieve the same rebate to ensure that Floor Brokers that are new to the Exchange (or Floor Brokers that did not execute more than 20,000 ADV in contract sides in the second half of 2018) could nonetheless be eligible for the FB Volume Rebate. The Exchange believes that 20,000 ADV is a reasonable minimum threshold above which a participating Floor Broker would need to increase volume in order to earn the proposed rebate. For Floor Brokers that exceeded the 20,000 ADV in the second half of 2018, the Exchange believes it is reasonable to use each Floor Broker's historical volume as a benchmark against which to measure future growth to earn the proposed rebate. Regardless of which benchmark a Floor Broker's growth is measured against, all Floor Brokers that aim to achieve the rebate would be required to increase volume executed on the Exchange. Thus, the proposed change is equitable and not unfairly discriminatory because it applies to qualifying Floor Brokers equally and because Floor Brokers serve an important function in facilitating the execution of orders via open outcry, which as a price-improvement mechanism, the Exchange wishes to encourage and support.

Moreover, offering incentives to encourage Floor Broker executions of manual volume is not new or novel as other options exchanges provide incentives to other specific market participants for achieving volume levels, including the Percentage Growth Incentive on the Exchange for Floor Brokers that participated in the FB Prepay Program.[9] For example, the Cboe Exchange, Inc. (''Cboe'') offers a $9,000 or $15,000 rebate to Cboe floor brokers that execute an average of 14,000 or 25,0000, respectively, ''customer and/or professional customer and voluntary professional open-outcry contracts per day over the course of a calendar month in all underlying symbols,'' with certain enumerated exclusions.[10] Like similar offerings on the Exchange and at other options exchange, the Exchange believes the proposed FB Volume Rebate would similarly incent Floor Brokers to increase their billable volume executed in open outcry on the Exchange, which would benefit all market participants by expanding liquidity and providing more trading opportunities, even to non-Floor Broker market participants.

The Exchange believes that the proposed organizational and non-substantive changes to the rule text to incorporate the proposed FB Volume Rebate under Section III.E of the Fee Schedule would provide clarity, transparency and internal consistency to the Fee Schedule Exchange rules and would to protect investors and the investing public by making the Exchange rules easier to navigate and comprehend.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because while the proposed change benefits Floor Brokers that reach the qualifying volume thresholds, Floor Brokers serve an important function in facilitating the execution of orders via open outcry, which promotes price discovery on the public markets. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change only affects trading on the Exchange. To the extent that the proposed change makes the Exchange a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become Exchange market participants.

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) [11] of the Act and

[4] *See* Fee Schedule, Section III.E (Floor Broker Fixed Cost Prepayment Incentive Program), *available here: https://www.nyse.com/publicdocs/nyse/markets/american-options/NYSE_American_Options_Fee_Schedule.pdf,* (providing that the Percentage Growth Incentive allows participating Floor Broker's [sic] to qualify for incrementally larger discounts on prepaid Eligible Fixed Costs by increasing their ADV during 2019 by incrementally increasing percentages (*i.e.,* 30%, 65% or 100%, respectively), above the greater of: (i) 11,000 contract sides in billable manual ADV; or (ii) 110% of the Floor Broker's total billable manual ADV in contract sides during the second half of 2017—*i.e.,* July through December 2017).

[5] Consistent with the Exchange's practice of applying monthly credits/rebates, the FB Volume Rebate (when achieved) would be paid monthly on a one-month lag (*i.e.,* if a Floor Broker achieves the benchmark in May 2019, the $5,000 Rebate will be applied in July 2019); whereas the Percentage Growth Incentive earned in 2019 would be paid in January 2020. *See, e.g.,* Fee Schedule, Section III.E (providing that ''[p]articipating Floor Broker organizations that qualify for the Percentage Growth Incentive will receive their 2019 rebate in January 2020'').

[6] The Exchange also proposes to make conforming changes to the Table of Contents. *See* proposed Fee Schedule, Table of Contents, Preface, Section III.E., 1., 2.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4) and (5).

[9] *See supra* note 4.

[10] *See* Cboe Fee Schedule, footnote 25 (at p. 19), *available here: http://www.cboe.com/publish/feeschedule/CBOEFeeSchedule.pdf.* The Exchange notes that, unlike Cboe, it excludes Customer executions from qualifying volumes, while Cboe specifies excluded indices and symbols.

[11] 15 U.S.C. 78s(b)(3)(A).

subparagraph (f)(2) of Rule 19b–4 [12] 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.

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–NYSEAMER–2019–09 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–NYSEAMER–2019–09. 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 Number SR–NYSEAMER–2019–09 and should be submitted on or before May 3, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–07236 Filed 4–11–19; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 240.19b–4(f)(2).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33441; File No. 812–14932]

Principal Diversified Select Income Fund, Principal Diversified Select Real Asset Fund, and Principal Global Investors, LLC

April 8, 2019.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 18(a)(2), 18(c), and 18(i) of the Act, under sections 6(c) and 23(c) of the Act for an exemption from rule 23c–3 under the Act, and for an order pursuant to section 17(d) of the Act and rule 17d–1 under the Act.

Summary of Application: Applicants request an order to permit certain registered closed-end management investment companies to issue multiple classes of shares and to impose asset-based service and distribution fees, and early withdrawal charges (''EWCs'').

Applicants: Principal Diversified Select Income Fund and Principal Diversified Select Real Asset Fund (the ''Initial Funds'') and Principal Global Investors, LLC (the ''Adviser'').

Filing Dates: The application was filed on July 20, 2018 and amended December 14, 2018.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail.

Hearing requests should be received by the Commission by 5:30 p.m. on May 3, 2019, and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090; Applicants: Principal Diversified Select Income Fund, Principal Diversified Select Real Asset Fund, and Principal Global Investors, LLC, 711 High Street, Des Moines, Iowa 50392.

FOR FURTHER INFORMATION CONTACT: Bradley Gude, Senior Counsel, at (202) 551–5590, or Andrea Ottomanelli Magovern, Branch Chief, at (202) 551–6768 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Initial Funds are Delaware statutory trusts that will be registered under the Act as diversified, closed-end management investment companies. The Principal Diversified Select Income Fund's investment objective is to provide a high level of current income and attractive risk-adjusted returns with lower correlation to the volatility of the global markets. The Real Asset Fund's investment objective is to provide long-term total return in excess of inflation.

2. The Adviser is a Delaware limited liability company registered as an investment adviser under the Investment Advisers Act of 1940. The Adviser will serve as investment adviser to the Initial Funds.

3. The applicants seek an order to permit the Initial Funds to issue multiple classes of shares, each having its own fee and expense structure, and to impose asset-based distribution and service fees, and EWCs.

4. Applicants request that the order also apply to any continuously-offered registered closed-end management investment company that may be organized in the future for which the

Adviser or any entity controlling, controlled by, or under common control with the Adviser, or any successor in interest to any such entity,[1] acts as investment adviser and which operates as an interval fund pursuant to rule 23c–3 under the Act or provides periodic liquidity with respect to its shares pursuant to rule 13e–4 under the Securities Exchange Act of 1934 (''Exchange Act'') (each, a ''Future Fund'' and together with the Initial Funds, the ''Funds'').[2]

5. Each Initial Fund will make a continuous public offering of its shares. Applicants state that additional offerings by any Fund relying on the order may be on a private placement or public offering basis. Shares of the Funds will not be listed on any securities exchange, nor quoted on any quotation medium. The Funds do not expect there to be a secondary trading market for their shares.

6. If the requested relief is granted, each Initial Fund may also offer additional classes of shares in the future, with each class having its own fee and expense structure.

7. Applicants state that, from time to time, the Funds may create additional classes of shares, the terms of which may differ from the initial class pursuant to and in compliance with rule 18f–3 under the Act.

8. Applicants state that the Initial Funds have each adopted a fundamental policy to repurchase a specified percentage of its shares (no less than 5% and not more than 25%) at net asset value on a periodic basis. Such repurchase offers will be conducted pursuant to rule 23c–3 under the Act.[3] Each of the other Funds will likewise adopt a fundamental investment policy in compliance with rule 23c–3 and make periodic repurchase offers to its shareholders, or provide periodic liquidity with respect to its shares pursuant to rule 13e–4 under the Exchange Act. Any repurchase offers made by the Funds will be made to all holders of shares of each such Fund.

9. Applicants represent that any asset-based service and/or distribution fees for each class of shares will comply with the provisions of FINRA Rule 2341 (''Sales Charge Rule'').[4] Applicants also represent that each Fund will disclose in its prospectus the fees, expenses, and other characteristics of each class of shares offered for sale by the prospectus, as is required for open-end multiple class funds under Form N–1A. As is required for open-end funds, each Fund will disclose its expenses in shareholder reports, and describe any arrangements that result in breakpoints in or elimination of sales loads in its prospectus.[5] In addition, applicants will comply with applicable enhanced fee disclosure requirements for fund of funds, including registered funds of hedge funds.[6]

10. Each of the Funds will comply with any requirements that the Commission or FINRA may adopt regarding disclosure at the point of sale and in transaction confirmations about the costs and conflicts of interest arising out of the distribution of open-end investment company shares, and regarding prospectus disclosure of sales loads and revenue sharing arrangements, as if those requirements applied to each Fund. In addition, each Fund will contractually require that any distributor of the Fund's shares comply with such requirements in connection with the distribution of such Fund's shares.

11. Applicants state that each Fund may impose an EWC on shares submitted for repurchase that have been held less than a specified period and may waive the EWC for certain categories of shareholders or transactions to be established from time to time. Applicants state that each of the Funds will apply the EWC (and any waivers, scheduled variations or eliminations of the EWC) uniformly to all shareholders in a given class and consistently with the requirements of rule 22d–1 under the Act as if the Funds were open-end investment companies.

12. Each Fund operating as an interval fund pursuant to rule 23c–3 under the Act may offer its shareholders an exchange feature under which the shareholders of the Fund may, in connection with the Fund's periodic repurchase offers, exchange their shares of the Fund for shares of the same class of (i) registered open-end investment companies or (ii) other registered closed-end investment companies that comply with rule 23c–3 under the Act and continuously offer their shares at net asset value, that are in the Fund's group of investment companies (collectively, ''Other Funds''). Shares of a Fund operating pursuant to rule 23c–3 that are exchanged for shares of Other Funds will be included as part of the amount of the repurchase offer amount for such Fund as specified in rule 23c–3 under the Act. Any exchange option will comply with rule 11a–3 under the Act, as if the Fund were an open-end investment company subject to rule 11a–3. In complying with rule 11a–3, each Fund will treat an EWC as if it were a contingent deferred sales load (''CDSL'').

Applicants' Legal Analysis

Multiple Classes of Shares

1. Section 18(a)(2) of the Act makes it unlawful for a closed-end investment company to issue a senior security that is a stock unless certain requirements are met. Applicants state that the creation of multiple classes of shares of the Funds may violate section 18(a)(2) because the Funds may not meet such requirements with respect to a class of shares that may be a senior security.

2. Section 18(c) of the Act provides, in relevant part, that a closed-end investment company may not issue or sell any senior security if, immediately thereafter, the company has outstanding more than one class of senior security. Applicants state that the creation of multiple classes of shares of the Funds may be prohibited by section 18(c), as a class may have priority over another class as to payment of dividends because shareholders of different classes would pay different fees and expenses.

3. Section 18(i) of the Act provides that each share of stock issued by a registered management investment company will be a voting stock and have equal voting rights with every other outstanding voting stock. Applicants state that multiple classes of shares of the Funds may violate section 18(i) of the Act because each class would be entitled to exclusive voting rights with respect to matters solely related to that class.

[1] A successor in interest is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

[2] Any Fund relying on this relief in the future will do so in compliance with the terms and conditions of the application. Applicants represent that each entity presently intending to rely on the requested relief is listed as an applicant.

[3] Applicants submit that rule 23c–3 and Regulation M under the Exchange Act permit an interval fund to make repurchase offers to repurchase its shares while engaging in a continuous offering of its shares pursuant to rule 415 under the Securities Act of 1933.

[4] Any reference to the Sales Charge Rule includes any successor or replacement rule that may be adopted by the Financial Industry Regulatory Authority (''FINRA'').

[5] *See* Shareholder Reports and Quarterly Portfolio Disclosure of Registered Management Investment Companies, Investment Company Act Release No. 26372 (Feb. 27, 2004) (adopting release) (requiring open-end investment companies to disclose fund expenses in shareholder reports); and Disclosure of Breakpoint Discounts by Mutual Funds, Investment Company Act Release No. 26464 (June 7, 2004) (adopting release) (requiring open-end investment companies to provide prospectus disclosure of certain sales load information).

[6] Fund of Funds Investments, Investment Company Act Rel. Nos. 26198 (Oct. 1, 2003) (proposing release) and 27399 (Jun. 20, 2006) (adopting release). *See* also Rules 12d1–1, *et seq.* of the Act.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provision of the Act, or from any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an exemption under section 6(c) from sections 18(a)(2), 18(c) and 18(i) to permit the Funds to issue multiple classes of shares.

5. Applicants submit that the proposed allocation of expenses relating to distribution and voting rights among multiple classes is equitable and will not discriminate against any group or class of shareholders. Applicants submit that the proposed arrangements would permit a Fund to facilitate the distribution of its securities and provide investors with a broader choice of shareholder services. Applicants assert that the proposed closed-end investment company multiple class structure does not raise the concerns underlying section 18 of the Act to any greater degree than open-end investment companies' multiple class structures that are permitted by rule 18f–3 under the Act. Applicants state that each Fund will comply with the provisions of rule 18f–3 as if it were an open-end investment company.

Early Withdrawal Charges

1. Section 23(c) of the Act provides, in relevant part, that no registered closed-end investment company shall purchase securities of which it is the issuer, except: (a) On a securities exchange or other open market; (b) pursuant to tenders, after reasonable opportunity to submit tenders given to all holders of securities of the class to be purchased; or (c) under other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors.

2. Rule 23c–3 under the Act permits a an interval fund to make repurchase offers of between five and twenty-five percent of its outstanding shares at net asset value at periodic intervals pursuant to a fundamental policy of the interval fund. Rule 23c–3(b)(1) under the Act permits an interval fund to deduct from repurchase proceeds only a repurchase fee, not to exceed two percent of the proceeds, that is paid to the interval fund and is reasonably intended to compensate the fund for expenses directly related to the repurchase. A Fund will not impose a repurchase fee on investors who purchase and tender their shares.

3. Section 23(c)(3) provides that the Commission may issue an order that would permit a closed-end investment company to repurchase its shares in circumstances in which the repurchase is made in a manner or on a basis that does not unfairly discriminate against any holders of the class or classes of securities to be purchased.

4. Applicants request relief under section 6(c), discussed above, and section 23(c)(3) from rule 23c–3 to the extent necessary for the Funds to impose EWCs on shares of the Funds submitted for repurchase that have been held for less than a specified period.

5. Applicants state that the EWCs they intend to impose are functionally similar to CDSLs imposed by open-end investment companies under rule 6c–10 under the Act. Rule 6c–10 permits open-end investment companies to impose CDSLs, subject to certain conditions. Applicants note that rule 6c–10 is grounded in policy considerations supporting the employment of CDSLs where there are adequate safeguards for the investor and state that the same policy considerations support imposition of EWCs in the interval fund context. In addition, applicants state that EWCs may be necessary for the distributor to recover distribution costs. Applicants represent that any EWC imposed by the Funds will comply with rule 6c–10 under the Act as if the rule were applicable to closed-end investment companies. The Funds will disclose EWCs in accordance with the requirements of Form N–1A concerning CDSLs.

Asset-Based Service and Distribution Fees

1. Section 17(d) of the Act and rule 17d–1 under the Act prohibit an affiliated person of a registered investment company, or an affiliated person of such person, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates unless the Commission issues an order permitting the transaction. In reviewing applications submitted under section 17(d) and rule 17d–1, the Commission considers whether the participation of the investment company in a joint enterprise or joint arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which the participation is on a basis different from or less advantageous than that of other participants.

2. Rule 17d–3 under the Act provides an exemption from section 17(d) and rule 17d–1 to permit open-end investment companies to enter into distribution arrangements pursuant to rule 12b–1 under the Act. Applicants request an order under section 17(d) and rule 17d–1 under the Act to the extent necessary to permit the Funds to impose asset-based service and distribution fees. Applicants have agreed to comply with rules 12b–1 and 17d–3 as if those rules applied to closed-end investment companies, which they believe will resolve any concerns that might arise in connection with a Fund financing the distribution of its shares through asset-based service and distribution fees.

3. For the reasons stated above, applicants submit that the exemptions requested under section 6(c) are necessary and appropriate in the public interest and are consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants further submit that the relief requested pursuant to section 23(c)(3) will be consistent with the protection of investors and will insure that applicants do not unfairly discriminate against any holders of the class of securities to be purchased. Finally, applicants state that the Funds' imposition of asset-based service and distribution fees is consistent with the provisions, policies, and purposes of the Act and does not involve participation on a basis different from or less advantageous than that of other participants.

Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

Each Fund relying on the order will comply with the provisions of rules 6c–10, 12b–1, 17d–3, 18f–3, 22d–1, and, where applicable, 11a–3 under the Act, as amended from time to time, as if those rules applied to closed-end management investment companies, and will comply with the Sales Charge Rule, as amended from time to time, as if that rule applied to all closed-end management investment companies.

For the Commission, by the Division of Investment Management, under delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–07233 Filed 4–11–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85554; File No. SR–LCH SA–2019–001]

Self-Regulatory Organizations; LCH SA; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the CDS and Options Fee Grid for CDSClear Clearing Members Effective Retroactively From January 1st, 2019

April 8, 2019.

Pursuant to 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 March 25, 2019, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I and II below, which Items have been prepared primarily by LCH SA. LCH SA filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(2)[4] thereunder, so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will modify both CDS and Options fee grid for CDSClear activities applicable from January 1st, 2019.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, LCH SA 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. LCH SA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is for LCH SA to (1) modify the annual fixed fee that covers all Index and Single Name CDS self-clearing activity for a General Clearing Member and its affiliates under the Unlimited Tariff, and (2) establish a new Unlimited Tariff to cover all Options self-clearing activity for Clearing Members as well as slightly increase the cap in the existing fee grid for the options clearing service.

The proposed CDSClear fee changes will be retroactive from January 1st, 2019.

The need to apply the fees retroactively results from the long year end 2018 shutdown of the U.S. federal government (the ''Shutdown'') and the subsequent closure of the Securities and Exchange Commission (''SEC'') past December 26th. As a result of the Shutdown, beginning on December 27, 2018, the SEC was closed and SEC employees were out of the office until an appropriation was enacted and the SEC reopened on January 28, 2019. Because the SEC was closed, any filing submitted to the SEC during the Shutdown was not considered ''received'' (*i.e.,* legally filed) until the SEC reopened in January 2019. Accordingly, when filing no. LCH SA–2018–006 was formally submitted to the SEC on December 27th, 2018 through the Electronic Form 19b–4 Filing System (''EFFS'') operated by the SEC, the filing was not considered as duly ''received,'' and therefore did not receive an official ''filing date'' until the SEC reopened end of January 2019, at which point the filing was rejected on technical grounds because the year indicated in the file number was no longer accurate.

As discussed and agreed with its clearing members and because LCH SA had also intended the fee change to become effective from January 1st, 2019, LCH SA's national competent authorities had been duly advised of the proposed fee change that was also rule certified with the Commodity Futures Trading Commission (''CFTC'') on December 20, 2018[5] in a manner that would have permitted the fee change to take effect early January 2019.

Given the termination on December 31st, 2018 of the previous CDSClear annual fixed fee amount applicable to General members under the Unlimited Tariff and any other alternative solution, the absence of the retroactive application of the new proposed and agreed fee grid would cause a potential harm to the LCH SA CDSClear business because CDSClear would have been without a regulatory approved fee grid including the new annual clearing fixed fee amount under the General Member Unlimited Tariff and would thus not have been in a position to collect the relevant revenues throughout its entire fee grid. Further, as described below, the annual fixed fee for the CDS Unlimited Tariff for General Members is supposed to decrease and no change has been made to the General Member Introductory Tariff and the Select Member Tariff so that none of them would be caught unaware if retroactive approval is granted.

(1) Annual Clearing Fixed Fee (General Member Unlimited Tariff)

Until December 31st, 2018, CDSClear was offering an all you can eat type of tariff called the ''CDS Unlimited Tariff'' for General Members that covers all self-clearing CDS Index and Single Name activity for a Clearing Member (''CM'') and its affiliates for an annual fixed fee of €2,000,000 (no variable fee).The proposed change will modify the annual fixed fee of the CDS Unlimited Tariff for General Members from €2,000,000 per year to €1,700,000 per year from January 1st, 2019. This fixed fee will cover all clearing fees for Index and Single Name CDS house activity excluding Sovereign CDS for all affiliates of a given CM group.

(2) Options Clearing Service Fee Grid

In addition, LCH SA is proposing to modify the CDSClear fee grid set up for the Options clearing service. Currently, Clearing Members and Clients that participate in the CDSClear Options clearing service are charged the clearing fees as follows:

General Member:		
Onboarding Fees	€30k	one-off fee per Legal Entity waived until 31–Mar–18.
Clearing Fees	$15	per million of option notional on U.S. Indices.*
	€15	per million of option notional on European Indices.
Floor on clearing fees	*€150k*	*Per calendar year (no pro-rating).*
Cap on Clearing fees	*€500k*	*Per calendar year (no pro-rating).*
Select Member:		

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(2).

[5] See *https://www.lch.com/system/files/media_root/Fee%20grid%20changes__20%20Dec%202018.pdf.*

Onboarding Fees	€30k	one-off fee per Legal Entity waived until 31–Mar–18.
Clearing Fees	$18	per million of option notional on U.S. Indices.*
	€18	per million of option notional on European Indices.
Cap on Clearing fees	*€500k*	*Per calendar year (no pro-rating).*
Client:		
Clearing Fees	$20	per million of option notional on U.S. Indices.
	€20	per million of option notional on European Indices.
Clearing fee holiday from launch until 31–Dec–2017 for all Members and Clients.		

* *Subject to regulatory approval.*

As specified in the new LCH CDSClear options fee grid attached below under Exhibit 5, effective from 1st January 2019, it is proposed to:

(a) Rename the current Options clearing service tariff the Options Introductory Tariff;

(b) Increase the annual cap in the Options Introductory Tariff from €500k to €600k for both General Members and Select Members;

(c) Introduce a new tariff called the Options Unlimited Tariff available to both General Members and Select Members and in which Members would pay an annual fixed fee to cover all the self-clearing fees for Credit Index Options of all affiliated entities of a given Clearing Member Group. The level of this annual fixed fee (no pro-rating) would be set to:

➢ €375k for General Members
➢ €400k for Select Members

(d) Maintain the one-off onboarding fee of €30k to the Options clearing service under the following terms and conditions:

(i) The onboarding fee will be waived for all General and Select Members until 31–Mar–2019;

(ii) Under the Options Introductory Tariff, an onboarding fee will be charged for each legal entity (even if of the same Group) onboarding the service; and

(iii) Under the Options Unlimited Tariff, only one single onboarding fee will be charged for all affiliated entities of a given Clearing Member Group onboarding the service.

2. Statutory Basis

Section 17A(b)(3)(D) of the Act requires that the rules of a clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges.[6]

With respect to the change of the CDS Unlimited Tariff, LCH SA has determined in consultation with its clearing members that the reduction in the annual fixed fee for General Members covering their Index and Single Name CDS self-clearing activity is reasonable and appropriate given the costs and expenses to LCH SA in providing the CDSClear service as well as the fact that the business is now reaching a more mature stage in its development and therefore requires less investment in the future.

As explained above and as agreed with the clearing members, applying the fees retroactively is also reasonable. Absent the Shutdown and subsequent closure of the Commission, as duly expected by the CDSClear members pursuant to the consultation process, the proposed fee changes including the new annual fixed fee amount for the General Members would have been immediately applicable from January 1st, 2019 pursuant to Section 19(b)(3)(A)[7] of the Act and Rule 19b–4(f)(2).[8]

The proposed changes to the Options clearing service fee grid in consultation with CDSClear members aim at:

—Offer CDSClear Clearing Members a true ''all you can eat'' tariff that covers all their self-clearing activities across the whole scope of products eligible at CDSClear
—Incentivize additional clearing members to onboard and use the Options clearing service by providing a more attractive tariff in which the marginal cost of clearing options reduces as more volumes are cleared.
—Building enough interdealer liquidity on the Options clearing service such that buy-side clients can also get comfortable with clearing credit index options at LCH SA CDSClear service, which is key for the market participants to get the full benefits of clearing options from a multilateral netting and the associated operational risk decrease perspective.

The proposed fee grid will apply equally to all General Members, Select Members and clients that will voluntary join this CDSClear offering and LCH SA believes that it is reasonable and appropriate.

LCH SA believes that imposing such clearing fees is consistent with the requirements of Section 17A of the Act[9] and the regulations thereunder applicable to it, and in particular provides for the equitable allocation of reasonable fees, dues, and other charges among clearing members and market participants by ensuring that Members pay reasonable fees and dues for the services provided by LCH SA, within the meaning of Section 17A(b)(3)(D) of the Act.

B. Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[10] LCH SA does not believe that the proposed rule change would impose any burden on competition.

As noted above, LCH SA believes that the fees and any related discount have been set up at an appropriate level given the costs and expenses to LCH SA in offering and maintaining the relevant CDSClear services.

Additionally, the fees and related discounts will apply equally to all Clearing Members of CDSClear.

Further, LCH SA does not believe that the proposed rule change would have a burden on competition because it does not adversely affect the ability of such Clearing Members or other market participants generally to engage in cleared transactions or to access clearing services.

C. Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. LCH SA will notify the Commission of any written comments received by LCH SA.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

(a) The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and paragraph (f) of Rule 19b–4[12] thereunder. At any time within 60 days of the filing of the

[6] 15 U.S.C. 78q–1(b)(3)(D).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(2).

[9] 15 U.S.C. 78q–1.

[10] 15 U.S.C. 78q–1(b)(3)(I).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f).

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–LCH SA–2019–001 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–LCH SA–2019–001. 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 filings will also be available for inspection and copying at the principal office of LCH SA and on LCH SA's website at *https://www.lch.com/resources/rules-and-regulations/proposed-rule-changes-0.* 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–LCH SA–2019–001 and should be submitted on or before May 3,2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–07327 Filed 4–11–19; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 10731]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: "Art and Empire: The Golden Age of Spain" Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that the objects to be exhibited in the exhibition ''Art and Empire: The Golden Age of Spain,'' 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 San Diego Museum of Art, in San Diego, California, from on or about May 18, 2019, until on or about September 2, 2019, 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. 2019–07229 Filed 4–11–19; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36233]

Herrin Railroad, LLC—Acquisition & Operation Exemption—City of Herrin, Ill

Herrin Railroad, LLC (HR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from the City of Herrin, Ill. (the City), and operate approximately 3.7 miles of rail lines, between milepost 10.7 and milepost 13.4, and north from the wye track between milepost C94 and milepost C93 at and near Herrin, in Williamson County, Ill. (the Lines).

According to HR, an agreement has been reached whereby HR will lease the Lines from the City and operate them, contingent upon HR's obtaining all necessary regulatory approvals. HR states that it will become a Class III rail carrier and will provide common carrier rail service to shippers on the Lines. HR states that the lease between HR and the City does not contain an interchange commitment.

HR certifies that its projected annual revenues as a result of the proposed transaction will not result in HR's becoming a Class II or Class I rail carrier and will not exceed $5 million.

The proposed transaction may be consummated on or after April 28, 2019, the effective date of the exemption (30 days after the verified notice was filed).[1]

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than April 19, 2019 (at

[1] HR originally filed its verified notice on February 21, 2019, and supplemented it on February 28, 2019. In response to a subsequent Board order, HR further supplemented its verified notice on March 29, 2019, by clarifying that the City retains ownership of the Lines and stating that ''[t]he City has never conveyed ownership of the subject lines in its dealings with [Crab Orchard & Egyptian Railroad Company (COER) or [Progressive Railroad Incorporated (PGR)].'' (HR Suppl. 1, Mar. 29, 2019.) In light of HR's supplement, the verified notice is deemed to have been filed on March 29, 2019. The Board will serve this notice on COER and PGR.

least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36233, must be filed with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, one copy of each pleading must be served on HR's representative, Barry W. Bridgforth, Jr., Bridgforth, Buntin & Emerson, PLLC, 5293 Getwell Road, Southaven, MS 38672.

According to HR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov.*

Decided: April 8, 2019.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.

Tammy Lowery,

Clearance Clerk.

[FR Doc. 2019–07310 Filed 4–11–19; 8:45 am]

BILLING CODE 4915–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. USTR–2019–0003]

Initiation of Investigation; Notice of Hearing and Request for Public Comments: Enforcement of U.S. WTO Rights in Large Civil Aircraft Dispute

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of initiation of investigation, hearing, and request for comments.

SUMMARY: The United States Trade Representative (Trade Representative) is initiating an investigation to enforce U.S. rights in the World Trade Organization (WTO) dispute against the European Union (EU) and certain EU member States addressed to EU subsidies on large civil aircraft. The Trade Representative proposes determinations that the EU and certain member States have denied U.S. rights under the WTO Agreement and have failed to implement WTO Dispute Settlement Body recommendations. The Trade Representative proposes to take action in the form of additional duties on products of the EU or certain member States, to be drawn from the preliminary list annexed to this Notice. The interagency Section 301 Committee is seeking public comments and will hold a public hearing in connection with the proposed determinations.

DATES: To be assured of consideration, the following schedule applies:

May 6, 2019: Due date for submission of requests to appear at the public hearing and summary of testimony.

May 15, 2019: The Section 301 Committee will convene a public hearing in the Main Hearing Room of the U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436 beginning at 9:30 a.m.

May 28, 2019: Due date for submission of written comments, including post-hearing rebuttal comments.

ADDRESSES: You should submit written comments through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments in sections E and F below. The docket number is USTR–2019–0003. For issues with on-line submissions, please contact the Office of the United States Trade Representative (USTR) Section 301 line at (202) 395–5725.

FOR FURTHER INFORMATION CONTACT: For questions about this investigation or proposed determinations, contact Megan Grimball, Assistant General Counsel, at (202) 395–5725. For questions on customs classification of products identified in the Annex to this Notice, contact *Traderemedy@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION

A. Dispute Settlement Proceedings

On October 6, 2004, the United States requested WTO dispute settlement consultations with the European Communities (now the EU), France, Germany, Spain, and the United Kingdom (certain member States) concerning certain subsidies granted by the EU and certain member States to the EU large civil aircraft domestic industry, on the basis that the subsidies appeared to be inconsistent with their obligations under the *General Agreement on Tariffs and Trade 1994* (GATT 1994) and the *Agreement on Subsidies and Countervailing Measures* (SCM Agreement).

Further information on this dispute—*EC and Certain member States—Measures Affecting Trade in Large Civil Aircraft* (DS316), including the original panel and appellate reports and the compliance panel and appellate reports adopted by the DSB, is publicly available on the WTO website, including at the following page: *https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds316_e.htm.*

On May 31, 2005, the United States requested the establishment of a dispute settlement panel. USTR provided notice of the establishment of the panel and invited comments from the public concerning the issues raised in the dispute. *See* 70 FR 35496.

In May 2011, a WTO panel report, as amended by an Appellate Body report, confirmed that EU and certain member State subsidies on the manufacture of large civil aircraft breached the EU's obligations under the SCM Agreement. The Dispute Settlement Body (DSB) adopted the reports on June 1, 2011, and recommended that the EU and certain member States bring the WTO-inconsistent measures into compliance with WTO rules. The EU and certain member States had until December 1, 2011, to bring the measures into compliance.

On December 1, 2011, the EU asserted that it had implemented the DSB recommendations. The United States did not agree, and requested authorization from the DSB to impose countermeasures commensurate with the adverse effects of the WTO-inconsistent measures. The EU referred the matter to arbitration to assess the proper level of any countermeasures.

In early 2012, the United States and the EU entered into a procedural agreement pursuant to which the arbitration would be suspended until after WTO compliance panel and any appellate proceedings determined whether the EU had implemented the DSB recommendations. On May 28, 2018, the DSB adopted compliance panel and Appellate Body reports confirming that launch aid to the Airbus A380 and A350 XWB aircraft continued to cause WTO-inconsistent adverse effects to U.S. interests.

At the request of the United States, and in accordance with the procedural agreement, on July 13, 2018, the WTO Arbitrator resumed its work in determining the level of countermeasures to be authorized as a result of the WTO inconsistencies. USTR anticipates that the WTO Arbitrator will issue its report regarding the level of countermeasures in the summer of 2019.

B. Initiation of Investigation

Section 302(b) of the Trade Act of 1974, as amended, authorizes the Trade Representative to initiate an investigation to determine whether conduct is actionable under section 301 of the Trade Act. Actionable conduct under section 301(a) includes, *inter alia,* the denial of rights of the United States under any trade agreement.

In order to enforce U.S. WTO rights in connection with the *Large Civil Aircraft* dispute, the Trade Representative is initiating a section 301 investigation of the subsidies provided by the EU and

certain member States on the manufacture of large civil aircraft. Prior to initiation, USTR consulted with the interagency Section 301 Committee and the appropriate advisory committee.

Section 303 of the Trade Act calls for the Trade Representative to request consultations with the foreign country subject to the investigation. USTR requested consultations with the EU and certain member States upon the initiation of the dispute settlement proceedings in October 2004. USTR again requested consultations with the EU and certain member States in April 2012, upon initiation of the WTO compliance proceeding. Neither set of consultations resolved the dispute. USTR remains open to discussing these matters with the EU and certain member States.

C. Proposed Determinations

The Trade Representative proposes to determine, in accordance with the outcome of the WTO dispute settlement proceedings, that the EU and certain member States have breached their WTO obligations by providing subsidies on the manufacture of large civil aircraft and by failing to withdraw the subsidies or remove their adverse effects. In particular, under section 301(a), section 304(a)(1)(A), and section 306(b)(2), the Trade Representative proposes to determine that the EU and certain member States have denied U.S. rights under the WTO Agreement, and in particular, under Articles 5 and 6.3 of the SCM Agreement, and have failed to comply with the DSB recommendations to bring the WTO-inconsistent subsidies into compliance with WTO obligations.

Upon determining that U.S. rights under a trade agreement are being denied, section 301(a) provides that the Trade Representative shall take all appropriate and feasible action authorized under section 301(c), subject to the specific direction, if any, of the President regarding such action, and all other appropriate and feasible action within the power of the President that the President may direct the Trade Representative to take to enforce such rights. Pursuant to sections 301(a), 301(c), 304(a)(1)(B), and 306(b)(2), the Trade Representative proposes that appropriate action would include the imposition of additional *ad valorem* duties of up to 100 percent on products of the EU or certain member States, to be drawn from the preliminary list of HTS numbers in the attached Annex. In accordance with section 306(b)(2) of the Trade Act, the Annex includes reciprocal goods of the affected industry. The final list of products subject to increased duties will take into account the report of the Arbitrator on the appropriate level of countermeasures to be authorized by the WTO.

The Annex to this Notice contains a list of 317 tariff subheadings and 9 Harmonized Tariff Schedule statistical reporting numbers being considered for additional duties. The value of the list is approximately $21 billion in terms of the estimated import trade value for calendar year 2018. The products listed in Section 1 of the Annex are being considered for additional duties if they are the product of Germany, France, the United Kingdom, or Spain. The products listed in Section 2 of the Annex are being considered for additional duties if they are the product of any of the 28 member States of the EU.

D. Request for Public Comments

In accordance with sections 304(b) and 306(c), USTR invites comments from interested persons with respect to the proposed determination and proposed action. USTR invites comments with respect to any aspect of the proposed action, including:

- The specific products to be subject to increased duties, including whether products listed in the Annex should be retained or removed, or whether products not currently on the list should be added.
- The level of the increase, if any, in the rate of duty.
- The appropriate aggregate level of trade to be covered by additional duties.
- Whether increased duties on particular products might have an adverse effect upon U.S. stakeholders, including small businesses and consumers.

E. Hearing Participation

The Section 301 Committee will convene a public hearing in the main hearing room of the U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436 beginning at 9:30 a.m. on May 15, 2019. You must submit requests to appear at the hearing by May 6, 2019. The request to appear must include a summary of testimony, and may be accompanied by the full script of testimony you expect to give. Remarks at the hearing may be no longer than five minutes to allow time for questions from the Section 301 Committee.

All submissions must be in English and sent electronically via *www.regulations.gov.* To submit a request to appear at the hearing via *www.regulations.gov,* enter docket number USTR–2019–0003. In the ''type comment'' field, include the name, address, email address, and telephone number of the person presenting the testimony. Attach testimony, and a pre-hearing submission if provided, by using the ''upload file'' field. USTR strongly prefers submissions in Adobe Acrobat (.pdf). The file name should include the name of the person who will be presenting the testimony. In addition, please submit a request to appear by email to *301aircraft@ustr.eop.gov.* In the subject line of the email, please include the name of the person who will be presenting the testimony, followed by ''Request to Appear''. Please also include the name, address, email address, and telephone number of the person who will be presenting testimony in the body of the email message.

F. Procedures for Written Submissions

All submissions must be in English and sent electronically via *www.regulations.gov.* To submit comments via *www.regulations.gov,* enter docket number USTR–2019–0003 on the home page and click ''search.'' The site will provide a search results page listing all documents associated with this docket. Find a reference to this Notice and click on the link entitled ''comment now!'' For further information on using the *www.regulations.gov* website, please consult the resources provided on the website by clicking on ''how to use regulations.gov'' on the bottom of the home page. We will not accept hand-delivered submissions.

The *www.regulations.gov* website allows users to submit comments by filling in a ''type comment'' field or by attaching a document using an ''upload file'' field. USTR prefers that you submit comments in an attached document. If you attach a document, it is sufficient to type ''see attached'' in the ''type comment'' field. USTR strongly prefers submissions in Adobe Acrobat (.pdf). If you use an application other than Adobe Acrobat (or Word (.doc)), please indicate the name of the application in the ''type comment'' field.

File names should reflect the name of the person or entity submitting the comments. Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the comment itself, rather than submitting them as separate files.

For any comments submitted electronically containing business confidential information, the file name

of the business confidential version should begin with the characters ''BC''. Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. If you request business confidential treatment, you must certify in writing that disclosure of the information would endanger trade secrets or profitability, and that the information would not customarily be released to the public. Filers of submissions containing business confidential information also must submit a public version of their comments. The file name of the public version should begin with the character ''P''. The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments or rebuttal comments. If these procedures are not sufficient to protect business confidential information or otherwise protect business interests, please contact the USTR Section 301 line at (202) 395–5725 to discuss whether alternative arrangements are possible.

USTR will post submissions in the docket for public inspection, except business confidential information. You can view submissions on the *https://www.regulations.gov* website by entering docket number USTR–2019–0003 in the search field on the home page.

Stephen Vaughn,

General Counsel, Office of the U.S. Trade Representative.

Annex

Section 1—The products that are enumerated and described in Section 1 of this Annex are being considered for additional import duties if they are the product of any of the following four member States of the European Union: France, Germany, Spain or the United Kingdom.

Note: In general, products that are described in the 10-digit statistical reporting numbers of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. For purposes of statistical reporting numbers 8802.11.0030, 8802.11.0045, 8802.12.0040, 8802.40.0040, 8802.40.0060, and 8802.40.0070, the product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. However, for purposes of statistical reporting numbers 8803.20.0030, 8803.30.0030 and 8803.90.9030, the product descriptions define and limit the scope of the proposed action. Any questions regarding the scope of a particular HTS statistical reporting number should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.

HTS statistical reporting No.	Product description
8802.11.0030	New helicopters, non-military, of an unladen weight not exceeding 998 kg.
8802.11.0045	New helicopters, non-military, of an unladen weight exceeding 998 kg but not exceeding 2000 kg.
8802.12.0040	New helicopters, non-military, of an unladen weight exceeding 2,000 kg.
8802.40.0040	New aircraft, passenger transports, non-military, of an unladen weight exceeding 15,000 kg.
8802.40.0060	New aircraft, cargo transports, non-military, of an unladen weight exceeding 15,000 kg.
8802.40.0070	New aircraft, non-military, nesoi (including passenger/cargo combinations), of an unladen weight exceeding 15,000 kg.
8803.20.0030*	Undercarriages and parts thereof for use in new civil aircraft, not for use by the Department of Defense or the U.S. Coast Guard, of an unladen weight exceeding 15,000 kg provided for in statistical reporting numbers 8802.40.0040, 8802.40.0060 and 8802.40.0070.
8803.30.0030*	Fuselages and fuselage sections, predominantly aluminum wings and wing assemblies, and horizontal and vertical stabilizers for use in new civil airplanes, not for use by the Department of Defense or the U.S. Coast Guard, of an unladen weight exceeding 15,000 kg provided for in statistical reporting numbers 8802.40.0040, 8802.40.0060 and 8802.40.0070.
8803.90.9030*	Other parts, nesoi, for use in new civil aircraft, not for use by the Department of Defense or the U.S. Coast Guard, of an unladen weight exceeding 15,000 kg provided for in statistical reporting numbers 8802.40.0040, 8802.40.0060 and 8802.40.0070.

*The products intended to be covered by the proposed action in these statistical reporting numbers are a subsection of the products classified in these statistical reporting numbers.

Section 2—The products that are enumerated and described in Section 2 of this Annex are being considered for additional import duties if they are the product of any of the twenty-eight member States of the European Union.

Note: All products that are classified in the 8-digit subheadings of the HTS that are listed in Section 2 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 2 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.

HTS subheading	Product description
0303.57.00	Swordfish steaks, other swordfish, excluding fillets, other meat portions, livers and roes.
0304.41.00	Salmon fillets, fresh or chilled.
0304.42.00	Trout, fillets, fresh or chilled.
0304.84.00	Frozen swordfish fillets.
0306.14.20	Crabmeat, frozen.
0306.14.40	Crabs, cooked in shell or uncooked (whether in shell or not), dried, salted or in brine, frozen.
0306.19.00	Crustaceans, nesoi (including flours, meals and pellets of crustaceans fit for human consumption), cooked in shell or uncooked, etc., frozen.

HTS subheading	Product description
0403.10.50	Yogurt, in dry form, whether or not flavored or containing add fruit or cocoa, not subject to gen nte 15 or add. US nte 10 to Ch.4.
0403.10.90	Yogurt, not in dry form, whether or not flavored or containing add fruit or cocoa.
0405.10.10	Butter subject to quota pursuant to chapter 4 additional US note 6.
0405.10.20	Butter not subject to general note 15 and in excess of quota in chapter 4 additional U.S. note 6.
0406.10.28	Fresh (unripened/uncured) cheddar cheese, cheese/subs for cheese cont or proc from cheddar cheese, not subj to Ch4 US note 18, not GN15.
0406.10.68	Fresh (unripened/uncured) Swiss/emmentaler cheeses exc eye formation, gruyere-process cheese and cheese cont or proc. from such, not subj.
0406.10.84	Fresh cheese, and substitutes for cheese, cont. cow's milk, nesoi, o/0.5% by wt. of butterfat, descr in add US note 16 to Ch 4, not GN15.
0406.10.88	Fresh cheese, and substitutes for cheese, cont. cow's milk, nesoi, o/0.5% by wt. of butterfat, not descr in add US note 16 to Ch 4, not GN 15.
0406.10.95	Fresh cheese, and substitutes for cheese, not cont. cow's milk, nesoi, o/0.5% by wt. of butterfat.
0406.20.10	Roquefort cheese, grated or powdered.
0406.20.69	Cheese containing or processed from american-type cheese (except cheddar), grated or powdered, subject to add US note 19 to Ch. 4.
0406.20.91	Cheese (including mixtures), nesoi, o/0.5% by wt of butterfat, w/cow's milk, grated or powdered, not subject to add US note 16 to Ch. 4.
0406.30.05	Stilton cheese, processed, not grated or powdered, subject to add US note 24 to Ch. 4.
0406.30.18	Blue-veined cheese (except roquefort), processed, not grated or powdered, not subject to gen. note 15 or add. US note 17 to Ch. 4.
0406.30.28	Cheddar cheese, processed, not grated or powdered, not subject to gen note 15 or in add US note 18 to Ch. 4.
0406.30.34	Colby cheese, processed, not grated or powdered, subject to add US note 19 to Ch. 4.
0406.30.38	Colby cheese, processed, not grated or powdered, not subject to gen note 15 or add US note 19 to Ch. 4.
0406.30.48	Edam and gouda cheese, processed, not grated or powdered, not subject to gen note 15 or add. US note 20 to Ch. 4.
0406.30.53	Gruyere-process cheese, processed, not grated or powdered, not subject to gen note 15 or add. US note 22 to Ch. 4.
0406.30.69	Processed cheese cont/procd fr american-type cheese (ex cheddar), not grated/powdered, subject to add US note 19 to Ch. 4, not GN15.
0406.30.89	Processed cheese (incl. mixtures), nesoi, w/cow's milk, not grated or powdered, subject to add US note 16 to Ch. 4, not GN15.
0406.40.44	Stilton cheese, nesoi, in original loaves, subject to add. US note 24 to Ch. 4.
0406.40.48	Stilton cheese, nesoi, not in original loaves, subject to add. US note 24 to Ch. 4.
0406.90.08	Cheddar cheese, nesoi, subject to add. US note 18 to Ch. 4.
0406.90.12	Cheddar cheese, nesoi, not subject to gen. note 15 of the HTS or to add. US note 18 to Ch. 4.
0406.90.32	Goya cheese from cow's milk, not in original loaves, nesoi, not subject to gen. note 15 or to add. US note 21 to Ch. 4.
0406.90.46	Swiss or Emmentaler cheese with eye formation, nesoi, subject to add. US note 25 to Ch. 4.
0406.90.48	Swiss or Emmentaler cheese with eye formation, nesoi, not subject to gen. note 15 or to add. US note 25 to Ch. 4.
0406.90.52	Colby cheese, nesoi, subject to add. US note 19 to Ch. 4 and entered pursuant to its provisions.
0406.90.54	Colby cheese, nesoi, not subject to gen. note 15 or to add. US note 19 to Ch. 4.
0406.90.56	Cheeses, nesoi, from sheep's milk in original loaves and suitable for grating.
0406.90.57	Pecorino cheese, from sheep's milk, in original loaves, not suitable for grating.
0406.90.72	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from blue-veined cheese, subj. to add. US note 17 to Ch.4, not GN15.
0406.90.74	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from blue-veined cheese, not subj. to add. US note 17 to Ch.4, not GN15.
0406.90.78	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from cheddar cheese, not subj. to add. US note 18 to Ch.4, not GN15.
0406.90.82	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from Am. cheese except cheddar, subj. to add. US note 19 to Ch.4, not GN15.
0406.90.86	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from edam or gouda cheese, subj. to add. US note 20 to Ch.4, not GN15.
0406.90.88	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from edam or gouda cheese, not subj. to add. US note 20 to Ch.4, not GN15.
0406.90.90	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from swiss, emmentaler or gruyere, subj. to add. US note 22 to Ch.4, not GN15.
0406.90.92	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from swiss, emmentaler or gruyere, not subj. Ch4 US note 22, not GN15.
0406.90.94	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/butterfat n/o 0.5% by wt, not subject to add. US note 23 to Ch. 4, not GN15.
0406.90.95	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/cow's milk, w/butterfat o/0.5% by wt, subject to Ch 4 US note 16 (quota).
0406.90.97	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/cow's milk, w/butterfat o/0.5% by wt, not subject to Ch4 US note 16, not GN15.
0406.90.99	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/o cow's milk, w/butterfat o/0.5% by wt, not GN15.
0805.10.00	Oranges, fresh or dried.
0805.21.00	Mandarins and other similar citrus hybrids including tangerines, satsumas, clementines, wilkings, fresh or dried.
0805.22.00	Clementines, fresh or dried, other.
0805.29.00	Wilkings and similar citrus hybrids, fresh or dried, other.
0805.40.80	Grapefruit, fresh or dried, if entered during the period November 1 through the following July 31, inclusive.
0805.50.20	Lemons, fresh or dried.
0805.50.30	Tahitian lines, Persian limes and other limes of the Citrus latifolia variety, fresh or dried.
0805.50.40	Limes of the Citrus aurantifolia variety, fresh or dried.
0805.90.01	Citrus fruit, not elsewhere specified or included, fresh or dried, including kumquats, citrons and bergamots.

HTS subheading	Product description
1509.10.20	Virgin olive oil and its fractions, whether or not refined, not chemically modified, weighing with the immediate container under 18 kg.
1509.10.40	Virgin olive oil and its fractions, whether or not refined, not chemically modified, weighing with the immediate container 18 kg or over.
1509.90.20	Olive oil, other than virgin olive oil, and its fractions, not chemically modified, weighing with the immediate container under 18 kg.
1509.90.40	Olive oil, other than virgin olive oil, and its fractions, not chemically modified, weighing with the immediate container 18 kg or over.
1604.11.40	Prepared or preserved salmon, whole or in pieces, but not minced, other than in oil and in airtight containers.
1604.12.60	Herrings prepared or preserved, whole or in pieces, but not minced, nesoi.
1605.30.10	Lobster, prepared or preserved, not containing fish meat, nesoi.
1605.51.05	Oysters, fish meat or prepared meals.
1605.51.40	Smoked oysters.
1605.51.50	Oysters, prepared or preserved, but not smoked.
1605.52.05	Scallops, including queen scallops as containing fish meat; prepared meals.
1605.52.60	Scallops, including queen scallops, prepared or preserved.
1605.53.05	Mussels, containing fish meats or in prepared meals.
1605.53.60	Mussels, prepared or preserved.
1605.54.05	Cuttle fish and squid, as containing fish meat; prepared meals.
1605.54.60	Cuttle fish and squid, prepared or preserved.
1605.55.05	Octopus, as containing fish meat or prepared meals.
1605.55.60	Octopus, prepared or preserved.
1605.56.05	Products of clams, cockles, and arkshells containing fish meat; prepared meals.
1605.56.10	Razor clams, in airtight containers, prepared or preserved, nesoi.
1605.56.15	Boiled clams in immediate airtight containers, the contents of which do not exceed 680 g gross weight.
1605.56.20	Clams, prepared or preserved, excluding boiled clams, in immediate airtight containers, nesoi.
1605.56.30	Clams, prepared or preserved, other than in airtight containers.
1605.56.60	Cockles and arkshells, prepared or preserved.
1605.57.05	Products of abalone containing fish meat; prepared meals of abalone.
1605.57.60	Abalone, prepared or preserved.
1605.58.05	Products of snails, other than sea snails, containing fish meat; prepared meals of snails other than sea snails.
1605.58.55	Prepared or preserved snails, other than sea snails.
1605.59.05	Products of molluscs nesoi containing fish meat; prepared meals of molluscs nesoi.
1605.59.60	Molluscs nesoi, prepared or preserved.
1905.31.00	Sweet biscuits.
2005.70.08	Olives, green, not pitted, in saline, not ripe, in containers holding o/8 kg for repkg, not subject to add. US note 4 to Ch. 20.
2005.70.16	Olives, green, in saline, place packed, stuffed, in containers holding n/o 1 kg, aggregate quantity n/o 2700 m ton/yr.
2005.70.23	Olives, green, in saline, place packed, stuffed, not in containers holding 1 kg or less.
2005.70.25	Olives, green, in a saline solution, pitted or stuffed, not place packed.
2007.99.15	Currant and other berry jams, nesoi.
2007.99.20	Apricot jam.
2007.99.25	Cherry jam.
2007.99.30	Guava jam.
2007.99.35	Peach jam.
2007.99.40	Pineapple jam.
2007.99.45	Jams, nesoi.
2007.99.48	Apple, quince and pear pastes and purees, being cooked preparations.
2007.99.50	Guava and mango pastes and purees, being cooked preparations.
2007.99.55	Papaya pastes and purees, being cooked preparations.
2007.99.60	Strawberry pastes and purees, being cooked preparations.
2007.99.65	Fruit pastes and purees, nesoi, and nut pastes and purees, being cooked preparations.
2007.99.70	Currant and berry fruit jellies.
2009.89.20	Pear juice, concentrated or not concentrated.
2009.89.40	Prune juice, concentrated or not concentrated.
2009.89.80	Juice of any single vegetable, other than tomato, concentrated or not concentrated.
2201.90.00	Waters (incl. ice, snow and steam), ot/than mineral waters or aerated waters, not cont. added sugar or other sweetening matter nor flavored.
2202.91.00	Nonalcoholic beer.
2202.99.10	Chocolate milk drink.
2202.99.36	Juice of any single fruit or vegetable (except orange juice) fortified with vitamins or minerals, in nonconcentrated form.
2202.99.37	Fruit or vegetable juices, fortified with vitamins or minerals, mixtures of juices in non-concentrated form.
2204.10.00	Sparkling wine, made from grapes.
2204.21.20	Effervescent grape wine, in containers holding 2 liters or less.
2204.21.30	Tokay wine (not carbonated) not over 14% alcohol, in containers not over 2 liters.
2204.21.50	Wine other than Tokay (not carbonated), not over 14% alcohol, in containers not over 2 liters.
2204.21.60	"Marsala" wine, over 14% vol. alcohol, in containers holding 2 liters or less.
2204.21.80	Grape wine, other than "Marsala", not sparkling or effervescent, over 14% vol. alcohol, in containers holding 2 liters or less.
2204.22.20	Wine of fresh grapes, other than sparkling wine, of an alcoholic strength by volume <=14% in containers holding over 2 liters but not over 4 liters.
2204.22.40	Wine of fresh grapes, other than sparkling wine, of an alcoholic strength by volume >14% in containers holding over 2 liters but not over 4 liters.

HTS subheading	Product description
2204.22.60	Wine of fresh grapes, other than sparkling wine, of an alcoholic strength by volume <=14% in containers holding over 4 liters but not over 10 liters.
2204.22.80	Wine of fresh grapes, other than sparkling wine, of an alcoholic strength by volume >14% in containers holding over 4 liters but not over 10 liters.
2204.29.61	Wine of fresh grapes, other than sparkling wine, of an alcoholic strength by volume <=14% in containers holding >10 liters.
2204.29.81	Wine of fresh grapes, other than sparkling wine, of an alcoholic strength by volume >14% in containers holding >10 liters.
2204.30.00	Grape must, nesoi, in fermentation or with fermentation arrested otherwise than by addition of alcohol.
2208.20.20	Grape brandy, excluding pisco and singani, in containers not over 4 liters, not over $2.38/liter.
2208.20.30	Grape brandy, excluding pisco and singani, in containers not over 4 liters, valued over $2.38 to $3.43/liter.
2208.20.40	Grape brandy, excluding pisco and singani, in containers not over 4 liters, valued over $3.43/liter.
2208.20.50	Grape brandy, excluding pisco and singani, in containers over 4 liters, not over $2.38/liter.
2208.20.60	Grape brandy, excluding pisco and singani, in containers over 4 liters, over $2.38/liter.
2208.70.00	Liqueurs and cordials.
3301.12.00	Essential oils of orange.
3301.13.00	Essential oils of lemon.
3301.19.10	Essential oils of grapefruit.
3301.19.51	Essential oils of citrus fruit, other, nesoi.
3301.24.00	Essential oils of peppermint (Mentha piperita).
3301.25.00	Essential oils of mints, other than peppermint.
3301.29.10	Essential oils of eucalyptus.
3301.29.20	Essential oils of orris.
3301.29.51	Essential oils other than those of citrus fruit, other, nesoi.
3301.30.00	Resinoids.
3301.90.10	Extracted oleoresins consisting essentially of nonvolatile components of the natural raw plant.
3301.90.50	Concentrates of essential oils; terpenic by-product of the deterpenation of essential oils; aqueous distillates & solutions of essential oils.
4202.21.90	Handbags, with or without shoulder strap or without handle, with outer surface of leather, composition or patent leather, nesoi, over $20 ea.
4417.00.80	Wooden tools, tool bodies, tool handles, broom or brush bodies and handles nesoi; wooden boot or shoe lasts and trees.
4807.00.92	Composite cloth-lined or reinforced paper, not surface-coated or impregnated, in rolls or sheets.
4809.90.40	Simplex decalcomania paper in rolls over 36 cm wide or in rectangular sheets over 36 cm on side(s).
4810.14.19	Paper and paperboard for graphic use nesoi, coated w/inorganic, n/o 150g/m2, n/o 10% fiber by mechanical/chemi- process, certain size sheets.
4901.10.00	Printed books, brochures, leaflets and similar printed matter in single sheets, whether or not folded.
4908.10.00	Transfers (decalcomanias), vitrifiable.
4911.91.20	Lithographs on paper or paperboard, not over 0.51 mm in thickness, printed not over 20 years at time of importation.
4911.91.30	Lithographs on paper or paperboard, over 0.51 mm in thickness, printed not over 20 years at time of importation.
4911.91.40	Pictures, designs and photographs, excluding lithographs on paper or paperboard, printed not over 20 years at time of importation.
5205.31.00	Multiple or cabled cotton yarn, 85% or more cotton by weight, of uncombed fibers, n/o 14 nm per single yarn, not put up for retail sale.
5206.32.00	Multiple or cabled cotton yarn, <85% cotton by weight, of uncombed fibers, over 14 but n/o 43 nm/single yarn, not put up for retail sale.
5208.13.00	Unbleached 3- or 4-thread twill fabrics of cotton, incl. cross twill, containing 85% or more of cotton by weight, weighing not over 200 g/m2.
5402.11.30	Single high tenacity yarn of aramids, not put up for retail sale.
5402.11.60	Multiple (folded) or cabled high tenacity yarn (except sewing thread) of aramids, not put up for retail sale.
5402.20.30	Single high tenacity yarn of polyesters, not put up for retail sale.
5503.20.00	Synthetic staple fibers, not carded, combed or otherwise processed for spinning, of polyesters.
5605.00.90	Metalized textile yarn nesoi, of man-made monofilament or strip or the like, other than ungimped or w/twist of <5 turns per meter.
5609.00.10	Articles of yarn, strip, twine, cordage, rope or cables nesoi, of cotton.
5609.00.20	Articles of yarn, strip, twine, cordage, rope or cables nesoi, of vegetable fibers except cotton.
5609.00.30	Articles of yarn, strip, twine, cordage, rope or cables nesoi, of man-made fibers.
5609.00.40	Articles of yarn, strip or the like of man-made monofilaments, twine, cordage, rope or cables, nesoi.
5701.10.16	Carpets & other textile floor coverings, hand-knotted or hand-inserted, w/ov 50% by weight of the pile of fine animal hair, nesoi.
5701.10.40	Carpets and other textile floor coverings, of wool or fine animal hair, hand-hooked (tufts were inserted and knotted by hand or hand tool).
5701.10.90	Carpets and other textile floor coverings, of wool or fine animal hair, not hand-hooked, not hand knotted during weaving.
5702.10.90	''Kelem'', ''Schumacks'', ''Karamanie'' and similar hand-woven rugs, other than certified hand-loomed and folklore products.
5702.41.20	Carpets and other textile floor coverings of pile construction, woven, not tufted or flocked, made up, of wool or fine animal hair, nesoi.
5702.42.10	Wilton, velvet and like floor coverings of pile construction, woven, not tufted or flocked, made up, of man-made textile materials.
5702.92.10	Hand-loomed carpet & other textile floor coverings, not of pile construction, woven, made up, of man-made textile materials, nesoi.
5703.10.20	Hand-hooked carpets and other textile floor coverings, tufted, whether or not made up, of wool or fine animal hair.
5805.00.30	Hand-woven tapestries nesoi and needle-worked tapestries, of cotton.
5805.00.40	Hand-woven tapestries nesoi and needle-worked tapestries, other than of cotton, wool or fine animal hair.
5806.10.24	Narrow woven pile fastener fabric tapes (other than goods of heading 5807) of man-made fibers.

HTS subheading	Product description
5907.00.05	Laminated fabrics specified in note 9 to sect. XI of HTS, of m-m fiber, for theatrical, ballet, & operatic scenery & properties, incl sets.
5911.10.10	Printers' rubberized blankets of textile fabrics.
6110.11.00	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of wool.
6110.12.10	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of Kashmir goats, wholly of cashmere.
6110.20.20	Sweaters, pullovers and similar articles, knitted or crocheted, of cotton, nesoi.
6110.30.30	Sweaters, pullovers and similar articles, knitted or crocheted, of manmade fibers, nesoi.
6112.20.20	Ski-suits, knitted or crocheted, of textile materials other than man-made fibers.
6202.99.15	Rec perf outwear, women's/girls' anoraks, wind-breakers & similar articles, not k/c, tex mats (not wool, cotton or mmf), cont <70% by wt of silk.
6202.99.80	Women's/girls' anoraks, wind-breakers & similar articles, not k/c, of tex mats (not wool, cotton or mmf), cont <70% by wt of silk.
6203.11.60	Men's or boys' suits of wool, not knitted or crocheted, nesoi, of wool yarn with average fiber diameter of 18.5 micron or less.
6203.11.90	Men's or boys' suits of wool or fine animal hair, not knitted or crocheted, nesoi.
6203.19.30	Men's or boys' suits, of artificial fibers, nesoi, not knitted or crocheted.
6203.19.90	Men's or boys' suits, of textile mats (except wool, cotton or mmf), containing under 70% by weight of silk or silk waste, not knit or croch.
6208.21.00	Women's or girls' nightdresses and pajamas, not knitted or crocheted, of cotton.
6211.12.40	Women's or girls' swimwear, of textile materials (except mmf), containing 70% or more by weight of silk or silk waste, not knit or crocheted.
6211.12.80	Women's or girls' swimwear, of textile materials (except mmf), containing under 70% by weight of silk or silk waste, not knit or crocheted.
6301.30.00	Blankets (other than electric blankets) and traveling rugs, of cotton.
6301.90.00	Blankets and traveling rugs, nesoi.
6302.21.50	Bed linen, not knit or crocheted, printed, of cotton, cont any embroidery, lace, braid, edging, trimming, piping or applique work, n/napped.
6302.21.90	Bed linen, not knit or croc, printed, of cotton, not cont any embroidery, lace, braid, edging, trimming, piping or applique work, not napped.
6802.10.00	Tiles/cubes/similar arts. of natural stone, enclosable in a sq. w/a side less than 7 cm; artificially colored granules, chippings & powder.
6802.91.20	Monumental or building stone & arts. thereof, of travertine, dressed or polished but not further worked, nesoi.
6802.91.25	Monumental or building stone & arts. thereof, of travertine, further worked than dressed or polished, nesoi.
6802.93.00	Monumental or building stone & arts. thereof, of granite, further worked than simply cut/sawn, nesoi.
6802.99.00	Monumental or building stone & arts. thereof, nesoi, further worked than simply cut/sawn, nesoi.
6803.00.50	Worked slate (other than roofing slate) and articles of slate or agglomerated slate.
6810.99.00	Articles of cement (other than tiles, flagstones, bricks and similar arts.), of concrete or artificial stone, nesoi.
6907.21.30	Glazed ceramic tiles having surface area <38.7cm2, surf area in sq w/side <7cm, of H2O absorp coeff by wt <=0.5%.
6912.00.35	Ceramic (o/than porcelain or china) household table and kitchenware, in sets in which aggregate val. of arts./US note 6(b) n/o $38.
6912.00.39	Ceramic (o/than porcelain or china) household table and kitchenware, in sets in which aggregate val. of arts./US note 6(b) o/$38.
6912.00.41	Ceramic (o/than porcelain or china) hsehld steins w/pewter lids, decanters, punch bowls, spoons & rests, salt/pepper sets, etc.
6912.00.44	Ceramic (o/than porcelain or china) household mugs and steins w/o attached pewter lids.
6912.00.45	Ceramic (o/than porcelain or china) household tabl/kitch.ware,n/in specif. sets, cups o/$5.25/dz, saucers o/$3/dz, etc.
6912.00.46	Ceramic (o/than porcelain or china) household serviette rings.
6912.00.48	Ceramic (o/than porcelain or china) household tableware and kitchenware, nesoi.
6912.00.50	Ceramic (o/than porcelain or china) household articles and toilet articles (o/than table and kitchenware), nesoi.
6913.90.30	Earthenware ornamental articles, having a reddish-colored body and a lustrous glaze of differing colors.
6913.90.50	Ceramic (o/than porcelain, china or earthenware) ornamental articles, nesoi.
7013.28.10	Stemware, o/than of pressed and toughened glass, o/than lead crystal, valued n/over $0.30 each.
7013.41.10	Glassware for table or kitchen purposes (o/than drinking glasses), of lead crystal, valued n/over $1 each.
7013.91.10	Glassware for toilet/office/indoor decor. & similar purposes, of lead crystal, valued n/over $1 each.
7013.91.20	Glassware for toilet/office/indoor decor. & similar purposes, of lead crystal, valued over $1 but n/over $3 each.
7016.90.10	Paving blocks, slabs, bricks, squares, tiles & other arts. of pressed or molded glass, for building or construction purposes.
7017.10.60	Laboratory, hygienic or pharmaceutical glassware, whether or not calibrated or graduated, of fused quartz or other fused silica, nesoi.
7019.19.05	Fiberglass rubber reinforcing yarn, not color, of electrically nonconductive continuous filament 9 to 11 microns diam & impreg for adhesion to.
7019.19.15	Glass fiber yarns, not colored, other than fiberglass rubber reinforcing yarn.
7019.19.28	Glass fiber yarns, colored, other than fiberglass rubber reinforcing yarn.
7019.19.30	Glass fiber chopped strands of a length more than 50 mm.
7110.21.00	Palladium, unwrought or in powder form.
7114.11.60	Articles of silver nesoi, for household, table or kitchen use, toilet and sanitary wares, including parts thereof.
7115.90.40	Silver (including metal clad with silver) articles (o/than jewelry or silversmiths' wares), nesoi.
7115.90.60	Articles of precious metal (o/than gold or silver), including metal clad with precious metal, nesoi.
7202.11.10	Ferromanganese containing by weight more than 2 percent but not more than 4 percent of carbon.
7202.11.50	Ferromanganese containing by weight more than 4 percent of carbon.
7202.30.00	Ferrosilicon manganese.
7202.49.10	Ferrochromium containing by weight more than 3 percent but not more than 4 percent of carbon.
7202.49.50	Ferrochromium containing by weight 3 percent or less of carbon.

HTS subheading	Product description
7202.93.80	Ferroniobium, nesoi.
7311.00.00	Iron/steel, containers for compressed or liquefied gas.
7315.19.00	Iron or steel, parts of articulated link chain.
7317.00.10	Iron or steel, thumb tacks.
7317.00.20	Iron or steel, nails, tacks, corrugated nails, staples & similar arts., not threaded, suitable for use in powder-actuated hand tools.
7317.00.55	Iron or steel, nails, tacks, corrugated nails, staples & similar arts., of one piece construction, made of round wire, nesoi.
7317.00.65	Iron or steel, nails, tacks, corrugated nails, staples & similar arts., of one piece construction, not made of round wire, nesoi.
7317.00.75	Iron or steel, nails, tacks, corrugated nails, staples & similar arts., of two or more pieces, nesoi.
7319.90.90	Iron or steel, knitting needles, bodkins, crochet hooks, embroidery stilettos and similar articles for use in the hand.
7408.21.00	Copper-zinc base alloys (brass), wire.
7408.29.10	Copper alloys (o/than brass, cupro-nickel or nickel-silver), wire, coated or plated with metal.
7411.22.00	Copper-nickel base alloys (cupro-nickel) or copper-nickel-zinc base alloys (nickel-silver), tubes and pipes.
7418.10.00	Copper & copper alloy table, kitchen, household articles & parts; pot scourers, scouring & polishing pads, gloves, etc.
7506.20.05	Nickel alloy, foil, w/thickness not over 0.15 mm.
7907.00.10	Zinc, household, table or kitchen use articles; zinc toilet and sanitary wares; zinc parts of all the foregoing.
7907.00.20	Zinc, tubes or pipes and fittings for tubes or pipes.
7907.00.60	Zinc, articles (o/than for household, table or kitchen use), nesoi.
8112.92.40	Niobium (columbium), unwrought; niobium powders.
8112.92.50	Rhenium, unwrought; rhenium powders.
8112.99.20	Vanadium, nesoi, and articles thereof.
8201.40.60	Axes, bill hooks and similar hewing tools (o/than machetes), and base metal parts thereof.
8203.20.20	Base metal tweezers.
8203.20.40	Slip joint pliers.
8203.20.60	Pliers (including cutting pliers but not slip joint pliers), pincers and similar tools.
8203.30.00	Metal cutting shears and similar tools, and base metal parts thereof.
8203.40.60	Pipe cutters, bolt cutters, perforating punches and similar tools, nesoi, and base metal parts thereof.
8205.40.00	Screwdrivers and base metal parts thereof.
8211.10.00	Sets of assorted knives w/cutting blades serrated or not (including pruning knives).
8211.91.25	Table knives w/fixed blades, w/stain. steel handles cont. Ni or ov 10% by wt of Mn, nesoi.
8211.91.30	Table knives w/fixed blades, w/stain. steel handles, nesoi, not ov 25.9 cm in overall length & val less than 25 cents each.
8211.91.40	Table knives w/fixed blades, w/stain. steel handles, nesoi.
8211.91.80	Table knives w/fixed blades, w/handles other than of silver-plate, stainless steel, rubber or plastics.
8211.92.40	Knives w/fixed blades (o/than table or kitchen and butcher knives), with rubber or plastic handles.
8211.92.60	Hunting knives w/fixed blades, with wood handles.
8211.92.90	Knives w/fixed blades (o/than table knives, other knives w/rubb./plast. handles, or hunting knives w/wood handles).
8211.93.00	Knives having other than fixed blades.
8211.94.50	Base metal blades for knives having other than fixed blades.
8214.90.30	Butchers' or kitchen cleavers with their handles, nesoi, and base metal parts thereof.
8214.90.60	Butchers' or kitchen chopping or mincing knives (o/than cleavers w/their handles), and base metal parts thereof.
8214.90.90	Articles of cutlery, nesoi, and base metal parts of cutlery, nesoi.
8306.30.00	Base metal photograph, picture or similar frames; base metal mirrors; base metal parts thereof.
8429.52.10	Self-propelled backhoes, shovels, clamshells and draglines with a 360 degree revolving superstructure.
8429.52.50	Self-propelled machinery with a 360 degree revolving superstructure, other than backhoes, shovels, clamshells and draglines.
8467.19.10	Tools for working in the hand, pneumatic, other than rotary type, suitable for metal working.
8467.19.50	Tools for working in the hand, pneumatic, other than rotary type, other than suitable for metal working.
8467.29.00	Electromechanical tools for working in the hand, other than drills or saws, with self-contained electric motor.
8468.80.10	Machinery and apparatus, hand-directed or -controlled, used for soldering, brazing or welding, not gas-operated.
8468.90.10	Parts of hand-directed or -controlled machinery, apparatus and appliances used for soldering, brazing, welding or tempering.
8505.11.00	Permanent magnets and articles intended to become permanent magnets after magnetization, of metal.
8514.20.40	Industrial or laboratory microwave ovens for making hot drinks or for cooking or heating food.
8539.10.00	Sealed beam lamp units.
8711.40.30	Motorcycles (incl. mopeds) and cycles, fitted w/recip. internal-combustion piston engine w/capacity o/500 cc but n/o 700 cc.
8714.10.00	Pts. & access. for motorcycles (including mopeds).
8714.93.05	Pts. & access. for bicycles & o/cycles, aluminum alloy hubs, w/hollow axle and lever-operated quick release mechanism.
8714.93.15	Pts. & access. for bicycles & o/cycles, 3-speed hubs nesoi.
8714.93.35	Pts. & access. for bicycles & o/cycles, non-variable speed hubs, nesoi.
8714.93.70	Pts. & access. for bicycles & o/cycles, free-wheel sprocket-wheels.
9001.90.50	Prisms, unmounted.
9001.90.80	Half-tone screens designed for use in engraving or photographic processes, unmounted.
9002.11.40	Projection lenses, mounted, and parts and accessories therefor, for cameras, projectors or photographic enlargers or reducers.
9002.11.60	Mounted objective lenses for use in closed circuit television cameras, separately imported, w/or w/o attached elec. connectors or motors.
9002.11.90	Objective lenses and parts & access. thereof, for cameras, projectors, or photographic enlargers or reducers, except projection, nesoi.
9002.90.85	Mounted lenses, n/obj., for use in closed circuit television cameras, separately imported, w/or w/o attached elec. connectors or motors.
9005.10.00	Binoculars.
9006.61.00	Photographic discharge lamp (''electronic'') flashlight apparatus.

HTS subheading	Product description
9013.10.10	Telescopic sights for rifles not designed for use with infrared light.
9013.10.50	Other telescopic sights for arms other than rifles; periscopes.
9015.30.80	Levels, other than electrical.
9016.00.20	Electrical balances of a sensitivity of 5 cg or better, with or without weights, and parts and accessories thereof.
9016.00.40	Jewelers' balances (nonelectrical) of a sensitivity of 5 cg or better, with or without weights, and parts and accessories thereof.
9030.20.10	Oscilloscopes and oscillographs, nesoi.
9105.29.10	Wall clocks nesoi, not electrically operated, mvmt measuring n/o 50 mm, not designed or constr. to operate over 47 hrs without rewinding.
9105.29.30	Wall clocks nesoi, not electrically operated, mvmt measuring n/o 50 mm, ov 1 jewel, constructed/designed to operate ov 47 hrs w/o rewinding.
9105.29.40	Wall clocks nesoi, not electrically operated, movement measuring over 50 mm in width or diameter, valued not over $5 each.
9105.29.50	Wall clocks nesoi, not electrically operated, movement measuring over 50 mm in width or diameter, valued over $5 each.
9106.10.00	Time registers; time recorders.
9109.90.20	Clock movements, complete and assembled, not electrically operated, measuring not over 50 mm in width or diameter.
9110.90.40	Incomplete clock movements consisting of 2 or more pieces or parts fastened or joined together.
9603.30.40	Artists' brushes, writing brushes and similar brushes for the application of cosmetics, valued o/5 cents but n/o 10 cents each.
9603.30.60	Artists' brushes, writing brushes and similar brushes for the application of cosmetics, valued o/10 cents each.

[FR Doc. 2019–07267 Filed 4–11–19; 8:45 am]

BILLING CODE 3290–F9–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2019–0264]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewal of an Information Collection: Automatic Dependent Surveillance-Broadcast (ADS–B) Rebate System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the FAA invites public comments about its intention to request Office of Management and Budget (OMB) approval for a renewal of an information collection. The FAA has launched a rebate program to emphasize the urgent need for pilots to comply with Automatic Dependent Surveillance Broadcast (ADS–B) Out requirements ahead of the January 1, 2020, compliance deadline. This program is defraying costs associated with the ADS–B equipment and installation for eligible general aviation aircraft, and helps ensure that all general aviation aircraft are equipped by the compliance date.

DATES: Written comments should be submitted by June 11, 2019.

ADDRESSES: Please send written comments:

By Electronic Docket: *www.regulations.gov* (Enter docket number into search field)

By mail: Gayle Thornton, ANG–M, 3rd Floor, 1250 Maryland Ave. SW, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Gayle Thornton by email at: *Gayle.Thornton@faa.gov;* phone: 202–267–7344.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0769.

Title: Automatic Dependent Surveillance-Broadcast (ADS–B) Rebate System.

Form Numbers: Information is collected via a website specific to the ADS–B Rebate program.

Type of Review: Renewal of an information collection.

Background: On May 21, 2010, the FAA issued a final rule requiring Automatic Dependence Surveillance-Broadcast (ADS–B) Out avionics on aircraft operating in Classes A, B, and C airspace, as well as certain other classes of airspace within the National Airspace System (NAS), no later than January 1, 2020 (75 FR 30160). ADS–B Out equipage is a critical step in achieving the benefits of NextGen, in that it transforms aircraft surveillance with satellite-based precision. When properly equipped with ADS–B, both pilots and controllers can, for the first time, see the same real-time displays of air traffic, and pilots will be able to receive air traffic services in places where it has not been previously available.

To meet this deadline for compliance, the FAA estimated that as many as 160,000 general aviation aircraft would need to be equipped with ADS–B by January 1, 2020. In developing the ADS–B Out final rule, the FAA assumed that these aircraft owners would begin equipping new aircraft with ADS–B equipment in 2012, and begin retrofitting the existing aircraft in 2013, to minimize costs associated with retrofitting outside of the aircraft's heavy maintenance cycle. In any given year, avionics installers are capable of completing approximately 35,000–50,000 installations. In order to guarantee that general aviation aircraft that will operate in ADS–B airspace are equipped by January 1, 2020, approximately 23,000 aircraft would have needed to equip each year beginning in early 2013. This would have ensured there would be a balance between the expected demand for avionics installations and the capacity of avionics installers. Owners of general aviation aircraft who are particularly price sensitive are postponing their installations. This trend demonstrates that there is a near-term need to accelerate equipage, to ensure that pilots, manufacturers, and retail facilities have adequate time and capacity to equip aircraft by the January 1, 2020, compliance deadline. It is necessary to take advantage of the installation capacity available now in order to avoid back-end capacity

constraints that could result in some aircraft being unable to receive their upgrades ahead of the compliance deadline, which will, in turn, lead to denial of access to ADS–B airspace once the ADS–B equipage mandate is in effect. This limited-time rebate will provide an incentive for early retrofitting, but it is intended to emphasize the urgent need for pilots to comply with ADS–B Out requirements ahead of 2020.

Section 221 of the FAA Modernization and Reform Act of 2012 provided the FAA with the authority to establish an incentive program for equipping general aviation and commercial aircraft with communications, surveillance, navigation, and other avionics equipment. Thus, the FAA established an initiative (the ADS–B Rebate Program) to address the rate of general aviation equipage by incentivizing those aircraft owners who are affected by the ADS–B Out requirements and are the most price sensitive to the cost of avionics and the associated installation. The ADS–B Rebate Program provides a one-time $500 rebate to an aircraft owner to defray some of the cost of an ADS–B Out system meeting the program eligibility requirements. The rebates are available on a first come first served basis.

The FAA, with input from industry partners (Aircraft Electronics Association, Aircraft Owners and Pilots Association, and General Aircraft Manufacturers Association), designed this rebate program targeting specific eligibility requirements for avionics, aircraft types, and aircraft owners. The eligibility requirements are as follows:

Eligible Avionics—Technical Standard Order (TSO)-certified Version 2 ADS–B Out system, purchased on or after June 8, 2016. Such equipment must have a TSO marking for TSO–C154c, or TSO–C166b, or both. Eligible ADS–B Out system equipment may have an embedded position source compliant with one of the following TSOs: TSO–C–145c (or subsequent versions), TSO–C146c (or subsequent versions), or may be connected to a separate position source compliant with TSO–C–145c (or subsequent versions) or TSO–C146c (or subsequent versions). Any separate position source must comply with the guidance published in FAA Advisory Circular (AC) 20–165B. ADS–B In/Out systems compliant with TSO–C154c, TSO–C166b, or both, are also eligible.

Eligible Aircraft—Only U.S.-registered, fixed-wing single-engine piston aircraft first registered before January 1, 2016 are eligible for the program. This eligibility is determined via the FAA Civil Aircraft Registry. Program eligibility also requires permanent installation of new avionics equipment in a single aircraft in compliance with applicable FAA regulations and guidance material.

Aircraft Owner—Program eligibility is limited to one rebate per aircraft owner. An aircraft owner means either a single individual owner or any owning entity (any legal ownership entity including but not limited to an LLC, corporation, partnership or joint venture) identified as the owner of the eligible aircraft in the FAA Civil Aviation Registry.

Exclusions—All aircraft for which FAA has already paid or previously committed to upgrade to meet the ADS–B Out mandate. Software upgrades to existing equipment are not eligible. Aircraft that already have a Version 2 ADS–B Out system prior to the launch of the data collection system are not eligible. New aircraft produced after January 1, 2016, are not eligible.

For reimbursement under this program, the FAA Civil Aircraft Registry information regarding ownership is controlling and the rebate program is using the publically available database to determine eligibility requirements based on the aircraft information. The aircraft owner is responsible for ensuring that the FAA Civil Aircraft Registry information is accurate before a claim for the rebate is submitted; rebates will only be mailed to the registered owner and address as indicated in the Civil Aircraft Registry.

To request a rebate, the applicant must provide via the program website a valid email address for official correspondence and notifications and aircraft-specific information such as the aircraft registration number, TSO certified equipment purchased, and scheduled installation date. Once the information is submitted, the FAA will validate eligibility for the program with the official records regarding aircraft ownership contained in the publically available Civil Aircraft Registry. Additionally, anyone requesting a rebate will need to accept legal notices electronically by acknowledging their agreement and acceptance and providing the name of the person submitting the information on the individual web application.

Through the ADS–B Rebate Program, aircraft owners are permitted to reserve a rebate, validate their installation, and then claim their rebate through the ADS–B Rebate Program website. The program steps and timeline requirements are as follows:

[1] *Decide:* The aircraft owner arranges for purchase and schedules installation of TSO-certified avionics for an eligible aircraft.

[2] *Reserve:* Before avionics installation occurs, the aircraft owner must go to the ADS–B Rebate Program website to submit information for a rebate reservation. Upon successful submission, the system will generate an email with a Rebate Reservation Code. During the rebate reservation process, the eligible aircraft's information is validated against the FAA Civil Aircraft Registry, including ownership information. If there are discrepancies, the aircraft owner may continue with the reservation process; but before a valid Incentive Code can be obtained in step [5], the aircraft owner must ensure that the FAA Civil Aircraft Registry data for their eligible aircraft is corrected.

[3] *Install:* TSO-certified ADS–B avionics are installed in the eligible aircraft.

[4] *Fly & Validate:* Only after the prior steps are completed, the eligible aircraft must be flown in the airspace defined in 14 CFR 91.225 for at least 30 minutes, with at least 10 aggregate minutes of maneuvering flight, per the guidance in AC 20–165B *regulations_policies/advisory_circulars/index.cfm/go/document.information/documentID/1028666,* sections 4.3.2 and 4.3.2.3–4.3.2.6 for Part 23 aircraft. After flight, the ADS–B data is used to generate a Public Compliance Report (PCR) and General Aviation Incentive Requirements Status (GAIRS) Report, which is how the performance of the eligible aircraft's ADS–B installation is validated. Note that it may be necessary to repeat this step more than once, until the GAIRS Report indicates PASS for all fields and provides an Incentive Code in the Rebate Status section. Once proper installation and operation of the ADS–B is validated the FAA will notify the applicant using the email address provided at the time of rebate request.

[5] *Claim:* Within 60 days of the scheduled installation date, the aircraft owner gathers their Rebate Reservation Code (from step [2]) and their Incentive Code (from step [4]) and submits this information as well as their name and aircraft number via the ADS–B Rebate Program website to complete the claim for their rebate.

The FAA is seeking comments from the public regarding the information we collect for the program and how we collect it. The information provided in this notice is solely to identify and collect information from the public on the potential burden to an individual that would result from this program.

Respondents: Approximately 20,000 rebates.

Frequency: Information is collected only during the times the user is submitting their reservation and claiming their rebate after proof of meeting the eligibility requirements.

Estimated Average Burden per Response: Approximately 6 minutes.

Estimated Total Annual Burden: Approximately 2,000 hours.

Issued in Washington, DC, on April 2, 2019.

Tiffany Ottilia McCoy,

General Engineer, NextGen Office of Collaboration and Messaging, ANG–M, Office of the Assistant Administrator for NextGen, Federal Aviation Administration.

[FR Doc. 2019–06650 Filed 4–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on the Frank J. Wood Bridge Project in Maine

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Action by FHWA.

SUMMARY: This notice announces an action taken by FHWA and other Federal agencies that are final. The actions relate to the Frank J. Wood Bridge Project located in Cumberland and Sagadahoc Counties, Maine. This action grants approval for the project.

DATES: By this notice, FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(1)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before September 9, 2019. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Todd D. Jorgensen, Division Administrator, Federal Highway Administration, Edmund S. Muskie Federal Building, 40 Western Avenue, Room 614, Augusta, ME 04330, Telephone (207) 512–4911; or Kristen Chamberlin, Coordination, Assessments, & Permits Division Manager, Maine Department of Transportation, Child Street, 16 State House Station, Augusta, ME 04333–0016, Telephone (207) 557–5089.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA and other Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of Maine: Frank J. Wood Bridge Project (Bridge #2016), which crosses the Androscoggin River. The project proposes to replace the Frank J. Wood Bridge, which connects the town of Brunswick in Cumberland County, and the town of Topsham in Sagadahoc County. The proposed action (Alternative 2) would include a new, multi-span, steel girder replacement bridge on a curved alignment upstream of its existing location. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Revised Environmental Assessment/Final Section 4(f) Evaluation for the project, approved on February 21, 2019, in the FHWA Finding of No Significant Impact (FONSI) issued on March 12, 2019, and in other documents in the FHWA administrative record. The Revised Environmental Assessment/Final Section 4(f) Evaluation, FONSI, and other documents in the FHWA project file are available by contacting FHWA or the MaineDOT at the addresses provided above. The Revised Environmental Assessment/Final Section 4(f) Evaluation and FONSI can be viewed and downloaded from the project website at: *https://www.maine.gov/mdot/env/frankjwood/.*

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351];

Federal-Aid Highway Act [23 U.S.C. 109 + 23 U.S.C. 128].

2. *Air:* Clean Air Act [42 U.S.C. 7401–7671(q)] (Transportation Conformity).

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].

4. *Wildlife:* Endangered Species Act [16 U.S.C. 153 1–1544 and Section 1536], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], Migratory Bird Treaty Act [16 U.S.C. 703–712], Marine Mammal Protection Act [16 U.S.C. 1361], Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 306108 *et seq.*].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(I)].

7. *Water Resources:* Coastal Zone Management Act, 16 U.S.C. 1451–1465.

8. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 13175 Consultation and Coordination with Indian Tribal Governments.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(1)(1), as amended by Moving Ahead for Progress in the 21st Century Act, (PL 112–141, 126 Stat. 405).

Issued on: April 1, 2019.

Todd D. Jorgensen,

Division Administrator Augusta, Maine.

[FR Doc. 2019–07184 Filed 4–11–19; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed U.S. Highway 85 Project in North Dakota

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for Judicial Review of actions by FHWA and other federal agencies.

SUMMARY: This notice announces actions taken by FHWA that are final. The actions relate to a proposed highway project, US Highway 85 from the Interstate 94 (I–94) interchange to the Watford City Bypass (McKenzie County Road 30), in the counties of Stark, Billings and McKenzie, State of North Dakota. Those actions grant approvals for the project.

DATES: By this notice, FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before September 9, 2019. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Kevin Brodie, Transportation Engineer, FHWA, 4503 Coleman Street, Suite 205, Bismarck, ND 58503, Email: *kevin.brodie@dot.gov;* Matt Linneman, Project Manager, NDDOT, 300 Airport

Road, Bismarck, ND 58504–6005, Email: *mlinneman@nd.gov.* Office hours are from 8:00 a.m. to 5:00 p.m. C.T., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA has taken final agency action(s) subject to 23 U.S.C. 139(l)(1) by issuing approvals for the following highway project in the State of North Dakota: Expansion of approximately 62 miles of US Highway 85 from the I–94 interchange to the Watford City Bypass (McKenzie County Road 30). The purpose of the project is to address the current and future needs of the project corridor. These needs include: an improved highway system capable of addressing the social and economic needs of the region; a bridge across the Little Missouri River capable of accommodating taller loads by either reducing or eliminating height restrictions; establishment of a connective link to the overall four-lane highway infrastructure in North Dakota; improved safety and capacity along the project corridor; satisfying the goals and policies of existing highway designations; addressing existing slope instability and landslide issues; and offsetting potential impacts on wildlife. The actions by the agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS)/ Nationwide Section 4(f) Programmatic Evaluation for the project, approved on March 5, 2019, in the FHWA Record of Decision (ROD) issued on March 5, 2019, and in other documents in the project records. The FEIS/Nationwide Section 4(f) Programmatic Evaluation, ROD, and other project records are available by contacting the FHWA or: The NDDOT at the addresses provided above. The FEIS/Nationwide Section 4(f) Programmatic Evaluation and ROD can be viewed and downloaded from the project website at: *https://www.dot.nd.gov/projects/williston/US85I94/,* or obtained from any contact listed above.

This notice applies to all Federal agency decisions that are final as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].

2. *Air:* Clean Air Act [42 U.S.C. 7401–7671q].

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303; 23 U.S.C. 138]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Marine Mammal Protection Act [16 U.S.C. 1361–1423h]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667d]; Migratory Bird Treaty Act [16 U.S.C. 703–712].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470f]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470aa-470mm]; Archeological and Historic Preservation Act [16 U.S.C. 469–469c]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. *Social and Economic:* American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. *Wetlands and Water Resources:* Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251–1387]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300f-300j-26)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act, [16 U.S.C. 3901, 3921]; Wetlands Mitigation [23 U.S.C. 119(g) and 133(b)(14)]; Flood Disaster Protection Act, 42 U.S.C. 4012a, 4106].

8. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139 (l)(1).

Issued on: April 3, 2019.

Sandy Zimmer,

Acting Division Administrator, Bismarck, North Dakota.

[FR Doc. 2019–07189 Filed 4–11–19; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Transportation Project in Washington State

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for Judicial Review of actions by FHWA.

SUMMARY: This notice announces actions taken by FHWA that are final. The action relates to the approval of the re-evaluation for the State Route (SR) 167 Completion Project in Pierce County, State of Washington.

DATES: By this notice, FHWA is advising the public of final Agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the listed highway project will be barred unless the claim is filed on or before September 9, 2019. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA, contact Dean Moberg, Area Engineer, Washington Division, Federal Highway Administration, 711 S. Capitol Way, Suite 501, Olympia, WA 98501–1284, 360–534–9344, or *Dean.Moberg@dot.gov.* Regular office hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays, or Megan White, Director, Environmental Services Office, Washington State Department of Transportation, 310 Maple Park Avenue SE, Olympia, WA 98504, 360–705–7480, or *Megan.White@wsdot.wa.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA has taken final agency actions within the meaning of 23 U.S.C. 139(l)(1) by issuing a NEPA Re-Evaluation of the SR 167 Completion Project in the State of Washington. This Statute of Limitations notice applies only to decisions within the Re-Evaluation dated December 20, 2018. The SR 167 Completion Project will complete the SR 167 freeway by building approximately four miles of a new limited-access facility from its current terminus in Puyallup at SR 161 to Interstate 5 (I–5) in Fife. The project will also add approximately two miles of new limited-access facility from SR 509 near the Port of Tacoma to the proposed I–5 and SR 167 interchange near 70th Avenue E. The extension of SR 167 will be a new four-lane (two lanes in each direction) highway from SR 161 to I–5, and the ''SR 509 Spur''

will be a new four-lane (two lanes in each direction) highway from I–5 to 54th Avenue E. and a new two-lane (single lane in each direction) connection from 54th Avenue E to the existing SR 509 near the Port of Tacoma. The SR 167 Completion Project will be a tolled facility where all lanes will be tolled using two electronic toll points. One toll point will be located on SR 167 between I–5 and the proposed Valley Avenue interchange; the other toll point will be located on the SR 509 Spur between I–5 and the proposed 54th Avenue interchange. Both toll points will be located such that any user of the new SR 167 Completion Project will be charged a toll. The SR 167 Completion Project is a critical missing link in the State's highway network. The purpose of the proposed action is to improve regional highway connections with an extension of SR 167 to serve current and future transportation needs in northern Pierce County and to enhance regional freight mobility and access to Port of Tacoma. The SR 167 Completion Project improves transportation connections between urban and manufacturing centers in northern Pierce County for people and goods. Extending SR 167 will ease congestion on I–5 and local roadways, create system linkages, accommodate travel demand and capacity needs, and improve intermodal relationships. The actions by FHWA, and the laws under which such actions were taken, are described in the Re-Evaluation for the Project approved on December 20, 2018, and in other documents and project records. The Re-Evaluation and other project records are available from FHWA and WSDOT at the address provided above and can be found at: *https://www.wsdot.wa.gov/Projects/SR167/completion/Publications.htm.*

This notice applies to all Federal agency decisions related to the Re-Evaluation as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) (42 U.S.C. 4321–4351); Federal-Aid Highway Act (23 U.S.C. 109 and 23 U.S.C. 128).

2. *Air:* Clean Air Act (42 U.S.C. 7401–7671q).

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 303; 23 U.S.C. 138); Landscaping and Scenic Enhancement (Wildflowers) (23 U.S.C. 319).

4. *Wildlife:* Endangered Species Act (16 U.S.C. 1531–1544 and Section 1536); Marine Mammal Protection Act (16 U.S.C. 1361–1423h); Fish and Wildlife Coordination Act (16 U.S.C. 661–667d); Migratory Bird Treaty Act (16 U.S.C. 703–712).

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470f); Archeological Resources Protection Act of 1977 (16 U.S.C. 470aa–470mm); Archeological and Historic Preservation Act (16 U.S.C. 469–469c); Native American Grave Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001–3013).

6. *Social and Economic:* American Indian Religious Freedom Act (42 U.S.C. 1996); Farmland Protection Policy Act (FPPA) (7 U.S.C. 4201–4209).

7. *Wetlands and Water Resources:* Clean Water Act (Section 404, Section 401, Section 319) (33 U.S.C. 1251–1387); Land and Water Conservation Fund (LWCF) (16 U.S.C. 4601– 4604); Safe Drinking Water Act (SDWA) (42 U.S.C. 300f–300j–26)); Rivers and Harbors Act of 1899 (33 U.S.C. 401–406); Wild and Scenic Rivers Act (16 U.S.C. 1271–1287); Emergency Wetlands Resources Act, (16 U.S.C. 3901, 3921); Wetlands Mitigation (23 U.S.C. 119(g) and 133(b)(14)); Flood Disaster Protection Act, 42 U.S.C. 4012a, 4106).

8. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

9. *Navigation:* Rivers and Harbors Act of 1899 [33 U.S.C. 403]; General Bridge Act of 1946 [33 U.S.C. 9 and 11].

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1), as amended by Moving Ahead for Progress in the 21st Century Act, (PL 112–141, 126 Stat. 405).

Issued on: April 4, 2019.

Melinda Roberson,

FHWA Assistant Division Administrator, Olympia, WA.

[FR Doc. 2019–07185 Filed 4–11–19; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1998–3637; FMCSA–2000–7006; FMCSA–2000–8203; FMCSA–2002–12294; FMCSA–2004–17195; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2007–0071; FMCSA–2008–0106; FMCSA–2008–0174; FMCSA–2008–0231; FMCSA–2008–0266; FMCSA–2009–0291; FMCSA–2010–0161; FMCSA–2010–0187; FMCSA–2010–0201; FMCSA–2012–0040; FMCSA–2012–0161; FMCSA–2012–0214; FMCSA–2012–0215; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2013–0166; FMCSA–2013–0168; FMCSA–2013–0170; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0010; FMCSA–2014–0011; FMCSA–2014–0296; FMCSA–2014–0297; FMCSA–2015–0072; FMCSA–2016–0028; FMCSA–2016–0029; FMCSA–2016–0031; FMCSA–2016–0207; FMCSA–2016–0208; FMCSA–2016–0209; FMCSA–2016–0210]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 85 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–1998–3637;

FMCSA–2000–7006; FMCSA–2000–8203; FMCSA–2002–12294; FMCSA–2004–17195; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2007–0071; FMCSA–2008–0106; FMCSA–2008–0174; FMCSA–2008–0231; FMCSA–2008–0266; FMCSA–2009–0291; FMCSA–2010–0161; FMCSA–2010–0187; FMCSA–2010–0201; FMCSA–2012–0040; FMCSA–2012–0161; FMCSA–2012–0214; FMCSA–2012–0215; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2013–0166; FMCSA–2013–0168; FMCSA–2013–0170; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0010; FMCSA–2014–0011; FMCSA–2014–0296; FMCSA–2014–0297; FMCSA–2015–0072; FMCSA–2016–0028; FMCSA–2016–0029; FMCSA–2016–0031; FMCSA–2016–0207; FMCSA–2016–0208; FMCSA–2016–0209; FMCSA–2016–0210, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. 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.*

II. Background

On October 24, 2018, FMCSA published a notice announcing its decision to renew exemptions for 85 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (83 FR 53724). The public comment period ended on November 23, 2018, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based on its evaluation of the 85 renewal exemption applications and comments received, FMCSA confirms its decision to exempt the following drivers from the vision requirement in 49 CFR 391.41(b)(10).

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of November and are discussed below. As of November 9, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 53 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (63 FR 196; 63 FR 30285; 65 FR 20245; 65 FR 57230; 65 FR 66293; 67 FR 46016; 67 FR 57266; 67 FR 57267; 67 FR 67234; 69 FR 17263; 69 FR 31447; 69 FR 51346; 69 FR 52741; 69 FR 62741; 71 FR 14566; 71 FR 27034; 71 FR 30227; 71 FR 32183; 71 FR 32185; 71 FR 41310; 71 FR 41311; 71 FR 50970; 71 FR 53489; 71 FR 62147; 73 FR 6242; 73 FR 6244; 73 FR 16950; 73 FR 16952; 73 FR 27014; 73 FR 35196; 73 FR 35197; 73 FR 35200; 73 FR 36955; 73 FR 38499; 73 FR 42403; 73 FR 46973; 73 FR 48270; 73 FR 48273; 73 FR 48275; 73 FR 51336; 73 FR 51689; 73 FR 54888; 73 FR 63047; 73 FR 74565; 74 FR 65842; 75 FR 9482; 75 FR 22179; 75 FR 27622; 75 FR 36779; 75 FR 39725; 75 FR 44051; 75 FR 47883; 75 FR 50799; 75 FR 52061; 75 FR 52062; 75 FR 52063; 75 FR 54958; 75 FR 61833; 75 FR 63257; 75 FR 64396; 75 FR 66423; 75 FR 70078; 77 FR 10604; 77 FR 23799; 77 FR 26816; 77 FR 33558; 77 FR 36338; 77 FR 38384; 77 FR 41879; 77 FR 46153; 77 FR 46793; 77 FR 48590; 77 FR 52381; 77 FR 52388; 77 FR 52389; 77 FR 52391; 77 FR 56262; 77 FR 59245; 77 FR 60010; 77 FR 64582; 77 FR 64841; 77 FR 68199; 77 FR 68200; 78 FR 34143; 78 FR 41975; 78 FR 52602; 78 FR 56986; 78 FR 62935; 78 FR 63302; 78 FR 67454; 78 FR 76395; 78 FR 77780; 79 FR 4803; 79 FR 10619; 79 FR 14571; 79 FR 18392; 79 FR 27365; 79 FR 28588; 79 FR 29498; 79 FR 35212; 79 FR 35218; 79 FR 38659; 79 FR 41735; 79 FR 45868; 79 FR 46153; 79 FR 46300; 79 FR 47175; 79 FR 51642; 79 FR 51643; 79 FR 53514; 79 FR 56097; 79 FR 56099; 79 FR 56104; 79 FR 58856; 79 FR 59348; 79 FR 59357; 79 FR 64001; 79 FR 68199; 79 FR 70928; 79 FR 72754; 80 FR 63869; 80 FR 67481; 80 FR 70060; 81 FR 15401; 81 FR 16265; 81 FR 39320; 81 FR 40634; 81 FR 42054; 81 FR 52514; 81 FR 66720; 81 FR 68098; 81 FR 71173; 81 FR 80161; 81 FR 81230; 81 FR 90050; 81 FR 91239; 81 FR 96196):

John W. Arnold (KY)
Joel W. Bryant (LA)
Derric D. Burrell (AL)
Kenneth C. Caldwell (NY)
Juan Carranco (TX)
Dionicio Carrera (TX)
John P. Catalano (NJ)
Joshua L. Cecotti (WA)
David A. Coburn, Sr. (VT)
Julian Collins (GA)
Jimmie L. Crenshaw (AL)
Edward Cunningham (MI)
Louis A. DiPasqua, Jr. (NY)
Roderick L. Duvall (PA)
Kelvin Frandin Bombu (KY)
Tyron O. Friese (MN)
Randy M. Garcia (NM)
Jeffrey M. Hall (AL)
Clifford J. Harris (VA)
John H. Holmberg (WI)
Edward P. Hynes II (VA)
Thomas L. Kitchen (VA)
Richard A. Kolodziejczyk (CT)
John C. Lewis (SC)
Ronnie R. Lockamy (NC)
Ernest B. Martin (KY)
Mark L. McWhorter (FL)
Ronald S. Milkowski (NJ)
Jeremy L. Miller (OR)
Benny R. Morris (WV)
Larry G. Nikkel (WA)
Donald L. Nisbet (WA)
Dennis E. Palmer, Jr. (CT)
Larry A. Priewe (ND)
Chad M. Quarles (AL)
Robert D. Reeder (MI)
Albert L. Remsburg III (MD)
Antonio A. Ribeiro (CT)
Christopher W. Robinson (NY)
Sabahudin Sabic (IA)
Kirk Scott (CT)
Jimmy E. Settle (MO)
Lawrence Siegler (MN)
LeTroy D. Sims (SC)
David M. Smith (IL)
Sandra J. Sperling (WA)
Dale L. Stewart (MI)
Malcolm J. Tilghman, Sr. (DE)
Donald Wallace (IL)
Scott C. Westphal (MN)
Carl V. Wheeler (NC)
Earl L. White, Jr. (NH)

Hubert Whittenburg (MO)

The drivers were included in docket numbers FMCSA–1998–3637; FMCSA–2000–7006; FMCSA–2000–8203; FMCSA–2002–12294; FMCSA–2004–17195; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2007–0071; FMCSA–2008–0106; FMCSA–2008–0174; FMCSA–2008–0231; FMCSA–2008–0266; FMCSA–2009–0291; FMCSA–2010–0161; FMCSA–2010–0187; FMCSA–2010–0201; FMCSA–2012–0040; FMCSA–2012–0161; FMCSA–2012–0214; FMCSA–2012–0215; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2013–0166; FMCSA–2013–0168; FMCSA–2013–0170; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0010; FMCSA–2014–0011; FMCSA–2014–0296; FMCSA–2015–0072; FMCSA–2016–0028; FMCSA–2016–0029; FMCSA–2016–0031. Their exemptions are applicable as of November 9, 2018, and will expire on November 9, 2020.

As of November 11, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 22 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 70248; 81 FR 70251; 81 FR 70253; 81 FR 90046; 81 FR 96178; 81 FR 96191):

Elijah A. Allen (AR)
Randal D. Aukes (MN)
Daniel L. Bawden (IL)
Keith D. Blackwell (TX)
Kathy J. Brown (OH)
Louis J. Cullen (NJ)
Edwin P. Davis (OR)
Wayne L. Dorbert (PA)
Timothy J. Dougherty (MN)
Kelly L. Ewing (PA)
Joseph G. Fischer (MO)
Josh Gallant (SC)
Stanley W. Goble (IA)
John P. Grum (PA)
William R. Guida (PA)
Jerry L. Hayden (IA)
Nylo K. Helberg (ND)
Dillon L. Hendren (SC)
J. W. Keener (PA)
George P. Mendiola (CA)
Alfred L. Robinson (AR)
Jerry L. Smith (VA)

The drivers were included in docket numbers FMCSA–2016–0207; FMCSA–2016–0208; FMCSA–2016–0209. Their exemptions are applicable as of November 11, 2018, and will expire on November 11, 2020.

As of November 22, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following ten individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 63211; 80 FR 2471; 81 FR 72664; 81 FR 80161; 81 FR 94013):

Harry R. Brewer (TN)
Kevin J. Embrey (IN)
Peter J. Faber (NE)
Johnny E. Hill (AL)
Justin A. Hooper (MO)
John R. Horst (PA)
Robert E. Kelley (WA)
James F. McLaughlin (MN)
Michael J. Monroe (IA)
Brian T. Morrison (MO)

The drivers were included in docket numbers FMCSA–2014–0297; 2016–0210. Their exemptions are applicable as of November 22, 2018, and will expire on November 22, 2020.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: April 5, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–07305 Filed 4–11–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

[Internal Revenue Service

Proposed Collection; Comment Request for Consumer Tipping Survey Study

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service (IRS), 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 information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Consumer Tipping Survey Study.

DATES: Written comments should be received on or before June 11, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this notice should be directed to Martha R. Brinson, at (202) 317–5753, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Consumer Tipping Survey Study.

OMB Number: 1545–2261

Abstract: The IRS is charged with collecting revenue legally owed to the federal government. One important category of income comes in the form of tips. Previous empirical research has shown income from tips to be significantly underreported, limiting the IRS's ability to collect the proper amount of tax revenue. The IRS believes a new study of consumer tipping practices is needed in order to better understand current tip reporting behavior so tax administrators and policy makers can make the tax system fairer and more efficient. Therefore, the IRS wishes to develop updated estimates of consumer tipping revenue across numerous services where tipping is prevalent.

In support of this mission, IRS is seeking a standard clearance to conduct a minimum, one-year fielding of a nation-wide consumer tipping survey. The sample that would be used for this study, Ipsos' non-probability online panel, was only selected after a pilot study was conducted which compared the results from this vendor to another panel source (GfK Knowledge Panel, a probability-based online panel) and an independent source of tipping data in order to determine which method yielded the most accurate results while reducing respondent burden and cost to the IRS. The findings from the pilot study demonstrated that there were no consistent differences in the results gathered from the panels when compared against each other or when compared against the 3rd party source of data. As such, the decision was made to use the non-probability panel due to the reduced cost per completed survey, which will allow for a larger data collection and more precise estimates of tipping behavior for certain, low-incidence services.

Current Actions: There are no changes being made at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or Households.

The burden hour estimates breakdown as follows:

NON-PROBABILITY SAMPLE

Category of respondent/activity	Number of respondents	Participation time (minutes)	Burden hours
Read Invitation Email	461,540	0.5	3,846
Read Reminder Email*	431,540	0.25	1,798
Complete Survey	60,000	** 5.5	5,500
Total Burden Hours			11,144

* The estimate for the Reminder emails is based on the assumption that 50% of the needed respondents will complete the survey online in time to not receive the Reminder email.
** Participant time is based on mean completion time for non-probability panel members during pilot survey fielding.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments will be of public record. Comments 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 has 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 or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 8, 2019.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2019–07228 Filed 4–11–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, 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 continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning annual registration statement identifying separated participants with deferred vested benefits.

DATES: Written comments should be received on or before June 11, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Annual Registration Statement Identifying Separated Participants with Deferred Vested Benefits.

OMB Number: 1545–2187.

Form Number: Form 8955–SSA.

Abstract: Form 8955–SSA, the designated successor to Schedule SSA (Form 5500), is used to satisfy the reporting requirements of Internal Revenue Code section 6057(a). Plan administrators of employee benefit plans subject to the vesting standards of ERISA section 203 use the form to report information about separated participants with deferred vested benefits under the plan. The information is generally given to the Social Security Administration (SSA), which provides the reported information to separated participants when they file for social security benefits.

Current Actions: There is no change to this form.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations.

Estimated Number of Respondents: 200,000.

Estimated Time per Respondent: 50 minutes.

Estimated Total Annual Burden Hours: 166,000.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments 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 automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 8, 2019.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2019–07230 Filed 4–11–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Tiered Pharmacy Copayments for Medications Update

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: This Department of Veterans Affairs (VA) Notice updates the information on Tier 1 medications.

FOR FURTHER INFORMATION CONTACT: Joseph Duran, Director of Policy and Planning, Office of Community Care, Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420; email: *Joseph.Duran2@va.gov;* telephone: (303) 372–4629 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 17.110 of Title 38 CFR governs copayments for medications that VA provides to Veterans. Section 17.110 provides the methodologies for establishing the copayment amount for each 30-day or less supply of medication provided by VA on an outpatient basis (other than medication administered during treatment).

Section 17.110 provides a list of Tier 1 medications that will be published as a Notice in the **Federal Register** and will be posted on VA's website (*www.va.gov/health*) at least once per year. Tier 1 medication means a multi-source medication that has been identified using the process described in Section 17.110(b)(2). 38 CFR Section 17.110(b)(1)(iv)(B). Based on the methodologies set forth in Section 17.110, this Notice updates the list of Tier 1 medications.

Not less than once per year, VA will identify a subset of multi-source medications as Tier 1 medications. Only medications that meet all of the criteria in paragraphs (b)(2)(i), (ii), and (iii) of Section 17.110 will be eligible to be considered Tier 1 medications, and only those medications that meet all of the criteria in paragraph (b)(2)(i) of this section will be assessed using the criteria in paragraphs (b)(2)(ii) and (iii). As of the date of this Notice, the Tier 1 medication list based on the methodologies in Section 17.110 will be posted on VA's website (*www.va.gov/health*) under the heading ''Tier 1 Copay Medication List.''

The following table is the Tier 1 Copay Medication List that is effective January 1, 2019, and will remain in effect until December 31, 2019.

Condition	VA product name
Arthritis and Pain	Aspirin Buffered Tablet, Aspirin Chewable Tablet, Aspirin Enteric Coated Tablet, Allopurinol Tablet, Ibuprofen Tablet, Meloxicam Tablet, Naproxen Tablet.
Blood Thinners and Platelet Inhibitors	Clopidogrel Bisulfate Tablet, Warfarin Sodium Tablet.
Bone Health	Alendronate Tablet.
Cholesterol	Atorvastatin Tablet, Gemfibrozil Tablet, Lovastatin Tablet, Niacin (Slo-Niacin) Tablet, Pravastatin Tablet, Rosuvastatin Calcium Tablet, Simvastatin Tablet.
Dementia	Donepezil Tablet, Memantine Hydrochloride (HCL) Tablet.
Diabetes	Glipizide Tablet, Metformin HCL Tablet, Metformin HCL 24-hour (HR) Sustained Action (SA) Tablet, Pioglitazone HCL Tablet.
Electrolyte Supplement	Potassium SA Tablet, Potassium SA Dispersible Tablet.
Gastrointestinal Health	Omeprazole Enteric Coated (EC) Capsule, Pantoprazole Sodium EC Capsule, Ranitidine Tablet.
Glaucoma and Eye Care	Brimonidine 0.2% Solution, Dorzolamide 2%/Timolol 0.5% Solution, Latanoprost 0.005% Solution, Timolol Maleate 0.25% Solution, Timolol Maleate 0.5% Solution.
Heart Health and Blood Pressure	Amlodipine Tablet, Amiodarone HCL Tablet, Aspirin (see Arthritis and Pain), Atenolol Tablet, Carvedilol Tablet, Chlorthalidone Tablet, Clonidine Tablet, Diltiazem 24-Hour Capsule, Diltiazem HCL Tablet, Enalapril Maleate Tablet, Furosemide Tablet, Hydrochlorothiazide Capsule/Tablet, Hydrochlorothiazide/Lisinopril Tablet, Hydrochlorothiazide/Triamteren Capsule/Tablet, Isosorbide Mononitrate SA Tablet, Lisinopril Tablet, Losartan Tablet, Metoprolol Succinate SA Tablet, Metoprolol Tartrate Tablet, Nifedipine SA Capsule, Nitroglycerin Sublingual Tablet, Prazosin HCL Capsule, Propranolol HCL Tablet, Spironolactone Tablet, Valsartan Tablet, Verapamil HCL Tablet, Verapamil HCL SA Tablet.
Mental Health	Amitriptyline HCL Tablet, Bupropion HCL Tablet, Bupropion HCL SA (12–HR Sustained Release) Tablet, Bupropion HCL SA (24–HR Extended Release XL) Tablet, Buspirone HCL Tablet, Citalopram Hydrobromide Tablet, Duloxetine HCL EC Capsule, Escitalopram Oxalate Tablet, Fluoxetine Capsule/Tablet, Lithium Carbonate Capsule/Tablet, Mirtazapine Tablet, Paroxetine HCL Tablet, Sertraline HCL Tablet, Trazodone Tablet, Venlafaxine HCL Tablet, Venlafaxine HCL SA Tablet/Capsule.
Respiratory Condition	Montelukast NA Tablet.
Seizures	Gabapentin Capsule, Lamotrigine Tablet, Topiramate Tablet.
Thyroid Conditions	Levothyroxine Sodium Tablet.
Urologic (Bladder and Prostate) Health	Alfuzosin HCL SA Tablet, Doxazosin Mesylate Tablet, Finasteride Tablet, Oxybutynin Chloride Tablet, Oxybutynin Chloride SA Tablet, Tamsulosin HCL Capsule, Terazosin HCL Capsule.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Wilkie, Secretary, Department of Veterans Affairs, approved this document on March 14, 2019, for publication.

Dated: April 9, 2019.

Luvenia Potts,

Program Specialist, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2019–07336 Filed 4–11–19; 8:45 am]

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Part II

Environmental Protection Agency

40 CFR Part 63

National Emission Standards for Hazardous Air Pollutants: Stationary Combustion Turbines Residual Risk and Technology Review; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2017–0688; FRL–9991–97–OAR]

RIN 2060–AT00

National Emission Standards for Hazardous Air Pollutants: Stationary Combustion Turbines Residual Risk and Technology Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Combustion Turbines to address the results of the residual risk and technology review (RTR) the EPA is required to conduct in accordance with the Clean Air Act (CAA). The EPA is proposing to find that the risks from this source category due to emissions of air toxics are acceptable and that the existing NESHAP provides an ample margin of safety to protect public health. The EPA identified no new cost-effective controls under the technology review that would achieve further emissions reductions from the source category. The EPA is also proposing to amend provisions addressing periods of startup, shutdown, and malfunction (SSM) and to require electronic reporting. In addition, the EPA is proposing to remove the stay of the effectiveness of the standards for new lean premix and diffusion flame gas-fired turbines that was promulgated in 2004.

DATES:

Comments. Comments must be received on or before May 28, 2019. Under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before May 13, 2019.

Public Hearing. If anyone contacts us requesting a public hearing on or before April 17, 2019, we will hold a hearing. Additional information about the hearing, if requested, will be published in a subsequent **Federal Register** document and posted at *https://www.epa.gov/stationary-sources-air-pollution/stationary-combustion-turbines-national-emission-standards.* See **SUPPLEMENTARY INFORMATION** for information on requesting and registering for a public hearing.

ADDRESSES: *Comments.* Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2017–0688, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. See **SUPPLEMENTARY INFORMATION** for detail about how the EPA treats submitted comments. *Regulations.gov* is our preferred method of receiving comments. However, the following other submission methods are also accepted:

- *Email: a-and-r-docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2017–0688 in the subject line of the message.
- *Fax:* (202) 566–9744. Attention Docket ID No. EPA–HQ–OAR–2017–0688.
- *Mail:* To ship or send mail via the United States Postal Service, use the following address: U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA–HQ–OAR–2017–0688, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand/Courier Delivery:* Use the following Docket Center address if you are using express mail, commercial delivery, hand delivery, or courier: EPA Docket Center, EPA WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. Delivery verification signatures will be available only during regular business hours.

FOR FURTHER INFORMATION CONTACT: For questions about this proposed action, contact Melanie King, Sector Policies and Programs Division (D243–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–2469; fax number: (919) 541–4991; and email address: *king.melanie@epa.gov.* For specific information regarding the risk modeling methodology, contact Mark Morris, Health and Environmental Impacts Division (C539–02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–5416; email address: *morris.mark@epa.gov.* For information about the applicability of the NESHAP to a particular entity, contact Sara Ayres, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 77 West Jackson Boulevard (Mail Code E–19J), Chicago, Illinois 60604; telephone number: (312) 353–6266; and email address: *ayres.sara@epa.gov.*

SUPPLEMENTARY INFORMATION:

Public hearing. Please contact Adrian Gates at (919) 541–4860 or by email at *gates.adrian@epa.gov* to request a public hearing, to register to speak at the public hearing, or to inquire as to whether a public hearing will be held.

Docket. The EPA has established a docket for this rulemaking under Docket ID No. EPA–HQ–OAR–2017–0688. All documents in the docket are listed in *Regulations.gov.* Although listed, 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. Publicly available docket materials are available either electronically in *Regulations.gov* or in hard copy at the EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue NW, Washington, DC. 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 EPA Docket Center is (202) 566–1742.

Instructions. Direct your comments to Docket ID No. EPA–HQ–OAR–2017–0688. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *https://www.regulations.gov* or email. This type of information should be submitted by mail as discussed below.

The EPA may publish any comment received to its public docket. 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.*

The *https://www.regulations.gov* website allows you to submit your comment anonymously, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any digital storage media you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should not include special characters or any form of encryption and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *https://www.epa.gov/dockets.*

Submitting CBI. Do not submit information containing CBI to the EPA through *https://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on any digital storage media that you mail to the EPA, mark the outside of the digital storage media as CBI and then identify electronically within the digital storage media the specific information that is claimed as CBI. In addition to one complete version of the comments that includes information claimed as CBI, you must submit a copy of the comments that does not contain the information claimed as CBI directly to the public docket through the procedures outlined in *Instructions* above. If you submit any digital storage media that does not contain CBI, mark the outside of the digital storage media clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and the EPA's electronic public docket without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2. Send or deliver information identified as CBI only to the following address: OAQPS Document Control Officer (C404–02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA–HQ–OAR–2017–0688.

Preamble Acronyms and Abbreviations. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

AEGL acute exposure guideline level
AERMOD air dispersion model used by the HEM–3 model
CAA Clean Air Act
CalEPA California EPA
CBI Confidential Business Information
CDX Central Data Exchange
CEDRI Compliance and Emissions Data Reporting Interface
CFR Code of Federal Regulations
EPA Environmental Protection Agency
ERPG Emergency Response Planning Guideline
ERT Electronic Reporting Tool
HAP hazardous air pollutant(s)
HCl hydrochloric acid
HEM–3 Human Exposure Model
HF hydrogen fluoride
HI hazard index
HQ hazard quotient
IRIS Integrated Risk Information System
km kilometer
MACT maximum achievable control technology
mg/m^3 milligrams per cubic meter
MIR maximum individual risk
NAAQS National Ambient Air Quality Standards
NAICS North American Industry Classification System
NATA National Air Toxics Assessment
NEI National Emissions Inventory
NESHAP national emission standards for hazardous air pollutants
NTTAA National Technology Transfer and Advancement Act
OAQPS Office of Air Quality Planning and Standards
OECA Office of Enforcement and Compliance Assurance
OMB Office of Management and Budget
PB–HAP hazardous air pollutants known to be persistent and bio-accumulative in the environment
PDF portable document format
PM particulate matter
POM polycyclic organic matter
ppbvd parts per billion by volume, dry basis
ppm parts per million
REL reference exposure level
RFA Regulatory Flexibility Act
RfC reference concentration
RfD reference dose
RTR residual risk and technology review
SAB Science Advisory Board
SSM startup, shutdown, and malfunction
TOSHI target organ-specific hazard index
tpy tons per year
TRIM.FaTE Total Risk Integrated Methodology.Fate, Transport, and Ecological Exposure model
UF uncertainty factor
$\mu g/m^3$ microgram per cubic meter
UMRA Unfunded Mandates Reform Act
URE unit risk estimate
VCS voluntary consensus standards

Organization of this Document. The information in this preamble is organized as follows:

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I. General Information

A. Does this action apply to me?

Table 1 of this preamble lists the NESHAP and associated regulated industrial source categories that are the subject of this proposal. Table 1 is not intended to be exhaustive, but rather provides a guide for readers regarding the entities that this proposed action is likely to affect. The proposed standards, once promulgated, will be directly applicable to the affected sources. Federal, state, local, and tribal government entities would be affected by this proposed action only if they own or operate stationary combustion turbines at major sources of hazardous air pollutants (HAP). As defined in the *Initial List of Categories of Sources Under Section 112(c)(1) of the Clean Air Act Amendments of 1990* (see 57 FR 31576, July 16, 1992) and *Documentation for Developing the Initial Source Category List, Final Report* (*see* EPA–450/3–91–030), the Stationary Turbines source category is any stationary combustion turbine used by electric and gas utilities, industrial establishments, and commercial/institutional operations to provide electricity, gas compression, or other functions. Included in the category are turbines fired by fuel oil, natural gas, and mixed or other fuel. The Stationary Turbine source category includes simple cycle and regenerative cycle turbines and the turbine portion of a combined cycle steam/electric generating system.

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS PROPOSED ACTION

Source category	NESHAP	NAICS code [1]
Stationary Turbines	Stationary Combustion Turbines	2211, 486210, 211111, 211112, 221.

[1] North American Industry Classification System.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this action is available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this proposed action at *https://www.epa.gov/stationary-sources-air-pollution/stationary-combustion-turbines-national-emission-standards.* Following publication in the **Federal Register**, the EPA will post the **Federal Register** version of the proposal and key technical documents at this same website. Information on the overall RTR program is available at *https://www3.epa.gov/ttn/atw/rrisk/rtrpg.html.*

A redline version of the regulatory language that incorporates the proposed changes in this action is available in the docket for this action (Docket ID No. EPA–HQ–OAR–2017–0688).

II. Background

A. What is the statutory authority for this action?

The statutory authority for this action is provided by sections 112 and 301 of the CAA, as amended (42 U.S.C. 7401 *et seq.*). Section 112 of the CAA establishes a two-stage regulatory process to develop standards for emissions of HAP from stationary sources. Generally, the first stage involves establishing technology-based standards and the second stage involves evaluating those standards that are based on maximum achievable control technology (MACT) to determine whether additional standards are needed to address any remaining risk associated with HAP emissions. This second stage is commonly referred to as the ''residual risk review.'' In addition to the residual risk review, the CAA also requires the EPA to review standards set under CAA section 112 every 8 years to determine if there are ''developments in practices, processes, or control technologies'' that may be appropriate to incorporate into the standards. This review is commonly referred to as the ''technology review.'' When the two reviews are combined into a single rulemaking, it is commonly referred to as the ''risk and technology review.'' The discussion that follows identifies the most relevant statutory sections and briefly explains the contours of the methodology used to implement these statutory requirements. A more comprehensive discussion appears in the document titled *CAA Section 112 Risk and Technology Reviews: Statutory Authority and Methodology,* which is available in the docket for this rulemaking.

In the first stage of the CAA section 112 standard setting process, the EPA promulgates technology-based standards under CAA section 112(d) for categories of sources identified as emitting one or more of the HAP listed in CAA section 112(b). Sources of HAP emissions are either major sources or area sources, and CAA section 112 establishes different requirements for major source standards and area source standards. ''Major sources'' are those that emit or have the potential to emit 10 tons per year (tpy) or more of a single HAP or 25 tpy or more of any combination of HAP. All other sources are ''area sources.'' For major sources, CAA section 112(d)(2) provides that the technology-based NESHAP must reflect the maximum degree of emission reductions of HAP achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts). These standards are commonly referred to as MACT standards. CAA section 112(d)(3) also establishes a minimum control level for MACT standards, known as the MACT ''floor.'' The EPA must also consider control options that are more stringent than the floor. Standards more stringent than the floor are commonly referred to as beyond-the-floor standards. In certain instances, as provided in CAA section 112(h), the EPA may set work practice standards where it is not feasible to prescribe or enforce a numerical emission standard. For area sources, CAA section 112(d)(5) gives the EPA discretion to set standards based on generally available control technologies or management practices (GACT standards) in lieu of MACT standards.

The second stage in standard-setting focuses on identifying and addressing any remaining (*i.e.,* ''residual'') risk according to CAA section 112(f). For source categories subject to MACT standards, section 112(f)(2) of the CAA requires the EPA to determine whether promulgation of additional standards is needed to provide an ample margin of safety to protect public health or to prevent an adverse environmental effect. Section 112(d)(5) of the CAA provides that this residual risk review is not required for categories of area sources subject to GACT standards. Section 112(f)(2)(B) of the CAA further expressly preserves the EPA's use of the two-step approach for developing standards to address any residual risk and the Agency's interpretation of ''ample margin of safety'' developed in the *National Emissions Standards for Hazardous Air Pollutants: Benzene Emissions from Maleic Anhydride Plants, Ethylbenzene/Styrene Plants, Benzene Storage Vessels, Benzene Equipment Leaks, and Coke By-Product Recovery Plants* (Benzene NESHAP) (54

FR 38044, September 14, 1989). The EPA notified Congress in the Residual Risk Report to Congress that the Agency intended to use the Benzene NESHAP approach in making CAA section 112(f) residual risk determinations (EPA–453/R–99–001, p. ES–11). The EPA subsequently adopted this approach in its residual risk determinations and the United States Court of Appeals for the District of Columbia Circuit (the Court) upheld the EPA's interpretation that CAA section 112(f)(2) incorporates the approach established in the Benzene NESHAP. See *NRDC* v. *EPA,* 529 F.3d 1077, 1083 (D.C. Cir. 2008).

The approach incorporated into the CAA and used by the EPA to evaluate residual risk and to develop standards under CAA section 112(f)(2) is a two-step approach. In the first step, the EPA determines whether risks are acceptable. This determination ''considers all health information, including risk estimation uncertainty, and includes a presumptive limit on maximum individual lifetime [cancer] risk (MIR) [1] of approximately 1 in 10 thousand.'' 54 FR 38045, September 14, 1989. If risks are unacceptable, the EPA must determine the emissions standards necessary to reduce risk to an acceptable level without considering costs. In the second step of the approach, the EPA considers whether the emissions standards provide an ample margin of safety to protect public health ''in consideration of all health information, including the number of persons at risk levels higher than approximately 1 in 1 million, as well as other relevant factors, including costs and economic impacts, technological feasibility, and other factors relevant to each particular decision.'' *Id.* The EPA must promulgate emission standards necessary to provide an ample margin of safety to protect public health. After conducting the ample margin of safety analysis, we consider whether a more stringent standard is necessary to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect.

CAA section 112(d)(6) separately requires the EPA to review standards promulgated under CAA section 112 and revise them ''as necessary (taking into account developments in practices, processes, and control technologies)'' no less often than every 8 years. In conducting this review, which we call the ''technology review,'' the EPA is not required to recalculate the MACT floor. *Natural Resources Defense Council (NRDC)* v. *EPA,* 529 F.3d 1077, 1084 (D.C. Cir. 2008). *Association of Battery Recyclers, Inc.* v. *EPA,* 716 F.3d 667 (D.C. Cir. 2013). The EPA may consider cost in deciding whether to revise the standards pursuant to CAA section 112(d)(6).

B. What is this source category and how does the current NESHAP regulate its HAP emissions?

The source category for Stationary Combustion Turbines is all equipment including, but not limited to, the turbine, the fuel, air, lubrication and exhaust gas systems, control systems (except emissions control equipment), and any ancillary components and subcomponents comprising any simple cycle stationary combustion turbine, any regenerative/recuperative cycle stationary combustion turbine, or the combustion turbine portion of any stationary combined cycle steam/electric generating system. Stationary means that the combustion turbine is not self-propelled or intended to be propelled while performing its function. A stationary combustion turbine may, however, be mounted on a vehicle for portability or transportability. The source category does not include stationary combustion turbines located at a research or laboratory facility, if research is conducted on the turbine itself and the turbine is not being used to power other applications at the research or laboratory facility. This NESHAP, 40 CFR part 63, subpart YYYY, only applies to stationary combustion turbines located at major sources of HAP.

Stationary combustion turbines have been divided into the following eight subcategories: (1) Emergency stationary combustion turbines, (2) stationary combustion turbines which burn landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis or where gasified municipal solid waste is used to generate 10 percent or more of the gross heat input to the stationary combustion turbine on an annual basis, (3) stationary combustion turbines of less than 1 megawatt rated peak power output, (4) stationary lean premix combustion turbines when firing gas and when firing oil at sites where all turbines fire oil no more than an aggregate total of 1,000 hours annually (also referred to herein as ''lean premix gas-fired turbines''), (5) stationary lean premix combustion turbines when firing oil at sites where all turbines fire oil more than an aggregate total of 1,000 hours annually (also referred to herein as ''lean premix oil-fired turbines''), (6) stationary diffusion flame combustion turbines when firing gas and when firing oil at sites where all turbines fire oil no more than an aggregate total of 1,000 hours annually (also referred to herein as ''diffusion flame gas-fired turbines''), (7) stationary diffusion flame combustion turbines when firing oil at sites where all turbines fire oil more than an aggregate total of 1,000 hours annually (also referred to herein as ''diffusion flame oil-fired turbines''), and (8) stationary combustion turbines operated on the North Slope of Alaska (defined as the area north of the Arctic Circle (latitude 66.5° North)).

The sources of emissions are the exhaust gases from combustion of gaseous and liquid fuels in a stationary combustion turbine. The HAP that are present in the exhaust gases from stationary combustion turbines include formaldehyde, toluene, benzene, and acetaldehyde. Metallic HAP are present in the exhaust from distillate oil-fired turbines; these metallic HAP are generally carried over from the fuel constituents.

The NESHAP requires new or reconstructed stationary combustion turbines in the lean premix gas-fired, lean premix oil-fired, diffusion flame gas-fired, and diffusion flame oil-fired subcategories to meet a formaldehyde limit of 91 parts per billion by volume, dry basis (ppbvd) at 15-percent oxygen (O_2). Compliance is demonstrated through initial and annual performance testing and continuous monitoring of operating parameters.

During the original Stationary Combustion Turbine NESHAP rulemaking, the EPA received a petition from the Gas Turbine Association to delist two subcategories of stationary combustion turbines under CAA section 112(c)(9). The subcategories were lean premix firing natural gas with limited oil backup and a low-risk subcategory where facilities would make site-specific demonstrations regarding risk levels. On April 7, 2004, the EPA proposed to delist lean premix gas-fired turbines as well as three additional subcategories: Diffusion flame gas-fired, emergency, and turbines located on the North Slope of Alaska. At the same time, the EPA proposed to stay the effectiveness of the NESHAP for new lean premix gas-fired and diffusion flame gas-fired turbines. On August 18, 2004, the EPA finalized the stay of the effectiveness of the NESHAP for new lean premix gas-fired and diffusion flame gas-fired turbines, pending the outcome of the proposed delisting. As discussed further in section IV.D.3 of this preamble, the EPA is proposing to lift the stay as part of this action.

[1] Although defined as ''maximum individual risk,'' MIR refers only to cancer risk. MIR, one metric for assessing cancer risk, is the estimated risk if an individual were exposed to the maximum level of a pollutant for a lifetime.

C. What data collection activities were conducted to support this action?

The EPA used several means to collect the information necessary to conduct the RTR for the Stationary Combustion Turbine source category. Where possible, the EPA used data from the 2014 National Emissions Inventory (NEI) to estimate HAP emissions from affected facilities and turbines. More information about the sources of data used to estimate HAP emissions is provided in section III.C.1 of this preamble. The list of facilities potentially subject to the NESHAP was initially developed using the EPA's Enforcement and Compliance History Online database.[2] To confirm whether facilities identified as potentially subject to the NESHAP were in fact subject to the standards, the EPA asked state and local air pollution control agencies and EPA Regional offices to review our draft list of affected facilities and turbines and revise it as necessary. The EPA also shared the draft list with a number of industry trade groups, including the American Petroleum Institute, Interstate Natural Gas Association of America, Council of Industrial Boiler Owners, National Waste & Recycling Association, American Public Power Association, National Rural Electric Cooperative Association, Utility Air Regulatory Group, Edison Electric Institute, and American Chemistry Council, and asked member companies to review and revise the list. The EPA also posted the draft list on the EPA website for the Stationary Combustion Turbine NESHAP so that other stakeholders could provide input on the list. The EPA also reviewed air permits for each facility to ensure the accuracy of our information. The facility-specific information from state and local agencies and companies with affected facilities provided support for this action's risk and technology reviews. No formal information collection request was performed.

D. What other relevant background information and data are available?

In order to determine whether there have been any developments in practices, processes, or control technologies since promulgation of the original NESHAP, the EPA reviewed several sources of information, including the EPA's Reasonably Available Control Technology/Best Available Control Technology/Lowest Achievable Emission Rate Clearinghouse,[3] construction and operating permits for stationary combustion turbines, information provided by industry trade groups representing owners and operators of stationary combustion turbines, and manufacturers of emission control technologies and emission testing equipment. Additional details of the technology review can be found in the *Technology Review for Stationary Combustion Turbines Risk and Technology Review (RTR)* memorandum, which is available in the docket for this action. The EPA also reviewed the stationary combustion turbine performance test data that were collected for the original NESHAP rulemaking, as well as new HAP emissions data from tests of stationary combustion turbines conducted in recent years that were primarily provided by state and local air pollution control agencies.

III. Analytical Procedures and Decision-Making

In this section, we describe the analyses performed to support the proposed decisions for the RTR and other issues addressed in this proposal.

A. How do we consider risk in our decision-making?

As discussed in section II.A of this preamble and in the Benzene NESHAP, in evaluating and developing standards under CAA section 112(f)(2), we apply a two-step approach to determine whether or not risks are acceptable and to determine if the standards provide an ample margin of safety to protect public health. As explained in the Benzene NESHAP, ''the first step judgment on acceptability cannot be reduced to any single factor'' and, thus, ''[t]he Administrator believes that the acceptability of risk under section 112 is best judged on the basis of a broad set of health risk measures and information.'' 54 FR 38046, September 14, 1989. Similarly, with regard to the ample margin of safety determination, ''the Agency again considers all of the health risk and other health information considered in the first step. Beyond that information, additional factors relating to the appropriate level of control will also be considered, including cost and economic impacts of controls, technological feasibility, uncertainties, and any other relevant factors.'' *Id.*

The Benzene NESHAP approach provides flexibility regarding factors the EPA may consider in making determinations and how the EPA may weigh those factors for each source category. The EPA conducts a risk assessment that provides estimates of the MIR posed by the HAP emissions from each source in the source category, the hazard index (HI) for chronic exposures to HAP with the potential to cause noncancer health effects, and the hazard quotient (HQ) for acute exposures to HAP with the potential to cause noncancer health effects.[4] The assessment also provides estimates of the distribution of cancer risk within the exposed populations, cancer incidence, and an evaluation of the potential for an adverse environmental effect. The scope of the EPA's risk analysis is consistent with the EPA's response to comments on our policy under the Benzene NESHAP where the EPA explained that:

> [t]he policy chosen by the Administrator permits consideration of multiple measures of health risk. Not only can the MIR figure be considered, but also incidence, the presence of non-cancer health effects, and the uncertainties of the risk estimates. In this way, the effect on the most exposed individuals can be reviewed as well as the impact on the general public. These factors can then be weighed in each individual case. This approach complies with the *Vinyl Chloride* mandate that the Administrator ascertain an acceptable level of risk to the public by employing his expertise to assess available data. It also complies with the Congressional intent behind the CAA, which did not exclude the use of any particular measure of public health risk from the EPA's consideration with respect to CAA section 112 regulations, and thereby implicitly permits consideration of any and all measures of health risk which the Administrator, in his judgment, believes are appropriate to determining what will 'protect the public health'.

See 54 FR 38057, September 14, 1989. Thus, the level of the MIR is only one factor to be weighed in determining acceptability of risk. The Benzene NESHAP explained that ''an MIR of approximately one in 10 thousand should ordinarily be the upper end of the range of acceptability. As risks increase above this benchmark, they become presumptively less acceptable under CAA section 112, and would be weighed with the other health risk measures and information in making an overall judgment on acceptability. Or, the Agency may find, in a particular case, that a risk that includes an MIR less than the presumptively acceptable level is unacceptable in the light of other health risk factors.'' *Id.* at 38045.

[2] *https://echo.epa.gov/.*

[3] *https://cfpub.epa.gov/rblc/.*

[4] The MIR is defined as the cancer risk associated with a lifetime of exposure at the highest concentration of HAP where people are likely to live. The HQ is the ratio of the potential exposure to the HAP to the level at or below which no adverse chronic noncancer effects are expected; the HI is the sum of HQs for HAP that affect the same target organ or organ system.

Similarly, with regard to the ample margin of safety analysis, the EPA stated in the Benzene NESHAP that: ''EPA believes the relative weight of the many factors that can be considered in selecting an ample margin of safety can only be determined for each specific source category. This occurs mainly because technological and economic factors (along with the health-related factors) vary from source category to source category.'' *Id.* at 38061. We also consider the uncertainties associated with the various risk analyses, as discussed earlier in this preamble, in our determinations of acceptability and ample margin of safety.

The EPA notes that it has not considered certain health information to date in making residual risk determinations. At this time, we do not attempt to quantify the HAP risk that may be associated with emissions from other facilities that do not include the source category under review, mobile source emissions, natural source emissions, persistent environmental pollution, or atmospheric transformation in the vicinity of the sources in the category.

The EPA understands the potential importance of considering an individual's total exposure to HAP in addition to considering exposure to HAP emissions from the source category and facility. We recognize that such consideration may be particularly important when assessing noncancer risk, where pollutant-specific exposure health reference levels (*e.g.,* reference concentrations (RfCs)) are based on the assumption that thresholds exist for adverse health effects. For example, the EPA recognizes that, although exposures attributable to emissions from a source category or facility alone may not indicate the potential for increased risk of adverse noncancer health effects in a population, the exposures resulting from emissions from the facility in combination with emissions from all of the other sources (*e.g.,* other facilities) to which an individual is exposed may be sufficient to result in an increased risk of adverse noncancer health effects. In May 2010, the Science Advisory Board (SAB) advised the EPA ''that RTR assessments will be most useful to decision makers and communities if results are presented in the broader context of aggregate and cumulative risks, including background concentrations and contributions from other sources in the area.'' [5]

In response to the SAB recommendations, the EPA incorporates cumulative risk analyses into its RTR risk assessments, including those reflected in this proposal. The Agency (1) conducts facility-wide assessments, which include source category emission points, as well as other emission points within the facilities; (2) combines exposures from multiple sources in the same category that could affect the same individuals; and (3) for some persistent and bioaccumulative pollutants, analyzes the ingestion route of exposure. In addition, the RTR risk assessments consider aggregate cancer risk from all carcinogens and aggregated noncancer HQs for all noncarcinogens affecting the same target organ or target organ system.

Although we are interested in placing source category and facility-wide HAP risk in the context of total HAP risk from all sources combined in the vicinity of each source, we are concerned about the uncertainties of doing so. Estimates of total HAP risk from emission sources other than those that we have studied in depth during this RTR review would have significantly greater associated uncertainties than the source category or facility-wide estimates. Such aggregate or cumulative assessments would compound those uncertainties, making the assessments too unreliable.

B. How do we perform the technology review?

Our technology review focuses on the identification and evaluation of developments in practices, processes, and control technologies that have occurred since the MACT standards were promulgated. Where we identify such developments, we analyze their technical feasibility, estimated costs, energy implications, and non-air environmental impacts. We also consider the emission reductions associated with applying each development. This analysis informs our decision of whether it is ''necessary'' to revise the emissions standards. In addition, we consider the appropriateness of applying controls to new sources versus retrofitting existing sources. For this exercise, we consider any of the following to be a ''development'':

- Any add-on control technology or other equipment that was not identified and considered during development of the original MACT standards;
- Any improvements in add-on control technology or other equipment (that were identified and considered during development of the original MACT standards) that could result in additional emissions reduction;
- Any work practice or operational procedure that was not identified or considered during development of the original MACT standards;
- Any process change or pollution prevention alternative that could be broadly applied to the industry and that was not identified or considered during development of the original MACT standards; and
- Any significant changes in the cost (including cost effectiveness) of applying controls (including controls the EPA considered during the development of the original MACT standards).

In addition to reviewing the practices, processes, and control technologies that were considered at the time we originally developed the NESHAP, we review a variety of data sources in our investigation of potential practices, processes, or controls to consider. See sections II.C and II.D of this preamble for information on the specific data sources that were reviewed as part of the technology review.

C. How do we estimate post-MACT risk posed by the source category?

In this section, we provide a complete description of the types of analyses that we generally perform during the risk assessment process. In some cases, we do not perform a specific analysis because it is not relevant. For example, in the absence of emissions of HAP known to be persistent and bioaccumulative in the environment (PB–HAP), we would not perform a multipathway exposure assessment. Where we do not perform an analysis, we state that we do not and provide the reason. While we present all of our risk assessment methods, we only present risk assessment results for the analyses actually conducted (see section IV.A).

The EPA conducts a risk assessment that provides estimates of the MIR for cancer posed by the HAP emissions from each source in the source category, the HI for chronic exposures to HAP with the potential to cause noncancer health effects, and the HQ for acute exposures to HAP with the potential to cause noncancer health effects. The assessment also provides estimates of the distribution of cancer risk within the exposed populations, cancer incidence, and an evaluation of the potential for an adverse environmental effect. The seven sections that follow this paragraph describe how we estimated emissions and conducted the risk assessment. The docket for this rulemaking contains the following document which provides more information on the risk assessment

[5] Recommendations of the SAB RTR Panel are provided in their report, which is available at: *https://yosemite.epa.gov/sab/sabproduct.nsf/4AB3966E263D943A8525771F00668381/$File/EPA-SAB-10-007-unsigned.pdf.*

inputs and models: *Residual Risk Assessment for the Stationary Combustion Turbines Source Category in Support of the 2019 Risk and Technology Review Proposed Rule (risk document).* The methods used to assess risk (as described in the seven primary steps below) are consistent with those described by the EPA in the document reviewed by a panel of the EPA's SAB in 2009;[6] and described in the SAB review report issued in 2010. They are also consistent with the key recommendations contained in that report.

1. How did we estimate actual emissions and identify the emissions release characteristics?

For each stationary combustion turbine that was determined to be subject to 40 CFR part 63, subpart YYYY, we gathered data for emissions of particulate matter (PM), volatile organic compounds (VOC), and HAP from Version 1 of the 2014 NEI. If a turbine had multiple processes reported in NEI, the emissions associated with each process were summed for a total emissions value for the turbine. The following HAP, which account for 98–99 percent of the HAP emissions from turbines subject to 40 CFR part 63, subpart YYYY, regardless of fuel type, were modeled with the available NEI data per the applicable fuel types.

TABLE 2—HAP MODELED FOR RESIDUAL RISK REVIEW

HAP	Natural gas	Distillate oil	Landfill gas	Jet fuel	Process gas
Formaldehyde	Yes	Yes	Yes	Yes	Yes
Toluene	Yes	Yes	Yes		
Xylenes (Mixed Isomers)	Yes	Yes	Yes		
Acetaldehyde	Yes	Yes			
Ethylbenzene	Yes	Yes	Yes		
Propylene Oxide	Yes	Yes			
Benzene	Yes	Yes	Yes		Yes
Hexane	Yes	Yes	Yes		
Hydrochloric Acid	Yes	Yes	Yes		
Acrolein	Yes	Yes			
Manganese Compounds		Yes		Yes	
Nickel Compounds		Yes		Yes	Yes
Lead Compounds		Yes		Yes	Yes
Arsenic Compounds		Yes			Yes
Chromium Compounds		Yes			Yes
Cadmium Compounds		Yes			Yes
Mercury Compounds		Yes		Yes	
Selenium Compounds		Yes			
Cobalt Compounds		Yes			
Beryllium Compounds		Yes		Yes	
Antimony Compounds		Yes			

Whenever possible, the 2014 NEI HAP emissions values were used for each turbine unit included in the inputs for the residual risk modeling documented in section III.C.3 of this preamble, hereafter referred to as the modeling file. However, many of the turbine units used in the modeling file either were not included in the 2014 NEI or did not have reported emissions values for one or more of the expected HAP (see Table 2). For units with emissions values that were missing, a three-tiered approach was developed for filling in emissions. In Tier 1, emissions were estimated using the NEI-reported VOC and/or PM of 10 micrometers or less (PM_{10}) emission values and the developed HAP emission factor speciation profiles per fuel type. For units that did not have a NEI-reported VOC and/or PM_{10} value available, or were not included in the 2014 NEI, the Tier 2 calculation methodology was used to estimate HAP emissions. In Tier 2, emissions were calculated using the design capacity (million British thermal units per hour) of each unit and developed HAP emission factor speciation profiles per fuel type. Tier 3 was used for estimating emissions for those units that did not have a design capacity value available. In Tier 3, emissions were conservatively estimated using the maximum HAP emission value reported to NEI for any turbine unit for the applicable fuel type. A more detailed discussion regarding the methodology for estimating actual emissions is provided in the *Emissions Data Used for Stationary Combustion Turbines Risk and Technology Review (RTR) Modeling Files* memorandum in the rulemaking docket.

Stack parameters (height, diameter, temperature, exit velocity, and flow rate) and stack locations (latitudes and longitudes) were taken from the 2014 NEI when reported. For those units that did not have 2014 NEI stack parameters, three sets of default stack parameters were developed based on the unit design capacity. The default parameters were created by averaging the NEI-reported values for each parameter in each data set.

The modeling file input values were reviewed for completeness and accuracy. Data quality checks included reviewing turbine latitudes and longitudes using mapping tools and correcting as needed, performing statistical analysis of modeling inputs to flag outliers for review, and identifying and correcting stack parameters that were missing or outside of standard industry range.

2. How did we estimate MACT-allowable emissions?

The available emissions data in the RTR emissions dataset include estimates of the mass of HAP emitted during a specified annual time period. These ''actual'' emission levels are often lower than the emission levels allowed under the requirements of the current MACT standards. The emissions allowed under the MACT standards are referred to as the ''MACT-allowable'' emissions. We discussed the consideration of both

[6] U.S. EPA. *Risk and Technology Review (RTR) Risk Assessment Methodologies: For Review by the EPA's Science Advisory Board with Case Studies—MACT I Petroleum Refining Sources and Portland Cement Manufacturing,* June 2009. EPA–452/R–09–006. *https://www3.epa.gov/airtoxics/rrisk/rtrpg.html.*

MACT-allowable and actual emissions in the final Coke Oven Batteries RTR (70 FR 19998–19999, April 15, 2005) and in the proposed and final Hazardous Organic NESHAP RTR (71 FR 34428, June 14, 2006, and 71 FR 76609, December 21, 2006, respectively). In those actions, we noted that assessing the risk at the MACT-allowable level is inherently reasonable since that risk reflects the maximum level facilities could emit and still comply with national emission standards. We also explained that it is reasonable to consider actual emissions, where such data are available, in both steps of the risk analysis, in accordance with the Benzene NESHAP approach. (54 FR 38044, September 14, 1989.)

For this source category, allowable emissions were determined using the emission limitations currently included in 40 CFR part 63, subpart YYYY. There are no current emission limits for existing source stationary combustion turbines in the rule. As such, allowable emissions have been set equal to the actual emissions for existing sources. For new or reconstructed gas-fired and oil-fired stationary combustion turbines where construction/reconstruction commenced after January 14, 2003, a formaldehyde emission limit of 91 ppbvd at 15-percent O_2 is established in 40 CFR part 63, subpart YYYY. However, the emission limits for new or reconstructed stationary combustion turbines that are lean premix gas-fired or diffusion flame gas-fired were stayed by the EPA. Therefore, as no emissions limitations currently apply to gas-fired turbine units, the allowable emissions have been set equal to the actual emissions for natural gas units constructed after January 14, 2003. For all new oil-fired units subject to the current emission limitation in 40 CFR part 63, subpart YYYY, allowable annual emissions were estimated using the 91 ppbvd formaldehyde limit and the NEI-reported operating hours.

3. How do we conduct dispersion modeling, determine inhalation exposures, and estimate individual and population inhalation risk?

Both long-term and short-term inhalation exposure concentrations and health risk from the source category addressed in this proposal were estimated using the Human Exposure Model (HEM–3).[7] The HEM–3 performs three primary risk assessment activities: (1) Conducting dispersion modeling to estimate the concentrations of HAP in ambient air, (2) estimating long-term and short-term inhalation exposures to individuals residing within 50 kilometers (km) of the modeled sources, and (3) estimating individual and population-level inhalation risk using the exposure estimates and quantitative dose-response information.

a. Dispersion Modeling

The air dispersion model AERMOD, used by the HEM–3 model, is one of the EPA's preferred models for assessing air pollutant concentrations from industrial facilities.[8] To perform the dispersion modeling and to develop the preliminary risk estimates, HEM–3 draws on three data libraries. The first is a library of meteorological data, which is used for dispersion calculations. This library includes 1 year (2016) of hourly surface and upper air observations from 824 meteorological stations, selected to provide coverage of the United States and Puerto Rico. A second library of United States Census Bureau census block[9] internal point locations and populations provides the basis of human exposure calculations (U.S. Census, 2010). In addition, for each census block, the census library includes the elevation and controlling hill height, which are also used in dispersion calculations. A third library of pollutant-specific dose-response values is used to estimate health risk. These are discussed below.

b. Risk From Chronic Exposure to HAP

In developing the risk assessment for chronic exposures, we use the estimated annual average ambient air concentrations of each HAP emitted by each source in the source category. The HAP air concentrations at each nearby census block centroid located within 50 km of the facility are a surrogate for the chronic inhalation exposure concentration for all the people who reside in that census block. A distance of 50 km is consistent with both the analysis supporting the 1989 Benzene NESHAP (54 FR 38044, September 14, 1989) and the limitations of Gaussian dispersion models, including AERMOD.

For each facility, we calculate the MIR as the cancer risk associated with a continuous lifetime (24 hours per day, 7 days per week, 52 weeks per year, 70 years) exposure to the maximum concentration at the centroid of each inhabited census block. We calculate individual cancer risk by multiplying the estimated lifetime exposure to the ambient concentration of each HAP (in micrograms per cubic meter (μg/m^3)) by its unit risk estimate (URE). The URE is an upper-bound estimate of an individual's incremental risk of contracting cancer over a lifetime of exposure to a concentration of 1 microgram of the pollutant per cubic meter of air. For residual risk assessments, we generally use UREs from the EPA's Integrated Risk Information System (IRIS). For carcinogenic pollutants without IRIS values, we look to other reputable sources of cancer dose-response values, often using California EPA (CalEPA) UREs, where available. In cases where new, scientifically credible dose-response values have been developed in a manner consistent with EPA guidelines and have undergone a peer review process similar to that used by the EPA, we may use such dose-response values in place of, or in addition to, other values, if appropriate. The pollutant-specific dose-response values used to estimate health risk are available at *https://www.epa.gov/fera/dose-response-assessment-assessing-health-risks-associated-exposure-hazardous-air-pollutants.*

To estimate individual lifetime cancer risks associated with exposure to HAP emissions from each facility in the source category, we sum the risks for each of the carcinogenic HAP[10] emitted by the modeled facility. We estimate cancer risk at every census block within 50 km of every facility in the source category. The MIR is the highest individual lifetime cancer risk estimated for any of those census blocks. In addition to calculating the MIR, we estimate the distribution of individual

[7] For more information about HEM–3, go to *https://www.epa.gov/fera/risk-assessment-and-modeling-human-exposure-model-hem.*

[8] U.S. EPA. Revision to the *Guideline on Air Quality Models: Adoption of a Preferred General Purpose (Flat and Complex Terrain) Dispersion Model and Other Revisions* (70 FR 68218, November 9, 2005).

[9] A census block is the smallest geographic area for which census statistics are tabulated.

[10] The EPA's 2005 *Guidelines for Carcinogen Risk Assessment* classifies carcinogens as: ''carcinogenic to humans,'' ''likely to be carcinogenic to humans,'' and ''suggestive evidence of carcinogenic potential.'' These classifications also coincide with the terms ''known carcinogen, probable carcinogen, and possible carcinogen,'' respectively, which are the terms advocated in the EPA's *Guidelines for Carcinogen Risk Assessment,* published in 1986 (51 FR 33992, September 24, 1986). In August 2000, the document, *Supplemental Guidance for Conducting Health Risk Assessment of Chemical Mixtures* (EPA/630/R–00/002), was published as a supplement to the 1986 document. Copies of both documents can be obtained from *https://cfpub.epa.gov/ncea/risk/recordisplay.cfm?deid=20533&CFID=70315376&CFTOKEN=71597944.* Summing the risk of these individual compounds to obtain the cumulative cancer risk is an approach that was recommended by the EPA's SAB in their 2002 peer review of the EPA's National Air Toxics Assessment (NATA) titled *NATA—Evaluating the National-scale Air Toxics Assessment 1996 Data—an SAB Advisory,* available at *https://yosemite.epa.gov/sab/sabproduct.nsf/214C6E915BB04E14852570CA007A682C/$File/ecadv02001.pdf.*

cancer risks for the source category by summing the number of individuals within 50 km of the sources whose estimated risk falls within a specified risk range. We also estimate annual cancer incidence by multiplying the estimated lifetime cancer risk at each census block by the number of people residing in that block, summing results for all of the census blocks, and then dividing this result by a 70-year lifetime.

To assess the risk of noncancer health effects from chronic exposure to HAP, we calculate either an HQ or a target organ-specific hazard index (TOSHI). We calculate an HQ when a single noncancer HAP is emitted. Where more than one noncancer HAP is emitted, we sum the HQ for each of the HAP that affects a common target organ or target organ system to obtain a TOSHI. The HQ is the estimated exposure divided by the chronic noncancer dose-response value, which is a value selected from one of several sources. The preferred chronic noncancer dose-response value is the EPA RfC, defined as ''an estimate (with uncertainty spanning perhaps an order of magnitude) of a continuous inhalation exposure to the human population (including sensitive subgroups) that is likely to be without an appreciable risk of deleterious effects during a lifetime'' (*https://iaspub.epa.gov/sor_internet/registry/termreg/searchandretrieve/glossariesandkeywordlists/search.do?details=&vocabName=IRIS%20Glossary*). In cases where an RfC from the EPA's IRIS is not available or where the EPA determines that using a value other than the RfC is appropriate, the chronic noncancer dose-response value can be a value from the following prioritized sources, which define their dose-response values similarly to the EPA: (1) The Agency for Toxic Substances and Disease Registry (ATSDR) Minimum Risk Level (*https://www.atsdr.cdc.gov/mrls/index.asp*); (2) the CalEPA Chronic Reference Exposure Level (REL) (*https://oehha.ca.gov/air/crnr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0*); or (3) as noted above, a scientifically credible dose-response value that has been developed in a manner consistent with the EPA guidelines and has undergone a peer review process similar to that used by the EPA. The pollutant-specific dose-response values used to estimate health risks are available at *https://www.epa.gov/fera/dose-response-assessment-assessing-health-risks-associated-exposure-hazardous-air-pollutants.*

c. Risk From Acute Exposure to HAP That May Cause Health Effects Other Than Cancer

For each HAP for which appropriate acute inhalation dose-response values are available, the EPA also assesses the potential health risks due to acute exposure. For these screening-level risk assessments, the EPA makes conservative assumptions about emission rates, meteorology, and exposure location. We use the peak hourly emission rate,[11] worst-case dispersion conditions, and, in accordance with our mandate under section 112 of the CAA, the point of highest off-site exposure to assess the potential risk to the maximally exposed individual.

To characterize the potential health risks associated with estimated acute inhalation exposures to a HAP, we generally use multiple acute dose-response values, including acute RELs, acute exposure guideline levels (AEGLs), and emergency response planning guidelines (ERPG) for 1-hour exposure durations, if available, to calculate acute HQs. The acute HQ is calculated by dividing the estimated acute exposure by the acute dose-response value. For each HAP for which acute dose-response values are available, the EPA calculates acute HQs.

An acute REL is defined as ''the concentration level at or below which no adverse health effects are anticipated for a specified exposure duration.'' [12] Acute RELs are based on the most sensitive, relevant, adverse health effect reported in the peer-reviewed medical and toxicological literature. They are designed to protect the most sensitive individuals in the population through the inclusion of margins of safety. Because margins of safety are incorporated to address data gaps and uncertainties, exceeding the REL does not automatically indicate an adverse health impact. AEGLs represent threshold exposure limits for the general public and are applicable to emergency exposures ranging from 10 minutes to 8 hours.[13] They are guideline levels for ''once-in-a-lifetime, short-term exposures to airborne concentrations of acutely toxic, high-priority chemicals.'' *Id.* at 21. The AEGL–1 is specifically defined as ''the airborne concentration (expressed as ppm (parts per million) or mg/m^3 (milligrams per cubic meter)) of a substance above which it is predicted that the general population, including susceptible individuals, could experience notable discomfort, irritation, or certain asymptomatic nonsensory effects. However, the effects are not disabling and are transient and reversible upon cessation of exposure.'' The document also notes that ''Airborne concentrations below AEGL–1 represent exposure levels that can produce mild and progressively increasing but transient and nondisabling odor, taste, and sensory irritation or certain asymptomatic, nonsensory effects.'' *Id.* AEGL–2 are defined as ''the airborne concentration (expressed as parts per million or milligrams per cubic meter) of a substance above which it is predicted that the general population, including susceptible individuals, could experience irreversible or other serious, long-lasting adverse health effects or an impaired ability to escape.'' *Id.*

ERPGs are ''developed for emergency planning and are intended as health-based guideline concentrations for single exposures to chemicals.'' [14] *Id.* at 1. The ERPG–1 is defined as ''the maximum airborne concentration below which it is believed that nearly all individuals could be exposed for up to 1 hour without experiencing other than mild transient adverse health effects or without perceiving a clearly defined, objectionable odor.'' *Id.* at 2. Similarly, the ERPG–2 is defined as ''the maximum airborne concentration below which it is believed that nearly all individuals could be exposed for up to one hour without experiencing or developing irreversible or other serious

[11] In the absence of hourly emission data, we develop estimates of maximum hourly emission rates by multiplying the average actual annual emissions rates by a factor (either a category-specific factor or a default factor of 10) to account for variability. This is documented in the risk document and in Appendix 5 of the report: *Analysis of Data on Short-term Emission Rates Relative to Long-term Emission Rates.* Both are available in the docket for this rulemaking.

[12] CalEPA issues acute RELs as part of its Air Toxics Hot Spots Program, and the 1-hour and 8-hour values are documented in *Air Toxics Hot Spots Program Risk Assessment Guidelines, Part I, The Determination of Acute Reference Exposure Levels for Airborne Toxicants,* which is available at *https://oehha.ca.gov/air/general-info/oehha-acute-8-hour-and-chronic-reference-exposure-level-rel-summary.*

[13] National Academy of Sciences, 2001. *Standing Operating Procedures for Developing Acute Exposure Levels for Hazardous Chemicals,* page 2. Available at *https://www.epa.gov/sites/production/files/2015-09/documents/sop_final_standing_operating_procedures_2001.pdf.* Note that the National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances ended in October 2011, but the AEGL program continues to operate at the EPA and works with the National Academies to publish final AEGLs (*https://www.epa.gov/aegl*).

[14] *ERPGS Procedures and Responsibilities.* March 2014. American Industrial Hygiene Association. Available at: *https://www.aiha.org/get-involved/AIHAGuidelineFoundation/EmergencyResponsePlanningGuidelines/Documents/ERPG%20Committee%20Standard%20Operating%20Procedures%20%20-%20March%202014%20Revision%20%28Updated%2010-2-2014%29.pdf.*

health effects or symptoms which could impair an individual's ability to take protective action.'' *Id.* at 1.

An acute REL for 1-hour exposure durations is typically lower than its corresponding AEGL–1 and ERPG–1. Even though their definitions are slightly different, AEGL–1s are often the same as the corresponding ERPG–1s, and AEGL–2s are often equal to ERPG–2s. The maximum HQs from our acute inhalation screening risk assessment typically result when we use the acute REL for a HAP. In cases where the maximum acute HQ exceeds 1, we also report the HQ based on the next highest acute dose-response value (usually the AEGL–1 and/or the ERPG–1).

In our acute inhalation screening risk assessment, acute impacts are deemed negligible for HAP for which acute HQs are less than or equal to 1 (even under the conservative assumptions of the screening assessment), and no further analysis is performed for these HAP. In cases where an acute HQ from the screening step is greater than 1, we often consider additional site-specific data if available to develop a more refined estimate of the potential for acute exposures of concern. For this source category, we did not have short-term emissions data; therefore, we used the default multiplication factor of 10. The acute assessment methods are discussed more fully in the risk document, which is available in the docket for this action.

4. How do we conduct the multipathway exposure and risk screening assessment?

The EPA conducts a tiered screening assessment examining the potential for significant human health risks due to exposures via routes other than inhalation (*i.e.,* ingestion). We first determine whether any sources in the source category emit any HAP known to be PB–HAP, as identified in the EPA's Air Toxics Risk Assessment Library (See Volume 1, Appendix D, at *https://www.epa.gov/fera/risk-assessment-and-modeling-air-toxics-risk-assessment-reference-library.*

For the Stationary Combustion Turbine source category, we identified PB–HAP emissions of arsenic, cadmium, lead, and mercury, so we proceeded to the next step of the evaluation. In this step, we determine whether the facility-specific emission rates of the emitted PB–HAP are large enough to create the potential for significant human health risk through ingestion exposure under reasonable worst-case conditions. To facilitate this step, we use previously developed screening threshold emission rates for several PB–HAP that are based on a hypothetical upper-end screening exposure scenario developed for use in conjunction with the EPA's Total Risk Integrated Methodology.Fate, Transport, and Ecological Exposure (TRIM.FaTE) model. The PB–HAP with screening threshold emission rates are arsenic compounds, cadmium compounds, chlorinated dibenzodioxins and furans, mercury compounds, and polycyclic organic matter (POM). Based on EPA estimates of toxicity and bioaccumulation potential, the pollutants above represent a conservative list for inclusion in multipathway risk assessments for RTR rules. (See Volume 1, Appendix D at *https://www.epa.gov/sites/production/files/201308/documents/volume_1_reflibrary.pdf*). In this assessment, we compare the facility-specific emission rates of these PB–HAP to the screening threshold emission rates for each PB–HAP to assess the potential for significant human health risks via the ingestion pathway. We call this application of the TRIM.FaTE model the Tier 1 screening assessment. The ratio of a facility's actual emission rate to the Tier 1 screening threshold emission rate is a ''screening value.''

We derive the Tier 1 screening threshold emission rates for these PB–HAP (other than lead compounds) to correspond to a maximum excess lifetime cancer risk of 1-in-1 million (*i.e.,* for arsenic compounds, polychlorinated dibenzodioxins and furans and POM) or, for HAP that cause noncancer health effects (*i.e.,* cadmium compounds and mercury compounds), a maximum HQ of 1. If the emission rate of any one PB–HAP or combination of carcinogenic PB–HAP in the Tier 1 screening assessment exceeds the Tier 1 screening threshold emission rate for any facility (*i.e.,* the screening value is greater than 1), we conduct a second screening assessment, which we call the Tier 2 screening assessment.

In the Tier 2 screening assessment, the location of each facility that exceeds a Tier 1 screening threshold emission rate is used to refine the assumptions associated with the Tier 1 fisher and farmer exposure scenarios at that facility. A key assumption in the Tier 1 screening assessment is that a lake and/or farm is located near the facility. As part of the Tier 2 screening assessment, we use a U.S. Geological Survey (USGS) database to identify actual waterbodies within 50 km of each facility. We also examine the differences between local meteorology near the facility and the meteorology used in the Tier 1 screening assessment. We then adjust the previously-developed Tier 1 screening threshold emission rates for each PB–HAP for each facility based on an understanding of how exposure concentrations estimated for the screening scenario change with the use of local meteorology and USGS waterbody data. If the PB–HAP emission rates for a facility exceed the Tier 2 screening threshold emission rates and data are available, we may conduct a Tier 3 screening assessment. If PB–HAP emission rates do not exceed a Tier 2 screening value of 1, we consider those PB–HAP emissions to pose risks below a level of concern.

There are several analyses that can be included in a Tier 3 screening assessment, depending upon the extent of refinement warranted, including validating that the lakes are fishable, considering plume-rise to estimate emissions lost above the mixing layer, and considering hourly effects of meteorology and plume rise on chemical fate and transport. If the Tier 3 screening assessment indicates that risks above levels of concern cannot be ruled out, the EPA may further refine the screening assessment through a site-specific assessment.

In evaluating the potential multipathway risk from emissions of lead compounds, rather than developing a screening threshold emission rate, we compare maximum estimated chronic inhalation exposure concentrations to the level of the current National Ambient Air Quality Standard (NAAQS) for lead.[15] Values below the level of the primary (health-based) lead NAAQS are considered to have a low potential for multipathway risk.

For further information on the multipathway assessment approach, see the risk document, which is available in the docket for this action.

[15] In doing so, the EPA notes that the legal standard for a primary NAAQS—that a standard is requisite to protect public health and provide an adequate margin of safety (CAA section 109(b))—differs from the CAA section 112(f) standard (requiring, among other things, that the standard provide an ''ample margin of safety to protect public health''). However, the primary lead NAAQS is a reasonable measure of determining risk acceptability (*i.e.,* the first step of the Benzene NESHAP analysis) since it is designed to protect the most susceptible group in the human population—children, including children living near major lead emitting sources. 73 FR 67002/3; 73 FR 67000/3; 73 FR 67005/1. In addition, applying the level of the primary lead NAAQS at the risk acceptability step is conservative, since that primary lead NAAQS reflects an adequate margin of safety.

5. How do we conduct the environmental risk screening assessment?

a. Adverse Environmental Effect, Environmental HAP, and Ecological Benchmarks

The EPA conducts a screening assessment to examine the potential for an adverse environmental effect as required under section 112(f)(2)(A) of the CAA. Section 112(a)(7) of the CAA defines ''adverse environmental effect'' as ''any significant and widespread adverse effect, which may reasonably be anticipated, to wildlife, aquatic life, or other natural resources, including adverse impacts on populations of endangered or threatened species or significant degradation of environmental quality over broad areas.''

The EPA focuses on eight HAP, which are referred to as ''environmental HAP,'' in its screening assessment: Six PB–HAP and two acid gases. The PB–HAP included in the screening assessment are arsenic compounds, cadmium compounds, dioxins/furans, POM, mercury (both inorganic mercury and methyl mercury), and lead compounds. The acid gases included in the screening assessment are hydrochloric acid (HCl) and hydrogen fluoride (HF).

HAP that persist and bioaccumulate are of particular environmental concern because they accumulate in the soil, sediment, and water. The acid gases, HCl and HF, are included due to their well-documented potential to cause direct damage to terrestrial plants. In the environmental risk screening assessment, we evaluate the following four exposure media: Terrestrial soils, surface water bodies (includes water-column and benthic sediments), fish consumed by wildlife, and air. Within these four exposure media, we evaluate nine ecological assessment endpoints, which are defined by the ecological entity and its attributes. For PB–HAP (other than lead), both community-level and population-level endpoints are included. For acid gases, the ecological assessment evaluated is terrestrial plant communities.

An ecological benchmark represents a concentration of HAP that has been linked to a particular environmental effect level. For each environmental HAP, we identified the available ecological benchmarks for each assessment endpoint. We identified, where possible, ecological benchmarks at the following effect levels: Probable effect levels, lowest-observed-adverse-effect level, and no-observed-adverse-effect level. In cases where multiple effect levels were available for a particular PB–HAP and assessment endpoint, we use all of the available effect levels to help us to determine whether ecological risks exist and, if so, whether the risks could be considered significant and widespread.

For further information on how the environmental risk screening assessment was conducted, including a discussion of the risk metrics used, how the environmental HAP were identified, and how the ecological benchmarks were selected, see Appendix 9 of the risk document, which is available in the docket for this action.

b. Environmental Risk Screening Methodology

For the environmental risk screening assessment, the EPA first determined whether any facilities in the Stationary Combustion Turbine source category emitted any of the environmental HAP, and we identified emissions of arsenic, cadmium, mercury, lead, and HCl. Because one or more of the environmental HAP evaluated are emitted by at least one facility in the source category, we proceeded to the second step of the evaluation.

c. PB–HAP Methodology

The environmental screening assessment includes six PB–HAP, arsenic compounds, cadmium compounds, dioxins/furans, POM, mercury (both inorganic mercury and methyl mercury), and lead compounds. With the exception of lead, the environmental risk screening assessment for PB–HAP consists of three tiers. The first tier of the environmental risk screening assessment uses the same health-protective conceptual model that is used for the Tier 1 human health screening assessment. TRIM.FaTE model simulations were used to back-calculate Tier 1 screening threshold emission rates. The screening threshold emission rates represent the emission rate in tpy that results in media concentrations at the facility that equal the relevant ecological benchmark. To assess emissions from each facility in the category, the reported emission rate for each PB–HAP was compared to the Tier 1 screening threshold emission rate for that PB–HAP for each assessment endpoint and effect level. If emissions from a facility do not exceed the Tier 1 screening threshold emission rate, the facility ''passes'' the screening assessment, and, therefore, is not evaluated further under the screening approach. If emissions from a facility exceed the Tier 1 screening threshold emission rate, we evaluate the facility further in Tier 2.

In Tier 2 of the environmental screening assessment, the screening threshold emission rates are adjusted to account for local meteorology and the actual location of lakes in the vicinity of facilities that did not pass the Tier 1 screening assessment. For soils, we evaluate the average soil concentration for all soil parcels within a 7.5-km radius for each facility and PB–HAP. For the water, sediment, and fish tissue concentrations, the highest value for each facility for each pollutant is used. If emission concentrations from a facility do not exceed the Tier 2 screening threshold emission rate, the facility ''passes'' the screening assessment and typically is not evaluated further. If emissions from a facility exceed the Tier 2 screening threshold emission rate, we evaluate the facility further in Tier 3.

As in the multipathway human health risk assessment, in Tier 3 of the environmental screening assessment, we examine the suitability of the lakes around the facilities to support life and remove those that are not suitable (*e.g.,* lakes that have been filled in or are industrial ponds), adjust emissions for plume-rise, and conduct hour-by-hour time-series assessments. If these Tier 3 adjustments to the screening threshold emission rates still indicate the potential for an adverse environmental effect (*i.e.,* facility emission rate exceeds the screening threshold emission rate), we may elect to conduct a more refined assessment using more site-specific information. If, after additional refinement, the facility emission rate still exceeds the screening threshold emission rate, the facility may have the potential to cause an adverse environmental effect.

To evaluate the potential for an adverse environmental effect from lead, we compared the average modeled air concentrations (from HEM–3) of lead around each facility in the source category to the level of the secondary NAAQS for lead. The secondary lead NAAQS is a reasonable means of evaluating environmental risk because it is set to provide substantial protection against adverse welfare effects which can include ''effects on soils, water, crops, vegetation, man-made materials, animals, wildlife, weather, visibility and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being.''

d. Acid Gas Environmental Risk Methodology

The environmental screening assessment for acid gases evaluates the

potential phytotoxicity and reduced productivity of plants due to chronic exposure to HF and HCl. The environmental risk screening methodology for acid gases is a single-tier screening assessment that compares modeled ambient air concentrations (from AERMOD) to the ecological benchmarks for each acid gas. To identify a potential adverse environmental effect (as defined in section 112(a)(7) of the CAA) from emissions of HF and HCl, we evaluate the following metrics: The size of the modeled area around each facility that exceeds the ecological benchmark for each acid gas, in acres and km^2; the percentage of the modeled area around each facility that exceeds the ecological benchmark for each acid gas; and the area-weighted average screening value around each facility (Calculated by dividing the area-weighted average concentration over the 50-km modeling domain by the ecological benchmark for each acid gas). For further information on the environmental screening assessment approach, see Appendix 9 of the risk document, which is available in the docket for this action.

6. How do we conduct facility-wide assessments?

To put the source category risks in context, we typically examine the risks from the entire ''facility,'' where the facility includes all HAP-emitting operations within a contiguous area and under common control. In other words, we examine the HAP emissions not only from the source category emission points of interest, but also emissions of HAP from all other emission sources at the facility for which we have data.

For this source category, we conducted the facility-wide assessment using a dataset that the EPA compiled from the 2014 NEI. We used the NEI data for the facility and did not adjust any category or ''non-category'' data. Therefore, there could be differences in the dataset from that used for the source category assessments described in this preamble. We analyzed risks due to the inhalation of HAP that are emitted ''facility-wide'' for the populations residing within 50 km of each facility, consistent with the methods used for the source category analysis described above. For these facility-wide risk analyses, we made a reasonable attempt to identify the source category risks, and these risks were compared to the facility-wide risks to determine the portion of facility-wide risks that could be attributed to the source category addressed in this proposal. We also specifically examined the facility that was associated with the highest estimate of risk and determined the percentage of that risk attributable to the source category of interest. The risk document, available through the docket for this action, provides the methodology and results of the facility-wide analyses, including all facility-wide risks and the percentage of source category contribution to facility-wide risks.

7. How do we consider uncertainties in risk assessment?

Uncertainty and the potential for bias are inherent in all risk assessments, including those performed for this proposal. Although uncertainty exists, we believe that our approach, which used conservative tools and assumptions, ensures that our decisions are health and environmentally protective. A brief discussion of the uncertainties in the RTR emissions dataset, dispersion modeling, inhalation exposure estimates, and dose-response relationships follows below. Also included are those uncertainties specific to our acute screening assessments, multipathway screening assessments, and our environmental risk screening assessments. A more thorough discussion of these uncertainties is included in the risk document, which is available in the docket for this action. If a multipathway site-specific assessment was performed for this source category, a full discussion of the uncertainties associated with that assessment can be found in Appendix 11 of that document, *Site-Specific Human Health Multipathway Residual Risk Assessment Report.*

a. Uncertainties in the RTR Emissions Dataset

Although the development of the RTR emissions dataset involved quality assurance/quality control processes, the accuracy of emissions values will vary depending on the source of the data, the degree to which data are incomplete or missing, the degree to which assumptions made to complete the datasets are accurate, errors in emission estimates, and other factors. The emission estimates considered in this analysis generally are annual totals for certain years, and they do not reflect short-term fluctuations during the course of a year or variations from year to year. The estimates of peak hourly emission rates for the acute effects screening assessment were based on an emission adjustment factor applied to the average annual hourly emission rates, which are intended to account for emission fluctuations due to normal facility operations.

b. Uncertainties in Dispersion Modeling

We recognize there is uncertainty in ambient concentration estimates associated with any model, including the EPA's recommended regulatory dispersion model, AERMOD. In using a model to estimate ambient pollutant concentrations, the user chooses certain options to apply. For RTR assessments, we select some model options that have the potential to overestimate ambient air concentrations (*e.g.,* not including plume depletion or pollutant transformation). We select other model options that have the potential to underestimate ambient impacts (*e.g.,* not including building downwash). Other options that we select have the potential to either under- or overestimate ambient levels (*e.g.,* meteorology and receptor locations). On balance, considering the directional nature of the uncertainties commonly present in ambient concentrations estimated by dispersion models, the approach we apply in the RTR assessments should yield unbiased estimates of ambient HAP concentrations. We also note that the selection of meteorology dataset location could have an impact on the risk estimates. As we continue to update and expand our library of meteorological station data used in our risk assessments, we expect to reduce this variability.

c. Uncertainties in Inhalation Exposure Assessment

Although every effort is made to identify all of the relevant facilities and emission points, as well as to develop accurate estimates of the annual emission rates for all relevant HAP, the uncertainties in our emission inventory likely dominate the uncertainties in the exposure assessment. Some uncertainties in our exposure assessment include human mobility, using the centroid of each census block, assuming lifetime exposure, and assuming only outdoor exposures. For most of these factors, there is neither an under nor overestimate when looking at the maximum individual risk or the incidence, but the shape of the distribution of risks may be affected. With respect to outdoor exposures, actual exposures may not be as high if people spend time indoors, especially for very reactive pollutants or larger particles. For all factors, we reduce uncertainty when possible. For example, with respect to census-block centroids, we analyze large blocks using aerial imagery and adjust locations of the block centroids to better represent the population in the blocks. We also add additional receptor locations where

the population of a block is not well represented by a single location.

d. Uncertainties in Dose-Response Relationships

There are uncertainties inherent in the development of the dose-response values used in our risk assessments for cancer effects from chronic exposures and noncancer effects from both chronic and acute exposures. Some uncertainties are generally expressed quantitatively, and others are generally expressed in qualitative terms. We note, as a preface to this discussion, a point on dose-response uncertainty that is stated in the EPA's *2005 Guidelines for Carcinogen Risk Assessment;* namely, that ''the primary goal of EPA actions is protection of human health; accordingly, as an Agency policy, risk assessment procedures, including default options that are used in the absence of scientific data to the contrary, should be health protective'' (the EPA's *2005 Guidelines for Carcinogen Risk Assessment,* page 1–7). This is the approach followed here as summarized in the next paragraphs.

Cancer UREs used in our risk assessments are those that have been developed to generally provide an upper bound estimate of risk.[16] That is, they represent a ''plausible upper limit to the true value of a quantity'' (although this is usually not a true statistical confidence limit). In some circumstances, the true risk could be as low as zero; however, in other circumstances the risk could be greater.[17] Chronic noncancer RfC and reference dose (RfD) values represent chronic exposure levels that are intended to be health-protective levels. To derive dose-response values that are intended to be ''without appreciable risk,'' the methodology relies upon an uncertainty factor (UF) approach [18] which considers uncertainty, variability, and gaps in the available data. The UFs are applied to derive dose-response values that are intended to protect against appreciable risk of deleterious effects.

Many of the UFs used to account for variability and uncertainty in the development of acute dose-response values are quite similar to those developed for chronic durations. Additional adjustments are often applied to account for uncertainty in extrapolation from observations at one exposure duration (*e.g.,* 4 hours) to derive an acute dose-response value at another exposure duration (*e.g.,* 1 hour). Not all acute dose-response values are developed for the same purpose, and care must be taken when interpreting the results of an acute assessment of human health effects relative to the dose-response value or values being exceeded. Where relevant to the estimated exposures, the lack of acute dose-response values at different levels of severity should be factored into the risk characterization as potential uncertainties.

Uncertainty also exists in the selection of ecological benchmarks for the environmental risk screening assessment. We established a hierarchy of preferred benchmark sources to allow selection of benchmarks for each environmental HAP at each ecological assessment endpoint. We searched for benchmarks for three effect levels (*i.e.,* no-effects level, threshold-effect level, and probable effect level), but not all combinations of ecological assessment/environmental HAP had benchmarks for all three effect levels. Where multiple effect levels were available for a particular HAP and assessment endpoint, we used all of the available effect levels to help us determine whether risk exists and whether the risk could be considered significant and widespread.

Although we make every effort to identify appropriate human health effect dose-response values for all pollutants emitted by the sources in this risk assessment, some HAP emitted by this source category are lacking dose-response assessments. Accordingly, these pollutants cannot be included in the quantitative risk assessment, which could result in quantitative estimates understating HAP risk. To help to alleviate this potential underestimate, where we conclude similarity with a HAP for which a dose-response value is available, we use that value as a surrogate for the assessment of the HAP for which no value is available. To the extent use of surrogates indicates appreciable risk, we may identify a need to increase priority for an IRIS assessment for that substance. We additionally note that, generally speaking, HAP of greatest concern due to environmental exposures and hazard are those for which dose-response assessments have been performed, reducing the likelihood of understating risk. Further, HAP not included in the quantitative assessment are assessed qualitatively and considered in the risk characterization that informs the risk management decisions, including consideration of HAP reductions achieved by various control options.

For a group of compounds that are unspeciated (*e.g.,* glycol ethers), we conservatively use the most protective dose-response value of an individual compound in that group to estimate risk. Similarly, for an individual compound in a group (*e.g.,* ethylene glycol diethyl ether) that does not have a specified dose-response value, we also apply the most protective dose-response value from the other compounds in the group to estimate risk.

e. Uncertainties in Acute Inhalation Screening Assessments

In addition to the uncertainties highlighted above, there are several factors specific to the acute exposure assessment that the EPA conducts as part of the risk review under section 112 of the CAA. The accuracy of an acute inhalation exposure assessment depends on the simultaneous occurrence of independent factors that may vary greatly, such as hourly emissions rates, meteorology, and the presence of humans at the location of the maximum concentration. In the acute screening assessment that we conduct under the RTR program, we assume that peak emissions from the source category and worst-case meteorological conditions co-occur, thus, resulting in maximum ambient concentrations. These two events are unlikely to occur at the same time, making these assumptions conservative. We then include the additional assumption that a person is located at this point during this same time period. For this source category, these assumptions would tend to be worst-case actual exposures, as it is unlikely that a person would be located at the point of maximum exposure during the time when peak emissions and worst-case meteorological conditions occur simultaneously.

f. Uncertainties in the Multipathway and Environmental Risk Screening Assessments

For each source category, we generally rely on site-specific levels of PB–HAP or environmental HAP emissions to determine whether a refined assessment of the impacts from multipathway exposures is necessary or whether it is necessary to perform an environmental screening assessment. This determination is based on the results of a three-tiered screening

[16] IRIS glossary (*https://ofmpub.epa.gov/sor_internet/registry/termreg/searchandretrieve/glossariesandkeywordlists/search.do?details=&glossaryName=IRIS%20Glossary*).

[17] An exception to this is the URE for benzene, which is considered to cover a range of values, each end of which is considered to be equally plausible, and which is based on maximum likelihood estimates.

[18] See *A Review of the Reference Dose and Reference Concentration Processes,* U.S. EPA, December 2002, and *Methods for Derivation of Inhalation Reference Concentrations and Application of Inhalation Dosimetry,* U.S. EPA, 1994.

assessment that relies on the outputs from models—TRIM.FaTE and AERMOD—that estimate environmental pollutant concentrations and human exposures for five PB–HAP (dioxins, POM, mercury, cadmium, and arsenic) and two acid gases (HF and hydrogen chloride). For lead, we use AERMOD to determine ambient air concentrations, which are then compared to the secondary NAAQS standard for lead. Two important types of uncertainty associated with the use of these models in RTR risk assessments and inherent to any assessment that relies on environmental modeling are model uncertainty and input uncertainty.[19]

Model uncertainty concerns whether the model adequately represents the actual processes (*e.g.,* movement and accumulation) that might occur in the environment. For example, does the model adequately describe the movement of a pollutant through the soil? This type of uncertainty is difficult to quantify. However, based on feedback received from previous EPA SAB reviews and other reviews, we are confident that the models used in the screening assessments are appropriate and state-of-the-art for the multipathway and environmental screening risk assessments conducted in support of RTR.

Input uncertainty is concerned with how accurately the models have been configured and parameterized for the assessment at hand. For Tier 1 of the multipathway and environmental screening assessments, we configured the models to avoid underestimating exposure and risk. This was accomplished by selecting upper-end values from nationally representative datasets for the more influential parameters in the environmental model, including selection and spatial configuration of the area of interest, lake location and size, meteorology, surface water, soil characteristics, and structure of the aquatic food web. We also assume an ingestion exposure scenario and values for human exposure factors that represent reasonable maximum exposures.

In Tier 2 of the multipathway and environmental screening assessments, we refine the model inputs to account for meteorological patterns in the vicinity of the facility versus using upper-end national values, and we identify the actual location of lakes near the facility rather than the default lake location that we apply in Tier 1. By refining the screening approach in Tier 2 to account for local geographical and meteorological data, we decrease the likelihood that concentrations in environmental media are overestimated, thereby increasing the usefulness of the screening assessment. In Tier 3 of the screening assessments, we refine the model inputs again to account for hour-by-hour plume rise and the height of the mixing layer. We can also use those hour-by-hour meteorological data in a TRIM.FaTE run using the screening configuration corresponding to the lake location. These refinements produce a more accurate estimate of chemical concentrations in the media of interest, thereby reducing the uncertainty with those estimates. The assumptions and the associated uncertainties regarding the selected ingestion exposure scenario are the same for all three tiers.

For the environmental screening assessment for acid gases, we employ a single-tiered approach. We use the modeled air concentrations and compare those with ecological benchmarks.

For all tiers of the multipathway and environmental screening assessments, our approach to addressing model input uncertainty is generally cautious. We choose model inputs from the upper end of the range of possible values for the influential parameters used in the models, and we assume that the exposed individual exhibits ingestion behavior that would lead to a high total exposure. This approach reduces the likelihood of not identifying high risks for adverse impacts.

Despite the uncertainties, when individual pollutants or facilities do not exceed screening threshold emission rates (*i.e.,* screen out), we are confident that the potential for adverse multipathway impacts on human health is very low. On the other hand, when individual pollutants or facilities do exceed screening threshold emission rates, it does not mean that impacts are significant, only that we cannot rule out that possibility and that a refined assessment for the site might be necessary to obtain a more accurate risk characterization for the source category.

The EPA evaluates the following HAP in the multipathway and/or environmental risk screening assessments, where applicable: Arsenic, cadmium, dioxins/furans, lead, mercury (both inorganic and methyl mercury), POM, HCl, and HF. These HAP represent pollutants that can cause adverse impacts either through direct exposure to HAP in the air or through exposure to HAP that are deposited from the air onto soils and surface waters and then through the environment into the food web. These HAP represent those HAP for which we can conduct a meaningful multipathway or environmental screening risk assessment. For other HAP not included in our screening assessments, the model has not been parameterized such that it can be used for that purpose. In some cases, depending on the HAP, we may not have appropriate multipathway models that allow us to predict the concentration of that pollutant. The EPA acknowledges that other HAP beyond these that we are evaluating may have the potential to cause adverse effects and, therefore, the EPA may evaluate other relevant HAP in the future, as modeling science and resources allow.

IV. Analytical Results and Proposed Decisions

A. What are the results of the risk assessment and analyses?

As described above, for the Stationary Combustion Turbines source category, we conducted an inhalation risk assessment for all HAP emitted and we also conducted multipathway and environmental risk screening assessments on the PB–HAP emitted. We present results of the risk assessment briefly below and in more detail in the risk document. Note that risk modeling was conducted for 253 facilities. Additional information obtained after the risk modeling was completed was used to refine our estimate of facilities in the source category to 242. The risk assessment results presented in this preamble and in the risk document are shown for the 253 facilities modeled.

1. Inhalation Risk Assessment Results

Table 3 of this preamble provides a summary of the results of the inhalation risk assessment for the source category. More detailed information on the risk assessment can be found in the risk document, available in the docket for this action.

[19] In the context of this discussion, the term ''uncertainty'' as it pertains to exposure and risk encompasses both *variability* in the range of expected inputs and screening results due to existing spatial, temporal, and other factors, as well as *uncertainty* in being able to accurately estimate the true result.

TABLE 3—STATIONARY COMBUSTION TURBINES INHALATION RISK ASSESSMENT RESULTS

Number of facilities [1]	Maximum individual cancer risk (in 1 million) [2]		Population at increased risk of cancer ≥1-in-1 million		Annual cancer incidence (cases per year)		Maximum chronic noncancer TOSHI [3]		Maximum screening acute noncancer HQ [4]
	Based on . . .		Based on . . .		Based on . . .		Based on . . .		Based on actual emissions level
	Actual emissions level	Allowable emissions level	Actual emissions level	Allowable emissions level	Actual emissions level	Allowable emissions level	Actual emissions level	Allowable emissions level	
253	3	3	42,000	42,000	0.04	0.04	0.04	0.04	HQ_{REL} = 2 (acrolein), HQ_{AEGL-1} = 0.07.

[1] Number of facilities evaluated in the risk analysis.
[2] Maximum individual excess lifetime cancer risk due to HAP emissions from the source category.
[3] Maximum TOSHI. The target organ system with the highest TOSHI for the source category is respiratory. The respiratory TOSHI was calculated using the CalEPA chronic REL for acrolein. The EPA is in the process of updating the IRIS RfC for acrolein. If the RfC is updated prior to signature of the final rule, we will use it in the assessment.
[4] The maximum estimated acute exposure concentration was divided by available short-term threshold values to develop an array of HQ values. HQ values shown use the lowest available acute threshold value, which in most cases is the REL. When an HQ exceeds 1, we also show the HQ using the next lowest available acute dose-response value.

As shown in Table 3, based on actual and allowable emissions, the estimated cancer MIR is 3-in-1 million, and formaldehyde emissions are the major contributor to the risk. The total estimated cancer incidence from this source category is 0.04 excess cancer cases per year, or one excess case in every 25 years. Approximately 42,000 people are estimated to have cancer risks at or above 1-in-1 million from HAP emitted from the facilities in this source category. The estimated maximum chronic noncancer TOSHI for the source category is 0.04 (respiratory), which is driven by emissions of formaldehyde. No individuals are exposed to TOSHI levels above 1.

2. Acute Risk Results

Table 3 provides the worst-case acute HQ (based on the REL) of 2, driven by actual emissions of acrolein. Only one facility has an HQ (REL) that exceeds 1. To better characterize the potential health risks associated with estimated worst-case acute exposures to HAP, and in response to a key recommendation from the SAB's peer review of the EPA's RTR risk assessment methodologies, we examine a wider range of available acute health metrics than we do for our chronic risk assessments. This is in acknowledgement that there are generally more data gaps and uncertainties in acute reference values than there are in chronic reference values. By definition, the acute REL represents a health-protective level of exposure, with effects not anticipated below those levels, even for repeated exposures; however, the level of exposure that would cause health effects is not specifically known. Therefore, when an REL is exceeded and an AEGL–1 or ERPG–1 level is available (*i.e.,* levels at which mild, reversible effects are anticipated in the general public for a single exposure), we typically use them as an additional comparative measure, as they provide an upper bound for exposure levels above which exposed individuals could experience effects. As the exposure concentration increases above the acute REL, the potential for effects increases.

The worst-case maximum estimated 1-hour exposure to acrolein outside the facility fence line is 0.004 mg/m^3. This estimated worst-case exposure exceeds the 1-hour REL by a factor of 2 (HQ=2) and is less than 10 percent of the 1-hour AEGL–1 and ERPG–1. For more detailed acute risk results, refer to the risk document.

3. Multipathway Risk Screening Results

Potential multipathway health risks under a fisher and gardener scenario were evaluated using a three-tier screening assessment of the PB–HAP emitted by facilities in this source category. Of the 253 facilities modeled, 35 facilities have reported emissions of carcinogenic PB–HAP (arsenic) that exceed a Tier 1 cancer screening value of 1, and 15 facilities have reported emissions of non-carcinogenic PB–HAP (mercury and/or cadmium) that exceed a Tier 1 noncancer screening value of 1. For facilities that exceeded a Tier 1 multipathway screening value of 1, we used additional facility-specific information to perform an assessment through Tiers 2 and 3, as necessary, to determine the maximum chronic cancer and noncancer multipathway health risks for the source category. For cancer, the highest Tier 2 screening value was 20 and there were 17 facilities with Tier 2 screening values greater than 1. This highest screening value was reduced to 4 after Tier 3. For noncancer, the highest Tier 2 screening value was 4 (for mercury), and there were 3 facilities with Tier 2 screening values greater than 1. After Tier 3, the highest screening value was 1.

An exceedance of a screening value in any of the tiers cannot be equated with a risk value or an HQ (or HI). Rather, it represents a high-end estimate of what the risk or hazard may be. For example, a screening value of 2 for a non-carcinogen can be interpreted to mean that we are confident that the HQ would be lower than 2. Similarly, a screening value of 30 for a carcinogen means that we are confident that the risk is lower than 30-in-1 million. Our confidence comes from the conservative, or health-protective, assumptions encompassed in the screening tiers: We choose inputs from the upper end of the range of possible values for the influential parameters used in the screening tiers; and we assume that the exposed individual exhibits ingestion behavior that would lead to a high total exposure.

In evaluating the potential for multipathway effects from emissions of lead, we compared modeled annual lead concentrations to the primary NAAQS for lead (0.15 μg/m^3). The highest annual lead concentration of 0.0003 μg/m^3 is well below the NAAQS for lead, indicating a low potential for multipathway impacts of concern due to lead.

4. Environmental Risk Screening Results

As described in section III.C.5 of this document, we conducted an environmental risk screening assessment for the Stationary Combustion Turbine source category for the following pollutants: Arsenic, cadmium, mercury, lead, and HCl.

In the Tier 1 screening analysis for PB–HAP (other than lead, which was evaluated differently), arsenic had no exceedances of any of the ecological benchmarks evaluated. Divalent mercury and methyl mercury emissions had Tier 1 exceedances for surface soil benchmarks. Cadmium emissions had Tier 1 exceedances for surface soil and fish benchmarks.

A Tier 2 screening analysis was performed for cadmium, divalent mercury, and methyl mercury emissions. In the Tier 2 screening analysis, there were no exceedances of

any of the ecological benchmarks evaluated for any of the pollutants.

For lead, we did not estimate any exceedances of the secondary lead NAAQS. For HCl, the average modeled concentration around each facility (*i.e.,* the average concentration of all off-site data points in the modeling domain) did not exceed any ecological benchmark. In addition, each individual modeled concentration of HCl (*i.e.,* each off-site data point in the modeling domain) was below the ecological benchmarks for all facilities.

Based on the results of the environmental risk screening analysis, we do not expect an adverse environmental effect as a result of HAP emissions from this source category.

5. Facility-Wide Risk Results

Based on facility-wide emissions, the estimated cancer MIR is 2,000-in-1 million, and ethylene oxide from chemical manufacturing is the major contributor to the risk. The total estimated cancer incidence based on facility-wide emissions is 0.7 excess cancer cases per year, or one excess case in every 1 to 2 years. Approximately 2.8 million people are estimated to have cancer risks at or above 1-in-1 million. The estimated maximum chronic noncancer TOSHI based on facility-wide emissions is 4 (respiratory), driven by emissions of chlorine from chemical manufacturing, and approximately 360 people are exposed to a TOSHI above 1.

6. What demographic groups might benefit from this regulation?

To examine the potential for any environmental justice issues that might be associated with the source category, we performed a demographic analysis, which is an assessment of risk to individual demographic groups of the populations living within 5 km and within 50 km of the facilities. In the analysis, we evaluated the distribution of HAP-related cancer and noncancer risk from the Stationary Combustion Turbines source category across different demographic groups within the populations living near facilities.[20]

The results of the demographic analysis are summarized in Table 4 below. These results, for various demographic groups, are based on the estimated risk from actual emissions levels for the population living within 50 km of the facilities.

TABLE 4—STATIONARY COMBUSTION TURBINES DEMOGRAPHIC RISK ANALYSIS RESULTS

	Nationwide	Source category	
		Population with cancer risk greater than or equal to 1-in-1 million	Population with hazard index greater than 1
Stationary Combustion Turbines Source Category: Demographic Assessment Results—50 km Study Area Radius			
Total Population	317,746,049	42,191	0
White and Minority by Percent			
White	62	52	0
Minority	38	48	0
Minority by Percent			
African American	12	11	0
Native American	0.8	0.1	0
Hispanic or Latino (includes white and nonwhite)	18	31	0
Other and Multiracial	7	6	0
Income by Percent			
Below Poverty Level	14	19	0
Above Poverty Level	86	81	0
Education by Percent			
Over 25 and without a High School Diploma	14	13	0
Over 25 and with a High School Diploma	86	87	0
Linguistically Isolated by Percent			
Linguistically Isolated	6	9	0

The results of the Stationary Combustion Turbines source category demographic analysis indicate that emissions from the source category expose approximately 42,000 people to a cancer risk at or above 1-in-1 million and no people to a chronic noncancer TOSHI greater than 1. Regarding cancer risk, the specific demographic results indicate that the percentage of the population potentially impacted by Stationary Combustion Turbine emissions is greater than its corresponding nationwide percentage for the following demographics: Hispanic or Latino (31 percent for the source category compared to 18 percent nationwide), minority (48 percent for

[20] Demographic groups included in the analysis are: White, African American, Native American, other races and multiracial, Hispanic or Latino, children 17 years of age and under, adults 18 to 64 years of age, adults 65 years of age and over, adults without a high school diploma, people living below the poverty level, people living two times the poverty level, and linguistically isolated people.

the source category compared to 38 percent nationwide), age 18 to 64 (69 percent for the source category compared to 63 percent nationwide), below the poverty level (19 percent for the source category compared to 14 percent nationwide), and linguistically isolated (9 percent for the source category compared to 6 percent nationwide). The remaining demographic group percentages are the same as or less than the corresponding nationwide percentages.

The methodology and the results of the demographic analysis are presented in a technical report, *Risk and Technology Review—Analysis of Demographic Factors for Populations Living Near Stationary Combustion Turbines Source Category Operations,* available in the docket for this action.

B. What are our proposed decisions regarding risk acceptability, ample margin of safety, and adverse environmental effect?

1. Risk Acceptability

As noted in section III of this preamble, the EPA sets standards under CAA section 112(f)(2) using ''a two-step standard-setting approach, with an analytical first step to determine an 'acceptable risk' that considers all health information, including risk estimation uncertainty, and includes a presumptive limit on MIR of approximately 1-in-10 thousand'' (54 FR 38045, September 14, 1989). In this proposal, the EPA estimated risks based on actual and allowable emissions from stationary combustion turbines located at major sources of HAP, and we considered these in determining acceptability.

The estimated inhalation cancer risk to the individual most exposed to actual or allowable emissions from the source category is 3-in-1 million. The estimated incidence of cancer due to inhalation exposures is 0.04 excess cancer cases per year, or one excess case every 25 years. Approximately 42,000 people face an increased cancer risk at or above 1-in-1 million due to inhalation exposure to actual or allowable HAP emissions from this source category. The estimated maximum chronic noncancer TOSHI from inhalation exposure for this source category is 0.04. The screening assessment of worst-case inhalation impacts indicates a worst-case maximum acute HQ of 2 for acrolein based on the 1-hour REL and concentrations that are less than 10 percent of the 1-hour AEGL–1 and ERPG–1. Only one facility has an HQ (REL) that exceeds 1.

Potential multipathway human health risks were estimated using a three-tier screening assessment of the PB–HAP emitted by facilities in this source category. The only pollutants with elevated Tier 1 and Tier 2 screening values are arsenic (cancer), cadmium (noncancer), and mercury (noncancer). The Tier 3 screening values for these pollutants are low. For cancer, the Tier 3 screening value for arsenic is 4. For noncancer, the Tier 3 screening value for cadmium is less than 1, and the screening value for mercury is 1.

In determining whether risks are acceptable for this source category, the EPA considered all available health information and risk estimation uncertainty as described above. The risk results indicate that both the actual and allowable inhalation cancer risks to the individual most exposed are well below 100-in-1 million, which is the presumptive limit of acceptability. In addition, the highest chronic noncancer TOSHI is well below 1, indicating low likelihood of adverse noncancer effects from inhalation exposures. There are also low estimated risks associated with ingestion, with the highest cancer risk being 4-in-1 million and the highest noncancer HI being 1, based on a Tier 3 multipathway screening assessment.

The acute screening analysis results in a maximum acute noncancer HQ of 2 based on the acute REL for acrolein. This occurs at only one facility of the 253 that were modeled. For acute screening analyses, to better characterize the potential health risks associated with estimated worst-case acute exposures to HAP, we examine a wider range of available acute health metrics than we do for our chronic risk assessments. This is in acknowledgement that there are generally more data gaps and uncertainties in acute reference values than there are in chronic reference values. By definition, the acute REL represents a health-protective level of exposure, with effects not anticipated below those levels, even for repeated exposures; however, the level of exposure that would cause health effects is not specifically known. As the exposure concentration increases above the acute REL, the potential for effects increases. Therefore, when an REL is exceeded and an AEGL–1 or ERPG–1 level is available (*i.e.,* levels at which mild, reversible effects are anticipated in the general population for a single exposure), we typically use them as an additional comparative measure, as they provide an upper bound for exposure levels above which exposed individuals could experience effects.

The highest estimated 1-hour concentration is less than 10 percent of the AEGL–1 and ERPG–1, well below the level at which mild, reversible effects would be anticipated. As stated previously, only one facility has an HQ (REL) that exceeds 1. In addition, the acute screening assessment includes the conservative (health protective) assumptions that every process releases its peak hourly emissions at the same hour, that the worst-case dispersion conditions occur at that same hour, and that an individual is present at the location of maximum concentration for that hour. As discussed previously in section III.C.3, we used a default multiplication factor of 10. A review of stack test data from turbines that were tested at different times shows that formaldehyde emissions during individual test runs generally vary by much less than a factor of 10 from the turbine's overall average emissions. Emissions of both acrolein and formaldehyde from stationary combustion turbines are primarily the result of incomplete combustion, so we expect acrolein emissions would not vary more significantly than formaldehyde emissions. Together, these factors lead us to conclude that adverse effects from acute exposure to emissions from this category are not anticipated.

Considering all of the health risk information and factors discussed above, including the uncertainties discussed in section III of this preamble, the EPA proposes that the risks are acceptable for this source category.

2. Ample Margin of Safety Analysis

As directed by CAA section 112(f)(2), we conducted an analysis to determine whether the current emissions standards provide an ample margin of safety to protect public health. Under the ample margin of safety analysis, the EPA considers all health factors evaluated in the risk assessment and evaluates the cost and feasibility of available control technologies and other measures (including the controls, measures, and costs reviewed under the technology review) that could be applied to this source category to further reduce the risks (or potential risks) due to emissions of HAP identified in our risk assessment. In this analysis, we considered the results of the technology review, risk assessment, and other aspects of our MACT rule review to determine whether there are any emission reduction measures necessary to provide an ample margin of safety with respect to the risks associated with these emissions.

Our risk analysis indicated the risks from the source category are low for both cancer and noncancer health effects, and, therefore, any risk reductions from further available control options would result in minimal health benefits. Moreover, as noted in our discussion of the technology review in section IV.C of this preamble, no additional cost-effective measures were identified for reducing HAP emissions from affected sources in the Stationary Combustion Turbine source category. Thus, we are proposing that the current Stationary Combustion Turbine NESHAP provides an ample margin of safety to protect public health.

Regarding the facility-wide risks due to ethylene oxide (described above), which are due to emission sources that are not part of the Stationary Combustion Turbines source category, we intend to evaluate those facility-wide estimated emissions and risks further and may address these in a separate future action, as appropriate. In particular, the EPA is addressing ethylene oxide based on the results of the latest NATA released in August 2018, which identified the chemical as a potential concern in several areas across the country (NATA is the Agency's nationwide air toxics screening tool, designed to help the EPA and state, local, and tribal air agencies identify areas, pollutants, or types of sources for further examination). The latest NATA estimates that ethylene oxide significantly contributes to potential elevated cancer risks in some census tracts across the U.S. (less than 1 percent of the total number of tracts). These elevated risks are largely driven by an EPA risk value that was updated in late 2016. The EPA will work with industry and state, local, and tribal air agencies as the EPA takes a two-pronged approach to address ethylene oxide emissions: (1) Reviewing and, as appropriate, revising CAA regulations for facilities that emit ethylene oxide—starting with air toxics emissions standards for miscellaneous organic chemical manufacturing facilities and commercial sterilizers; and (2) conducting site-specific risk assessments and, as necessary, implementing emission control strategies for targeted high-risk facilities. The EPA will post updates on its work to address ethylene oxide on its website at: *https://www.epa.gov/ethylene-oxide.*

3. Adverse Environmental Effect

Based on the results of our environmental risk screening assessment, we conclude that there is not an adverse environmental effect from the Stationary Combustion Turbine source category. We are proposing that it is not necessary to set a more stringent standard to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect.

C. What are the results and proposed decisions based on our technology review?

As described in section III.B of this preamble, our technology review focused on identifying developments in practices, processes, and control technologies that have occurred since the Stationary Combustion Turbine NESHAP was originally promulgated in 2004. Our review of the developments in technology for the Stationary Combustion Turbine source category did not reveal any changes that require revisions to the emission standards. The only add-on HAP emission control technology identified in the original NESHAP rulemaking was an oxidation catalyst. No new or improved add-on control technologies that reduce HAP emissions from turbines were identified during the technology review. Our review also did not identify any new or improved operation and maintenance practices, process changes, pollution prevention approaches, or testing and monitoring techniques for stationary combustion turbines. Therefore, we propose that no revisions to the Stationary Combustion Turbine NESHAP are necessary pursuant to CAA section 112(d)(6). Additional details of our technology review can be found in the *Technology Review for Stationary Combustion Turbines Risk and Technology Review (RTR)* memorandum, which is available in the docket for this action.

D. What other actions are we proposing?

In addition to the proposed actions described above, we are proposing additional revisions to the NESHAP. We are proposing revisions to the SSM provisions of the MACT rule in order to ensure that they are consistent with the Court decision in *Sierra Club* v. *EPA,* 551 F. 3d 1019 (D.C. Cir. 2008), which vacated two provisions that exempted sources from the requirement to comply with otherwise applicable CAA section 112(d) emission standards during periods of SSM. We also are proposing to require electronic submittal of performance test results and semiannual compliance reports, and to remove the stay of standards for new lean premix and diffusion flame gas-fired stationary combustion turbines. Our analyses and proposed changes related to these issues are discussed below.

1. SSM

In its 2008 decision in *Sierra Club* v. *EPA,* 551 F.3d 1019 (D.C. Cir. 2008), the Court vacated portions of two provisions in the EPA's CAA section 112 regulations governing the emissions of HAP during periods of SSM. Specifically, the Court vacated the SSM exemption contained in 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1), holding that under section 302(k) of the CAA, emissions standards or limitations must be continuous in nature and that the SSM exemption violates the CAA's requirement that some CAA section 112 standards apply continuously.

We are proposing the elimination of the SSM exemption in this rule which appears at 40 CFR 63.6105(a). Consistent with *Sierra Club* v. *EPA,* we are proposing standards in this rule that apply at all times. We are also proposing several revisions to Table 7 as is explained in more detail below. For example, we are proposing to eliminate the incorporation of the General Provisions' requirement that the source develop an SSM plan. We also are proposing to eliminate and revise certain recordkeeping and reporting requirements related to the SSM exemption as further described below.

The EPA has attempted to ensure that the provisions we are proposing to eliminate are inappropriate, unnecessary, or redundant in the absence of the SSM exemption. We are specifically seeking comment on whether we have successfully done so. In proposing the standards in this rule, the EPA has taken into account startup and shutdown periods and, for the reasons explained below, has proposed alternate standards for startup and has not proposed alternate standards for shutdown.

The EPA has determined that emissions from stationary combustion turbines during startup are significantly different than emissions during normal operation. The Gas Turbine Association provided the following information regarding the differences in turbine operation during startup that lead to changes in emissions: ''During startup the gas turbine combustor(s) transition through a variety of operational modes to ensure stable combustion and to minimize transient stresses on the gas turbine equipment. The equipment experiences extreme temperature transients during a startup event. The various operating modes result in low combustion efficiencies and incomplete combustion of the fuel which causes variations in the pollutant concentrations and fluctuations in the flow rate of the exhaust gas. Other

exhaust parameters/characteristics including temperature, molecular weight, water concentration, oxygen concentration, etc. change rapidly as the gas turbine is loaded from idle to a higher, steady state operating load.'' [21] In addition, oxidation catalysts may not be fully effective until sufficient exhaust gas temperatures are reached.

The EPA has determined that it is not feasible to prescribe or enforce a numerical emission limit during periods of startup for stationary combustion turbines because the application of measurement methodology during startup is not practicable. Test methods were developed for sampling stable operations. Changes in turbine operations during startup create rapid variations in exhaust gas flow rate, as well as pollutant and diluent gas concentrations. A concentration average over the startup period does not accurately reflect emissions over such a dynamically shifting concentration and flow scenario. Determining representative average emissions concentrations would require correlating the exhaust gas flow rates and the gas components concentration data for each fraction of time over the entire period of startup operation in order to apportion the values appropriately. The rapidly changing temperature (from ambient to approximately 1,800 degrees Fahrenheit for a simple cycle unit), concentration, and flow profile would make it practically impossible to employ the proportional sampling technique that would be necessary to properly account for the effect of the variability in emissions. Additionally, the stratification of the gas stream with respect to both flow and concentration would be in flux over the startup period until steady state conditions are achieved. With existing methodologies, the ability to perform replicate testing within the normal bounds of variability of the test methods (typically 15–20 percent) under the conditions present at startup is not practicable, and work practice or operational standards are appropriate.

The EPA is, therefore, proposing an operational standard in lieu of a numeric emission limit during periods of startup, in accordance with CAA section 112(h). The EPA is proposing that during turbine startup, owners and operators must minimize the turbine's time spent at idle or holding at low load levels and minimize the turbine's startup time to a period needed for appropriate and safe loading of the turbine, not to exceed 1 hour for simple cycle stationary combustion turbines and 3 hours for combined cycle stationary combustion turbines, after which time the formaldehyde emission limitation of 91 ppbvd or less at 15-percent O_2 applies. Minimizing the time spent at idle or low load operation will minimize the time the turbine's combustion system is not at peak efficiency and the emission controls are not at minimum operating temperatures.

For shutdown, the EPA does not have any information to show that emissions from stationary combustion turbines would be higher during shutdown than during normal operation. Therefore, the EPA is not proposing a different standard that applies during shutdown.

Periods of startup, normal operations, and shutdown are all predictable and routine aspects of a source's operations. Malfunctions, in contrast, are neither predictable nor routine. Instead they are, by definition, sudden, infrequent, and not reasonably preventable failures of emissions control, process, or monitoring equipment (40 CFR 63.2; Definition of malfunction). The EPA interprets CAA section 112 as not requiring emissions that occur during periods of malfunction to be factored into development of CAA section 112 standards and this reading has been upheld as reasonable by the Court in *U.S. Sugar Corp.* v. *EPA,* 830 F.3d 579, 606–610 (2016). Under CAA section 112, emissions standards for new sources must be no less stringent than the level ''achieved'' by the best controlled similar source and for existing sources generally must be no less stringent than the average emission limitation ''achieved'' by the best performing 12 percent of sources in the category. There is nothing in CAA section 112 that directs the Agency to consider malfunctions in determining the level ''achieved'' by the best performing sources when setting emission standards. As the Court has recognized, the phrase ''average emissions limitation achieved by the best performing 12 percent of'' sources ''says nothing about how the performance of the best units is to be calculated.'' *Nat'l Ass'n of Clean Water Agencies* v. *EPA,* 734 F.3d 1115, 1141 (D.C. Cir. 2013). While the EPA accounts for variability in setting emissions standards, nothing in CAA section 112 requires the Agency to consider malfunctions as part of that analysis. The EPA is not required to treat a malfunction in the same manner as the type of variation in performance that occurs during routine operations of a source. A malfunction is a failure of the source to perform in a ''normal or usual manner'' and no statutory language compels the EPA to consider such events in setting CAA section 112 standards.

As the Court recognized in *U.S. Sugar Corp,* accounting for malfunctions in setting standards would be difficult, if not impossible, given the myriad different types of malfunctions that can occur across all sources in the category and given the difficulties associated with predicting or accounting for the frequency, degree, and duration of various malfunctions that might occur. *Id.* at 608 (''the EPA would have to conceive of a standard that could apply equally to the wide range of possible boiler malfunctions, ranging from an explosion to minor mechanical defects. Any possible standard is likely to be hopelessly generic to govern such a wide array of circumstances.'') As such, the performance of units that are malfunctioning is not ''reasonably'' foreseeable. See, *e.g. Sierra Club* v. *EPA,* 167 F.3d 658, 662 (D.C. Cir. 1999) (''The EPA typically has wide latitude in determining the extent of data-gathering necessary to solve a problem. We generally defer to an agency's decision to proceed on the basis of imperfect scientific information, rather than to 'invest the resources to conduct the perfect study.' '') See also, *Weyerhaeuser* v. *Costle,* 590 F.2d 1011, 1058 (D.C. Cir. 1978) (''In the nature of things, no general limit, individual permit, or even any upset provision can anticipate all upset situations. After a certain point, the transgression of regulatory limits caused by 'uncontrollable acts of third parties,' such as strikes, sabotage, operator intoxication or insanity, and a variety of other eventualities, must be a matter for the administrative exercise of case-by-case enforcement discretion, not for specification in advance by regulation.''). In addition, emissions during a malfunction event can be significantly higher than emissions at any other time of source operation. For example, if an air pollution control device with 99-percent removal goes off-line as a result of a malfunction (as might happen if, for example, the bags in a baghouse catch fire) and the emission unit is a steady state type unit that would take days to shut down, the source would go from 99-percent control to zero control until the control device was repaired. The source's emissions during the malfunction would be 100 times higher than during normal operations. As such, the emissions over a 4-day malfunction period would exceed the annual emissions of the source during normal

[21] Email from Leslie Witherspoon, Solar Turbines to Melanie King, U.S. EPA. October 9, 2018. Available in the rulemaking docket.

operations. As this example illustrates, accounting for malfunctions could lead to standards that are not reflective of (and significantly less stringent than) levels that are achieved by a well-performing non-malfunctioning source. It is reasonable to interpret CAA section 112 to avoid such a result. The EPA's approach to malfunctions is consistent with CAA section 112 and is a reasonable interpretation of the statute.

Although no statutory language compels the EPA to set standards for malfunctions, the EPA has the discretion to do so where feasible. For example, in the Petroleum Refinery Sector RTR, the EPA established a work practice standard for unique types of malfunction that result in releases from pressure relief devises or emergency flaring events because the EPA had information to determine that such work practices reflected the level of control that applies to the best performers. 80 FR 75178, 75211–14 (December 1, 2015). The EPA will consider whether circumstances warrant setting standards for a particular type of malfunction and, if so, whether the EPA has sufficient information to identify the relevant best performing sources and establish a standard for such malfunctions. We also encourage commenters to provide any such information.

In the event that a source fails to comply with the applicable CAA section 112(d) standards as a result of a malfunction event, the EPA would determine an appropriate response based on, among other things, the good faith efforts of the source to minimize emissions during malfunction periods, including preventative and corrective actions, as well as root cause analyses to ascertain and rectify excess emissions. The EPA would also consider whether the source's failure to comply with the CAA section 112(d) standard was, in fact, sudden, infrequent, not reasonably preventable, and was not instead caused, in part, by poor maintenance or careless operation. 40 CFR 63.2 (definition of malfunction).

If the EPA determines in a particular case that an enforcement action against a source for violation of an emission standard is warranted, the source can raise any and all defenses in that enforcement action and the federal district court will determine what, if any, relief is appropriate. The same is true for citizen enforcement actions. Similarly, the presiding officer in an administrative proceeding can consider any defense raised and determine whether administrative penalties are appropriate.

In summary, the EPA interpretation of the CAA and, in particular, CAA section 112 is reasonable and encourages practices that will avoid malfunctions. Administrative and judicial procedures for addressing exceedances of the standards fully recognize that violations may occur despite good faith efforts to comply and can accommodate those situations. *U.S. Sugar Corp.* v. *EPA,* 830 F.3d 579, 606–610 (2016).

a. 40 CFR 63.6105 General Duty

We are proposing to revise the General Provisions table (Table 7) entry for 40 CFR 63.6(e)(1)(i) by changing the ''yes'' in column 3 to a ''no.'' Section 63.6(e)(1)(i) describes the general duty to minimize emissions. Some of the language in that section is no longer necessary or appropriate in light of the elimination of the SSM exemption. We are proposing instead to add general duty regulatory text at 40 CFR 63.6105 that reflects the general duty to minimize emissions while eliminating the reference to periods covered by an SSM exemption. The current language in 40 CFR 63.6(e)(1)(i) characterizes what the general duty entails during periods of SSM. With the elimination of the SSM exemption, there is no need to differentiate between normal operations, startup and shutdown, and malfunction events in describing the general duty. Therefore, the language the EPA is proposing for 40 CFR 63.6105 does not include that language from 40 CFR 63.6(e)(1).

We are also proposing to revise the General Provisions table (Table 7) entry for 40 CFR 63.6(e)(1)(ii) by changing the ''yes'' in column 3 to a ''no.'' Section 63.6(e)(1)(ii) imposes requirements that are not necessary with the elimination of the SSM exemption or are redundant with the general duty requirement being added at 40 CFR 63.6105. We are also proposing to revise the General Provisions table (Table 7) to add an entry for 40 CFR 63.6(e)(1)(iii) and include a ''yes'' in column 3.

b. SSM Plan

We are proposing to revise the General Provisions table (Table 7) entry for 40 CFR 63.6(e)(3) by changing the ''yes'' in column 3 to a ''no.'' Generally, these paragraphs require development of an SSM plan and specify SSM recordkeeping and reporting requirements related to the SSM plan. As noted, the EPA is proposing to remove the SSM exemptions. Therefore, affected units will be subject to an emission standard during such events. The applicability of a standard during such events will ensure that sources have ample incentive to plan for and achieve compliance and, thus, the SSM plan requirements are no longer necessary.

c. Compliance With Standards

We are proposing to revise the General Provisions table (Table 7) entry for 40 CFR 63.6(f)(1) by changing the ''yes'' in column 3 to a ''no.'' The current language of 40 CFR 63.6(f)(1) exempts sources from non-opacity standards during periods of SSM. As discussed above, the Court in *Sierra Club* vacated the exemptions contained in this provision and held that the CAA requires that some CAA section 112 standards apply continuously. Consistent with *Sierra Club,* the EPA is proposing to revise standards in this rule to apply at all times.

d. 40 CFR 63.6120 Performance Testing

We are proposing to revise the General Provisions table (Table 7) entry for 40 CFR 63.7(e)(1) by changing the ''yes'' in column 3 to a ''no.'' Section 63.7(e)(1) describes performance testing requirements. The EPA is instead proposing to add a performance testing requirement at 40 CFR 63.6120(c). The performance testing requirements we are proposing to add differ from the General Provisions performance testing provisions in several respects. The regulatory text does not include the language in 40 CFR 63.7(e)(1) that restated the SSM exemption and language that precluded startup and shutdown periods from being considered ''representative'' for purposes of performance testing. The proposed performance testing provisions specify that representative conditions exclude periods of startup and shutdown. As in 40 CFR 63.7(e)(1), performance tests conducted under this subpart should not be conducted during malfunctions because conditions during malfunctions are often not representative of normal operating conditions. The EPA is proposing to add language that requires the owner or operator to record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent normal operation. Section 63.7(e) requires that the owner or operator make available to the Administrator such records ''as may be necessary to determine the condition of the performance test'' available to the Administrator upon request, but does not specifically require the information to be recorded. The regulatory text the EPA is proposing to add to this provision builds on that requirement

and makes explicit the requirement to record the information.

e. Monitoring

We are proposing to revise the General Provisions table (Table 7) entry for 40 CFR 63.8(c)(1)(i) and (iii) by changing the ''yes'' in column 3 to a ''no.'' The cross-references to the general duty and SSM plan requirements in those subparagraphs are not necessary in light of other requirements of 40 CFR 63.8 that require good air pollution control practices (40 CFR 63.8(c)(1)) and that set out the requirements of a quality control program for monitoring equipment (40 CFR 63.8(d)).

We are proposing to revise the General Provisions table (Table 7) entry for 40 CFR 63.8(d)(3) by changing the ''yes'' in column 3 to a ''no.'' The final sentence in 40 CFR 63.8(d)(3) refers to the General Provisions' SSM plan requirement which is no longer applicable. The EPA is proposing to add to the rule at 40 CFR 63.6125(e) text that is identical to 40 CFR 63.8(d)(3) except that the final sentence is replaced with the following sentence: ''The program of corrective action should be included in the plan required under § 63.8(d)(2).''

f. 40 CFR 63.6155 Recordkeeping

We are proposing to revise the General Provisions table (Table 7) entry for 40 CFR 63.10(b)(2)(i) by changing the ''yes'' in column 3 to a ''no.'' Section 63.10(b)(2)(i) describes the recordkeeping requirements during startup and shutdown. We are instead proposing to add recordkeeping requirements to 40 CFR 63.6155. When a source is subject to a different standard during startup, it will be important to know when such startup periods begin and end in order to determine compliance with the appropriate standard. Thus, the EPA is proposing to add language to 40 CFR 63.6155 requiring that sources subject to an emission standard during startup that differs from the emission standard that applies at all other times must report the date, time, and duration of such periods.

We are proposing to revise the General Provisions table (Table 7) entry for 40 CFR 63.10(b)(2)(ii) by changing the ''yes'' in column 3 to a ''no.'' Section 63.10(b)(2)(ii) describes the recordkeeping requirements during a malfunction. The EPA is proposing to add such requirements to 40 CFR 63.6155. The regulatory text we are proposing to add differs from the General Provisions it is replacing in that the General Provisions requires the creation and retention of a record of the occurrence and duration of each malfunction of process, air pollution control, and monitoring equipment. The EPA is proposing that this requirement apply to any failure to meet an applicable standard and is requiring that the source record the date, time, and duration of the failure rather than the ''occurrence.'' The EPA is also proposing to add to 40 CFR 63.6155 a requirement that sources keep records that include a list of the affected source or equipment and actions taken to minimize emissions, an estimate of the quantity of each regulated pollutant emitted over the standard for which the source failed to meet the standard, and a description of the method used to estimate the emissions. Examples of such methods would include product-loss calculations, mass balance calculations, measurements when available, or engineering judgment based on known process parameters. The EPA is proposing to require that sources keep records of this information to ensure that there is adequate information to allow the EPA to determine the severity of any failure to meet a standard, and to provide data that may document how the source met the general duty to minimize emissions when the source has failed to meet an applicable standard.

We are proposing to revise the General Provisions table (Table 7) entry for 40 CFR 63.10(b)(2)(iv) by changing the ''yes'' in column 3 to a ''no.'' When applicable, the provision requires sources to record actions taken during SSM events when actions were inconsistent with their SSM plan. The requirement is no longer appropriate because SSM plans will no longer be required. The requirement previously applicable under 40 CFR 63.10(b)(2)(iv)(B) to record actions to minimize emissions and record corrective actions is now applicable by reference to 40 CFR 63.6155(a)(7)(iii).

We are proposing to revise the General Provisions table (Table 7) entry for 40 CFR 63.10(b)(2)(v) by changing the ''yes'' in column 3 to a ''no.'' When applicable, the provision requires sources to record actions taken during SSM events to show that actions taken were consistent with their SSM plan. The requirement is no longer appropriate because SSM plans will no longer be required.

We are proposing to revise the General Provisions table (Table 7) entry for 40 CFR 63.10(c)(15) by changing the ''yes'' in column 3 to a ''no.'' The EPA is proposing that 40 CFR 63.10(c)(15) no longer apply. When applicable, the provision allows an owner or operator to use the affected source's SSM plan or records kept to satisfy the recordkeeping requirements of the SSM plan, specified in 40 CFR 63.6(e), to also satisfy the requirements of 40 CFR 63.10(c)(10) through (12). The EPA is proposing to eliminate this requirement because SSM plans would no longer be required, and, therefore, 40 CFR 63.10(c)(15) no longer serves any useful purpose for affected units.

g. 40 CFR 63.6150 Reporting

Section 63.10(d)(5) describes the reporting requirements for startups, shutdowns, and malfunctions. Currently the General Provisions table (Table 7) entry for 40 CFR 63.10(d)(5) in 40 CFR part 63, subpart YYYY, states that 40 CFR 63.10(d)(5) does not apply because reporting of SSM is not required. To replace the General Provisions reporting requirement, the EPA is proposing to add reporting requirements to 40 CFR 63.6150. The replacement language differs from the General Provisions requirement in that it eliminates periodic SSM reports as a stand-alone report. We are proposing language that requires sources that fail to meet an applicable standard at any time to report the information concerning such events in the semiannual compliance report already required under this rule. We are proposing that the report must contain the number, date, time, duration, and the cause of such events (including unknown cause, if applicable), a list of the affected source or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions.

Examples of such methods would include product-loss calculations, mass balance calculations, measurements when available, or engineering judgment based on known process parameters. The EPA is proposing this requirement to ensure that there is adequate information to determine compliance, to allow the EPA to determine the severity of the failure to meet an applicable standard, and to provide data that may document how the source met the general duty to minimize emissions during a failure to meet an applicable standard.

We will no longer require owners or operators to determine whether actions taken to correct a malfunction are consistent with an SSM plan, because plans would no longer be required. The proposed amendments, therefore, eliminate the cross reference to 40 CFR 63.10(d)(5)(i) that contains the description of the previously required SSM report format and submittal schedule from this section. These specifications are no longer necessary because the events will be reported in

otherwise required reports with similar format and submittal requirements.

2. Electronic Reporting

Through this proposal, the EPA is proposing that owners and operators of stationary combustion turbine facilities submit electronic copies of required performance test results and semiannual compliance reports through the EPA's Central Data Exchange (CDX) using the Compliance and Emissions Data Reporting Interface (CEDRI). A description of the electronic data submission process is provided in the memorandum, *Electronic Reporting Requirements for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) Rules,* available in Docket ID No. EPA–HQ–OAR–2017–0688. The proposed rule requires that performance test results collected using test methods that are supported by the EPA's Electronic Reporting Tool (ERT) as listed on the ERT website [22] at the time of the test be submitted in the format generated through the use of the ERT and that other performance test results be submitted in portable document format (PDF) using the attachment module of the ERT. The test methods required by 40 CFR part 63, subpart YYYY that are currently supported by the ERT are EPA Methods 3A and 4 of 40 CFR part 60, appendix A.

For periodic compliance reports the proposed rule requires that owners and operators use the appropriate spreadsheet template to submit information to CEDRI. A draft version of the proposed template for these reports is included in the docket for this rulemaking.[23] The EPA specifically requests comment on the content, layout, and overall design of the template.

Additionally, the EPA has identified two broad circumstances in which electronic reporting extensions may be provided. In both circumstances, the decision to accept the claim of needing additional time to report is within the discretion of the Administrator, and reporting should occur as soon as possible. The EPA is providing these potential extensions to protect owners and operators from noncompliance in cases where they cannot successfully submit a report by the reporting deadline for reasons outside of their control. The situation where an extension may be warranted due to outages of the EPA's CDX or CEDRI which precludes an owner or operator from accessing the system and submitting required reports is addressed in 40 CFR 63.6150(h). The situation where an extension may be warranted due to a force majeure event, which is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents an owner or operator from complying with the requirement to submit a report electronically as required by this rule is addressed in 40 CFR 63.6150(i). Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazards beyond the control of the facility.

The electronic submittal of the reports addressed in this proposed rulemaking will increase the usefulness of the data contained in those reports, is in keeping with current trends in data availability and transparency, will further assist in the protection of public health and the environment, will improve compliance by facilitating the ability of regulated facilities to demonstrate compliance with requirements and by facilitating the ability of delegated state, local, tribal, and territorial air agencies and the EPA to assess and determine compliance, and will ultimately reduce burden on regulated facilities, delegated air agencies, and the EPA. Electronic reporting also eliminates paper-based, manual processes, thereby saving time and resources, simplifying data entry, eliminating redundancies, minimizing data reporting errors, and providing data quickly and accurately to the affected facilities, air agencies, the EPA, and the public. Moreover, electronic reporting is consistent with the EPA's plan [24] to implement Executive Order 13563 and is in keeping with the EPA's Agency-wide policy [25] developed in response to the White House's Digital Government Strategy.[26] For more information on the benefits of electronic reporting, see the memorandum, *Electronic Reporting Requirements for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) Rules,* available in Docket ID No. EPA–HQ–OAR–2017–0688.

3. Stay of Standards for Certain New Turbines

In August 2002, the Gas Turbine Association submitted a petition to delist two subcategories of stationary combustion turbines under CAA section 112(c)(9)(B). The subcategories were lean premix firing natural gas with limited oil backup and a low-risk subcategory where facilities would make site-specific demonstrations regarding risk levels. Additional information supporting the petition was provided in February 2003. On April 7, 2004, the EPA proposed to delist lean premix gas-fired turbines as well as three additional subcategories that were determined to meet the criteria for delisting in CAA section 112(c)(9)(B): Diffusion flame gas-fired, emergency, and turbines located on the North Slope of Alaska. At the same time, the EPA proposed to stay the effectiveness of the NESHAP for new lean premix gas-fired and diffusion flame gas-fired turbines to ''avoid wasteful and unwarranted expenditures on installation of emission controls which will not be required if the subcategories are delisted.'' The standards for new oil-fired turbines were not stayed and have been in effect.

On August 18, 2004, the EPA finalized the stay of the effectiveness of the NESHAP for new lean premix gas-fired and diffusion flame gas-fired turbines, pending the outcome of the proposed delisting. The EPA stated that it would lift the stay if the subcategories were not ultimately delisted, and turbines constructed after January 14, 2003, would then be subject to the final standards. Those turbines would be given the same time to demonstrate compliance as they would have if there had been no stay.

In 2007, the Court held in *NRDC* v. *EPA,* 489 F.3d 1364 (D.C. Cir. 2007) that the EPA had no authority to delist subcategories under CAA section 112(c)(9)(B). According to the court decision, only entire source categories can be delisted under CAA section 112(c)(9)(B). Based on the proposed results of the residual risk analysis, we do not at this time have information to support a conclusion that the entire Stationary Combustion Turbines source category currently meets the criteria for delisting in CAA section 112(c)(9)(B). The results of the inhalation risk assessment show that the maximum individual cancer risk for this source category is above 1-in-1 million. Consequently, the EPA is proposing to remove the stay of the standards for new

[22] *https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert.*

[23] See *Draft_Stationary_Combustion_Turbine_Semiannual_and_Annual_Report.xlsm,* available at Docket ID. No. EPA–HQ–OAR–2017–0688.

[24] EPA's *Final Plan for Periodic Retrospective Reviews,* August 2011. Available at: *https://www.regulations.gov/document?D=EPA-HQ-OA-2011-0156-0154.*

[25] *E-Reporting Policy Statement for EPA Regulations,* September 2013. Available at: *https://www.epa.gov/sites/production/files/2016-03/documents/epa-ereporting-policy-statement-2013-09-30.pdf.*

[26] *Digital Government: Building a 21st Century Platform to Better Serve the American People,* May 2012. Available at: *https://obamawhitehouse.archives.gov/sites/default/files/omb/egov/digital-government/digital-government.html.*

lean premix and diffusion flame gas-fired turbines.

E. What compliance dates are we proposing?

The EPA is proposing that affected sources must comply with the proposed amendments for SSM and electronic reporting no later than 180 days after the effective date of the final rule. (The final action is not expected to be a ''major rule'' as defined by 5 U.S.C. 804(2), so the effective date of the final rule will be the promulgation date as specified in CAA section 112(d)(10).) For affected sources, we are proposing changes that would impact ongoing compliance requirements for 40 CFR part 63, subpart YYYY. As discussed elsewhere in this preamble, we are proposing to add a requirement that performance test results and semiannual compliance reports be submitted electronically, and we are proposing to change the requirements for periods of SSM by removing the exemption from the requirement to meet the emission standards during periods of SSM and proposing a work practice standard for startup. Our experience with similar industries that are required to convert reporting mechanisms to install necessary hardware and software, become familiar with the process of submitting performance test results and compliance reports electronically through the EPA's CEDRI, test these new electronic submission capabilities, and reliably employ electronic reporting shows that a time period of a minimum of 90 days, and, more typically, 180 days is generally necessary to successfully accomplish these revisions. Our experience with similar industries further shows that this sort of regulated facility generally requires a time period of 180 days to read and understand the amended rule requirements; to evaluate their operations to ensure that they can meet the standards during periods of startup and shutdown as defined in the rule and make any necessary adjustments; and to update their operation, maintenance, and monitoring plans to reflect the revised requirements. The EPA recognizes the confusion that multiple different compliance dates for individual requirements would create and the additional burden such an assortment of dates would impose. From our assessment of the timeframe needed for compliance with the entirety of the revised requirements, the EPA considers a period of 180 days to be the most expeditious compliance period practicable and, thus, is proposing that affected sources must be in compliance with the revised requirements within 180 days of the regulation's effective date. We solicit comment on this proposed compliance period, and we specifically request submission of information from sources in this source category regarding specific actions that would need to be undertaken to comply with the proposed amended requirements and the time needed to make the adjustments for compliance with any of the revised requirements. We note that information provided may result in changes to the proposed compliance date. All affected facilities would have to continue to meet the current requirements of 40 CFR part 63, subpart YYYY, until the applicable compliance date of the amended rule.

As discussed previously, the EPA is proposing to lift the stay of the effectiveness of the standards for new lean premix and diffusion flame gas-fired turbines that was promulgated in 2004. Turbines that are subject to the stay would be required to comply with all applicable regulatory requirements of 40 CFR part 63, subpart YYYY, immediately upon a final action to remove the stay. Required initial performance tests must be conducted within 180 calendar days after the effective date of a final action to remove the stay.

V. Summary of Cost, Environmental, and Economic Impacts

A. What are the affected sources?

The EPA has identified 719 turbines at 242 facilities that are subject to the Stationary Combustion Turbine NESHAP. We are projecting 39 new stationary combustion turbines at 26 facilities will become subject over the next 3 years. The 39 turbines include 36 natural gas-fired units, 1 oil-fired unit, and 2 landfill gas or digester gas-fired units. More information about the number of projected turbines over the next 3 years can be found in the *Projected Number of Turbine Units and Facilities Subject to the Stationary Combustion Turbine National Emission Standards for Hazardous Air (NESHAP)* memorandum in the docket for this rulemaking.

B. What are the air quality impacts?

The baseline emissions of HAP for 719 stationary combustion turbines at 242 facilities subject to 40 CFR part 63, subpart YYYY, are estimated to be 5,331 tpy. The HAP that is emitted in the largest quantity is formaldehyde. The proposed amendments will require turbines subject to the Stationary Combustion Turbine NESHAP to operate without the SSM exemption. We were unable to quantify emission reductions associated with eliminating the SSM exemption. However, eliminating the SSM exemption will reduce emissions by requiring facilities to meet the applicable standard during periods of SSM. We are not proposing any other revisions to the emission limits, so there are no other air quality impacts as a result of the proposed amendments.

C. What are the cost impacts?

Owners and operators of stationary combustion turbines that are subject to the proposed amendments to 40 CFR part 63, subpart YYYY, will incur costs to review the final rule. Nationwide annual costs associated with reviewing the final rule are estimated to be a total of $77,437 for the first year after the final rule only, or approximately $320 per facility. We do not believe that the proposed amendments revising the SSM provisions and requiring electronic reporting will impose additional burden and may result in a cost savings.

D. What are the economic impacts?

Economic impact analyses focus on changes in market prices and output levels. If changes in market prices and output levels in the primary markets are significant enough, impacts on other markets may also be examined. Both the magnitude of costs needed to comply with a proposed rule and the distribution of these costs among affected facilities can have a role in determining how the market will change in response to a proposed rule. The total costs associated with reviewing the final rule are estimated to be $77,437, or $320 per facility, for the first year after the final rule. These costs are not expected to result in a significant market impact, regardless of whether they are passed on to the purchaser or absorbed by the firms.

E. What are the benefits?

The EPA is not proposing changes to the emission limits and estimates that the proposed changes to the SSM requirements and requirements for electronic reporting are not economically significant. Because these proposed amendments are not considered economically significant, as defined by Executive Order 12866, and because no emission reductions were projected, we did not estimate any benefits from reducing emissions.

VI. Request for Comments

We solicit comments on this proposed action. In addition to general comments on this proposed action, we are also interested in additional data that may improve the risk assessments and other

analyses. We are specifically interested in receiving any improvements to the data used in the site-specific emissions profiles used for risk modeling. Such data should include supporting documentation in sufficient detail to allow characterization of the quality and representativeness of the data or information. Section VII of this preamble provides more information on submitting data.

VII. Submitting Data Corrections

The site-specific emissions profiles used in the source category risk and demographic analyses and instructions are available for download on the RTR website at *https://www3.epa.gov/ttn/atw/rrisk/rtrpg.html.* The data files include detailed information for each HAP emissions release point for the facilities in the source category.

If you believe that the data are not representative or are inaccurate, please identify the data in question, provide your reason for concern, and provide any ''improved'' data that you have, if available. When you submit data, we request that you provide documentation of the basis for the revised values to support your suggested changes. To submit comments on the data downloaded from the RTR website, complete the following steps:

1. Within this downloaded file, enter suggested revisions to the data fields appropriate for that information.

2. Fill in the commenter information fields for each suggested revision (*i.e.,* commenter name, commenter organization, commenter email address, commenter phone number, and revision comments).

3. Gather documentation for any suggested emissions revisions (*e.g.,* performance test reports, material balance calculations).

4. Send the entire downloaded file with suggested revisions in Microsoft® Access format and all accompanying documentation to Docket ID No. EPA–HQ–OAR–2017–0688 (through the method described in the **ADDRESSES** section of this preamble).

5. If you are providing comments on a single facility or multiple facilities, you need only submit one file for all facilities. The file should contain all suggested changes for all sources at that facility (or facilities). We request that all data revision comments be submitted in the form of updated Microsoft® Excel files that are generated by the Microsoft® Access file. These files are provided on the RTR website at *https://www3.epa.gov/ttn/atw/rrisk/rtrpg.html.*

VIII. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the OMB for review.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is not expected to be an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

The information collection activities in this proposed rule have been submitted for approval to the OMB under the PRA. The Information Collection Request (ICR) document that the EPA prepared has been assigned EPA ICR number 1967.08. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here.

The information is being collected to assure compliance with 40 CFR part 63, subpart YYYY. The information requirements are based on notification, recordkeeping, and reporting requirements in the NESHAP General Provisions (40 CFR part 63, subpart A), which are mandatory for all operators subject to national emissions standards. The information collection activities also include paperwork requirements associated with initial and annual compliance testing and parameter monitoring. The proposed amendments to the rule would eliminate the paperwork requirements associated with the SSM plan and recordkeeping of SSM events and require electronic submittal of performance test results and semiannual compliance reports. The proposed amendments to the rule would also lift the stay on the performance testing and notification, recordkeeping, and reporting requirements for new lean premix gas-fired turbines and diffusion flame gas-fired turbines. These recordkeeping and reporting requirements are specifically authorized by CAA section 114 (42 U.S.C. 7414).

Respondents/affected entities: Owners and operators of stationary combustion turbines subject to 40 CFR part 63, subpart YYYY.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart YYYY).

Estimated number of respondents: 90 per year.

Frequency of response: The frequency of responses varies depending on the burden item. Responses include one-time review of rule amendments, reports of annual performance tests, and semiannual compliance reports.

Total estimated burden: 3,751 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $1,983,088 (per year), includes $1,735,494 annualized capital or operation and maintenance costs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

Submit your comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the EPA using the docket identified at the beginning of this rule. You may also send your ICR-related comments to OMB's Office of Information and Regulatory Affairs via email to *OIRA_submission@omb.eop.gov,* Attention: Desk Officer for the EPA. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after receipt, OMB must receive comments no later than May 13, 2019. The EPA will respond to any ICR-related comments in the final rule.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. The small entities subject to the requirements of this action are small energy companies or governmental jurisdictions. The Agency has determined that 11 small entities representing approximately 4 percent of the total number of entities subject to the proposal may experience an impact of less than 1 percent of revenues.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial

direct effects 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.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. None of the stationary combustion turbines that have been identified as being affected by this proposed action are owned or operated by tribal governments or located within tribal lands. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are contained in sections III.A and C and sections IV.A and B of this preamble, and further documented in the risk document.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51

This action involves technical standards. The EPA proposes to use ANSI/ASME PTC 19–10–1981 Part 10 (2010), ''Flue and Exhaust Gas Analyses'' manual portion only as an alternative to EPA Method 3B and incorporate the alternative method by reference. The ANSI/ASME PTC 19–10–1981 Part 10 (2010) method incorporates both manual and instrumental methodologies for the determination of O_2 content. The manual method segment of the O_2 determination is performed through the absorption of O_2. The method is reasonably available from the American Society of Mechanical Engineers at *http://www.asme.org;* by mail at Three Park Avenue, New York, NY 10016–5990; or by telephone at (800) 843–2763. The EPA proposes to use ASTM D6522–11, ''Standard Test Method for the Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas-Fired Reciprocating Engines, Combustion Turbines, Boilers and Process Heaters Using Portable Analyzers'' as an alternative to EPA Method 3A for turbines fueled by natural gas and incorporate the alternative method by reference. The ASTM D6522–11 method is an electrochemical cell based portable analyzer method which may be used for the determination of nitrogen oxides, carbon monoxide, and O_2 in emission streams form stationary sources. Also, instead of the current ASTM D6348–12e1 standard (''Determination of Gaseous Compounds by Extractive Direct Interface Fourier Transform (FTIR) Spectroscopy''), the Stationary Combustion Turbine NESHAP references ASTM D6348–03 as an alternative to EPA Method 320. We are proposing to update the NESHAP to reference the most current version of the method. When using the method, the test plan preparation and implementation requirements in Annexes A1 through A8 to ASTM D6348–12e1 are mandatory. The ASTM D6348–12e1 method is an extractive FTIR Spectroscopy-based field test method and is used to quantify gas phase concentrations of multiple target compounds in emission streams from stationary sources. The ASTM standards are reasonably available from the American Society for Testing and Materials, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428–2959. See *http://www.astm.org/.*

The EPA identified an additional seven voluntary consensus standards (VCS) as being potentially applicable to this proposed rule. After reviewing the available standards, the EPA determined that the seven VCS would not be practical due to lack of equivalency, documentation, validation data, and other important technical and policy considerations. For further information, see the memorandum titled *Voluntary Consensus Standard Results for National Emission Standards for Hazardous Air Pollutants: Stationary Combustion Turbines Risk and Technology,* in the docket for this proposed rule.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

The documentation for this decision is contained in section IV.A of this preamble and the technical report, *Risk and Technology Review Analysis of Demographic Factors for Populations Living Near Stationary Combustion Turbines Source Category Operations.*

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: April 2, 2019.

Andrew R. Wheeler,

Administrator.

For the reasons stated in the preamble, the EPA proposes to amend title 40, chapter I, part 63 of the Code of the Federal Regulations as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart A—General Provisions

■ 2. Section 63.14 is amended by revising paragraphs (e)(1) and (h)(85), redesignating paragraphs (h)(94) through (111) as (h)(95) through (112), and adding new paragraph (h)(94) to read as follows.

§ 63.14 Incorporations by reference.

* * * * *

(e) * * *

(1) ANSI/ASME PTC 19.10–1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], issued August 31, 1981, IBR approved for §§ 63.309(k), 63.457(k), 63.772(e) and (h), 63.865(b), 63.1282(d) and (g), 63.1625(b), 63.3166(a), 63.3360(e), 63.3545(a), 63.3555(a), 63.4166(a), 63.4362(a), 63.4766(a), 63.4965(a), 63.5160(d), table 4 to subpart UUUU, table 3 to subpart YYYY, 63.9307(c), 63.9323(a), 63.11148(e), 63.11155(e), 63.11162(f), 63.11163(g), 63.11410(j), 63.11551(a), 63.11646(a), and 63.11945, table 5 to subpart DDDDD, table 4 to subpart JJJJJ, table 4 to subpart KKKKK, tables 4 and 5 to subpart UUUUU, table 1 to subpart ZZZZZ, and table 4 to subpart JJJJJJ.

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(h) * * *

(85) ASTM D6348–12e1, Standard Test Method for Determination of

Gaseous Compounds by Extractive Direct Interface Fourier Transform Infrared (FTIR) Spectroscopy, Approved February 1, 2012, IBR approved for § 63.1571(a) and table 3 to subpart YYYY.

* * * * *

(94) ASTM D6522–11, Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas-Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers, IBR approved for table 3 to subpart YYYY.

* * * * *

Subpart YYYY—National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines

§ 63.6095 [Amended]

■ 3. Section 63.6095 is amended by removing paragraph (d).

■ 4. Section 63.6105 is amended by revising paragraphs (a) and (b) and adding paragraph (c) to read as follows:

§ 63.6105 What are my general requirements for complying with this subpart?

(a) Before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], you must be in compliance with the emission limitations and operating limitations which apply to you at all times except during startup, shutdown, and malfunctions. After [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], you must be in compliance with the emission limitations, operating limitations, and other requirements in this subpart which apply to you at all times.

(b) Before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], if you must comply with emission and operating limitations, you must operate and maintain your stationary combustion turbine, oxidation catalyst emission control device or other air pollution control equipment, and monitoring equipment in a manner consistent with good air pollution control practices for minimizing emissions at all times including during startup, shutdown, and malfunction.

(c) After [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], at all times, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

■ 5. Section 63.6110 is amended by revising paragraph (a) to read as follows:

§ 63.6110 By what date must I conduct the initial performance tests or other initial compliance demonstrations?

(a) You must conduct the initial performance tests or other initial compliance demonstrations in Table 4 of this subpart that apply to you within 180 calendar days after the compliance date that is specified for your stationary combustion turbine in § 63.6095 and according to the provisions in § 63.7(a)(2). New or reconstructed stationary combustion turbines that are lean premix gas-fired stationary combustion turbines or diffusion flame gas-fired stationary combustion turbines that commenced construction before April 12, 2019 and were subject to the stay of the standards for gas-fired subcategories in § 63.6095(d) that was finalized on August 18, 2004, must conduct the initial performance test within 180 calendar days after the date the stay in § 63.6095(d) is removed from this subpart.

* * * * *

■ 6. Section 63.6120 is amended by revising paragraphs (b) and (c) to read as follows:

§ 63.6120 What performance tests and other procedures must I use?

* * * * *

(b) Each performance test must be conducted according to the requirements in Table 3 of this subpart. Before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], each performance test must be conducted according to the requirements of the General Provisions at § 63.7(e)(1).

(c) Performance tests must be conducted at high load, defined as 100 percent plus or minus 10 percent. Before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], do not conduct performance tests or compliance evaluations during periods of startup, shutdown, or malfunction. After [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], performance tests shall be conducted under such conditions based on representative performance of the affected source for the period being tested. Representative conditions exclude periods of startup and shutdown. The owner or operator may not conduct performance tests during periods of malfunction. The owner or operator must record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent normal operation. Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

* * * * *

■ 7. Section 63.6125 is amended by adding paragraph (e) to read as follows:

§ 63.6125 What are my monitor installation, operation, and maintenance requirements?

* * * * *

(e) After [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], if you are required to use a continuous monitoring system (CMS), you must develop and implement a CMS quality control program that included written procedures for CMS according to § 63.8(d)(1)–(2). You must keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Administrator. If the performance evaluation plan is revised, the owner or operator shall keep previous (*i.e.,* superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan. The program of corrective action should be included in the plan required under § 63.8(d)(2).

■ 8. Section 63.6140 is amended by revising paragraph (c) to read as follows:

§ 63.6140 How do I demonstrate continuous compliance with the emission and operating limitations?

* * * * *

(c) Before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], consistent with §§ 63.6(e) and 63.7(e)(1), deviations that occur during a period of startup, shutdown, and malfunction are not

violations if you have operated your stationary combustion turbine in accordance with § 63.6(e)(1)(i).

■ 9. Section 63.6150 is amended by:

■ a. Revising paragraph (a) introductory text, paragraph (a)(4) introductory text, paragraph (c) introductory text, and paragraph (e) introductory text, and

■ b. Adding paragraphs (a)(5), (f), (g), (h) and (i).

The revisions and additions read as follows:

§ 63.6150 What reports must I submit and when?

(a) *Compliance report.* Anyone who owns or operates a stationary combustion turbine which must meet the emission limitation for formaldehyde must submit a semiannual compliance report according to Table 6 of this subpart. The semiannual compliance report must contain the information described in paragraphs (a)(1) through (5) of this section. The semiannual compliance report must be submitted by the dates specified in paragraphs (b)(1) through (5) of this section, unless the Administrator has approved a different schedule. After [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], you must submit all subsequent reports to the EPA following the procedure specified in paragraph (g) of this section.

* * * * *

(4) Before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], for each deviation from an emission limitation, the compliance report must contain the information in paragraphs (a)(4)(i) through (iii) of this section.

* * * * *

(5) After [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], if a source fails to meet an applicable standard, report such events in the semiannual compliance report. Report the information specified in paragraphs (a)(5)(i) through (iv) of this section.

(i) Report the number of failures to meet an applicable standard. For each instance, report the start date, start time, duration, and cause of each failure, and the corrective action taken.

(ii) For each failure, the report must include a list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit, a description of the method used to estimate the emissions.

(iii) Information on the number, duration, and cause for monitor downtime incidents (including unknown cause, if applicable), as applicable, and the corrective action taken.

(iv) Report the total operating time of the affected source during the reporting period.

* * * * *

(c) If you are operating as a stationary combustion turbine which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, or a stationary combustion turbine where gasified MSW is used to generate 10 percent or more of the gross heat input on an annual basis, you must submit an annual report according to Table 6 of this subpart by the date specified unless the Administrator has approved a different schedule, according to the information described in paragraphs (d)(1) through (5) of this section. You must report the data specified in (c)(1) through (3) of this section. After [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], you must submit all subsequent reports to the EPA following the procedure specified in paragraph (g) of this section.

* * * * *

(e) If you are operating a lean premix gas-fired stationary combustion turbine or a diffusion flame gas-fired stationary combustion turbine as defined by this subpart, and you use any quantity of distillate oil to fire any new or existing stationary combustion turbine which is located at the same major source, you must submit an annual report according to Table 6 of this subpart by the date specified unless the Administrator has approved a different schedule, according to the information described in paragraphs (d)(1) through (5) of this section. You must report the data specified in (e)(1) through (3) of this section. After [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], you must submit all subsequent reports to the EPA following the procedure specified in paragraph (g) of this section.

* * * * *

(f) *Performance test report.* After [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], within 60 days after the date of completing each performance test required by this subpart, you must submit the results of the performance test (as specified in § 63.6145(f)) following the procedures specified in paragraphs (f)(1) through (3) of this section.

(1) *Data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert) at the time of the test.* Submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through the EPA's Central Data Exchange (CDX) (*https://cdx.epa.gov/*). The data must be submitted in a file format generated through the use of the EPA's ERT. Alternatively, you may submit an electronic file consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.

(2) *Data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test.* The results of the performance test must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the ERT generated package or alternative file to the EPA via CEDRI.

(3) *Confidential business information.* If you claim some of the information submitted under paragraph (f)(1) of this section is CBI, you must submit a complete file, including information claimed to be CBI, to the EPA. The file must be generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described in paragraph (f)(1) of this section.

(g) If you are required to submit reports following the procedure specified in this paragraph, you must submit reports to the EPA via CEDRI, which can be accessed through the EPA's (CDX) (*https://cdx.epa.gov/*). You must use the appropriate electronic report template on the CEDRI website (*https://www.epa.gov/electronic-reporting-air-emissions/compliance-and-emissions-data-reporting-interface-cedri*) for this subpart. The date report templates become available will be listed on the CEDRI website. The report must be submitted by the deadline specified in this subpart, regardless of the method in which the report is submitted. If you claim some of the information required to be submitted via CEDRI is confidential business

information (CBI), submit a complete report, including information claimed to be CBI, to the EPA. The report must be generated using the appropriate form on the CEDRI website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.

(h) If you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. To assert a claim of EPA system outage, you must meet the requirements outlined in paragraphs (h)(1) through (7) of this section.

(1) You must have been or will be precluded from accessing CEDRI and submitting a required report within the time prescribed due to an outage of either the EPA's CEDRI or CDX systems.

(2) The outage must have occurred within the period of time beginning five business days prior to the date that the submission is due.

(3) The outage may be planned or unplanned.

(4) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(5) You must provide to the Administrator a written description identifying:

(i) The date(s) and time(s) when CDX or CEDRI was accessed and the system was unavailable;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to EPA system outage;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(6) The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(7) In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved.

(i) If you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of force majeure for failure to timely comply with the reporting requirement. To assert a claim of force majeure, you must meet the requirements outlined in paragraphs (i)(1) through (5) of this section.

(1) You may submit a claim if a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning five business days prior to the date the submission is due. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (*e.g.,* hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (*e.g.,* large scale power outage).

(2) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(3) You must provide to the Administrator:

(i) A written description of the force majeure event;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(4) The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(5) In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs.

■ 10. Section 63.6155 is amended by revising paragraph (a) introductory text and paragraphs (a)(3) through (5) and adding paragraphs (a)(6), (a)(7), and (d) to read as follows:

§ 63.6155 What records must I keep?

(a) You must keep the records as described in paragraphs (a)(1) through (7) of this section.

* * * * *

(3) Before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], records of the occurrence and duration of each startup, shutdown, or malfunction as required in § 63.10(b)(2)(i).

(4) Before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], records of the occurrence and duration of each malfunction of the air pollution control equipment, if applicable, as required in § 63.10(b)(2)(ii).

(5) Records of all maintenance on the air pollution control equipment as required in § 63.10(b)(2)(iii).

(6) After [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], records of the date, time, and duration of each startup period, recording the periods when the affected source was subject to the standard applicable to startup.

(7) After [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], keep records as follows.

(i) In the event that an affected unit fails to meet an applicable standard, record the number of failures. For each failure record the date, time, cause, and duration of each failure.

(ii) For each failure to meet an applicable standard, record and retain a list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions.

(iii) Record actions taken to minimize emissions in accordance with § 63.6105(c), and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

* * * * *

(d) Any records required to be maintained by this part that are submitted electronically via the EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation.

■ 11. Section 63.6175 is amended by revising the definition for ''Deviation'' to read as follows:

§ 63.6175 What definitions apply to this subpart?

* * * * *

Deviation means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart, including but not limited to any emission limitation or operating limitation;

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit;

(3) Fails to meet any emission limitation or operating limitation in this subpart during malfunction, regardless of whether or not such failure is permitted by this subpart;

(4) Before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], fails to satisfy the general duty to minimize emissions established by § 63.6(e)(1)(i), or

(5) After [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], fails to satisfy the general duty to minimize emissions established by § 63.6105.

* * * * *

■ 12. Table 1 to Subpart YYYY of Part 63 is revised to read as follows:

Table 1 to Subpart YYYY of Part 63—Emission Limitations

As stated in § 63.6100, you must comply with the following emission limitations.

For each new or reconstructed stationary combustion turbine described in § 63.6100 which is . . .	You must meet the following emission limitations . . .
1. a lean premix gas-fired stationary combustion turbine as defined in this subpart, 2. a lean premix oil-fired stationary combustion turbine as defined in this subpart, 3. a diffusion flame gas-fired stationary combustion turbine as defined in this subpart, or 4. a diffusion flame oil-fired stationary combustion turbine as defined in this subpart.	limit the concentration of formaldehyde to 91 ppbvd or less at 15 percent O_2, except during turbine startup. During turbine startup, you must minimize the turbine's time spent at idle or holding at low load levels and minimize the turbine's startup time to a period needed for appropriate and safe loading of the turbine, not to exceed 1 hour for simple cycle stationary combustion turbines and 3 hours for combined cycle stationary combustion turbines, after which time the formaldehyde emission limitation of 91 ppbvd or less at 15 percent O_2 applies.

■ 13. Table 3 to Subpart YYYY of Part 63 is revised to read as follows:

Table 3 to Subpart YYYY of Part 63—Requirements for Performance Tests and Initial Compliance Demonstrations

As stated in § 63.6120, you must comply with the following requirements for performance tests and initial compliance demonstrations.

You must . . .	Using . . .	According to the following requirements . . .
a. demonstrate formaldehyde emissions meet the emission limitations specified in Table 1 by a performance test initially and on an annual basis *and*.	Test Method 320 of 40 CFR part 63, appendix A; ASTM D6348–12e1 [1] provided that the test plan preparation and implementation provisions of Annexes A1 through A8 are followed and the %R as determined in Annex A5 is equal or greater than 70% and less than or equal to 130%; [2] or other methods approved by the Administrator.	formaldehyde concentration must be corrected to 15 percent O_2, dry basis. Results of this test consist of the average of the three 1 hour runs. Test must be conducted within 10 percent of 100 percent load.
b. select the sampling port location and the number of traverse points *and*.	Method 1 or 1A of 40 CFR part 60, appendix A.	if using an air pollution control device, the sampling site must be located at the outlet of the air pollution control device.
c. determine the O_2 concentration at the sampling port location *and*.	Method 3A or 3B of 40 CFR part 60, appendix A; ANSI/ASME PTC 19–10–1981 [1] (Part 10) manual portion only; ASTM D6522–11 [1] if the turbine is fueled by natural gas.	measurements to determine O_2 concentration must be made at the same time as the performance test.
d. determine the moisture content at the sampling port location for the purposes of correcting the formaldehyde concentration to a dry basis.	Method 4 of 40 CFR part 60, appendix A or Test Method 320 of 40 CFR part 63, appendix A, or ASTM D6348–12e1 [1].	measurements to determine moisture content must be made at the same time as the performance test.

[1] Incorporated by reference, see § 63.14.

[2] The %R value for each compound must be reported in the test report, and all field measurements must be corrected with the calculated %R value for that compound using the following equation:

Reported Results = ((Measured Concentration in Stack)/(%R)) × 100.

■ 14. Table 7 to Subpart YYYY of Part 63 is revised to read as follows:

Table 7 to Subpart YYYY of Part 63—Applicability of General Provisions to Subpart YYYY

You must comply with the applicable General Provisions requirements:

Citation	Subject	Applies to subpart YYYY	Explanation
§ 63.1	General applicability of the General Provisions.	Yes	Additional terms defined in § 63.6175.
§ 63.2	Definitions	Yes	Additional terms defined in § 63.6175.
§ 63.3	Units and abbreviations	Yes.	

Citation	Subject	Applies to subpart YYYY	Explanation
§ 63.4	Prohibited activities	Yes.	
§ 63.5	Construction and reconstruction	Yes.	
§ 63.6(a)	Applicability	Yes.	
§ 63.6(b)(1)–(4)	Compliance dates for new and reconstructed sources.	Yes.	
§ 63.6(b)(5)	Notification	Yes.	
§ 63.6(b)(6)	[Reserved].		
§ 63.6(b)(7)	Compliance dates for new and reconstructed area sources that become major.	Yes.	
§ 63.6(c)(1)–(2)	Compliance dates for existing sources.	Yes.	
§ 63.6(c)(3)–(4)	[Reserved].		
§ 63.6(c)(5)	Compliance dates for existing area sources that become major.	Yes.	
§ 63.6(d)	[Reserved].		
§ 63.6(e)(1)(i)	General duty to minimize emissions.	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]. No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]. See § 63.6105 for general duty requirement.	
§ 63.6(e)(1)(ii)	Requirement to correct malfunctions ASAP.	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]. No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
§ 63.6(e)(1)(iii)	Operation and Maintenance Requirements.	Yes.	
§ 63.6(e)(2)	[Reserved].		
§ 63.6(e)(3)	SSMP	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]. No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
§ 63.6(f)(1)	Applicability of standards except during startup, shutdown, or malfunction (SSM).	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]. No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
§ 63.6(f)(2)	Methods for determining compliance.	Yes.	
§ 63.6(f)(3)	Finding of compliance	Yes.	
§ 63.6(g)(1)–(3)	Use of alternative standard	Yes.	
§ 63.6(h)	Opacity and visible emission standards.	No	Subpart YYYY does not contain opacity or visible emission standards.
§ 63.6(i)	Compliance extension procedures and criteria.	Yes.	
§ 63.6(j)	Presidential compliance exemption	Yes.	
§ 63.7(a)(1)–(2)	Performance test dates	Yes	Subpart YYYY contains performance test dates at § 63.6110.
§ 63.7(a)(3)	Section 114 authority	Yes.	
§ 63.7(b)(1)	Notification of performance test	Yes.	
§ 63.7(b)(2)	Notification of rescheduling	Yes.	
§ 63.7(c)	Quality assurance/test plan	Yes.	
§ 63.7(d)	Testing facilities	Yes.	
§ 63.7(e)(1)	Conditions for conducting performance tests.	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]. No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
§ 63.7(e)(2)	Conduct of performance tests and reduction of data.	Yes	Subpart YYYY specifies test methods at § 63.6120.
§ 63.7(e)(3)	Test run duration	Yes.	
§ 63.7(e)(4)	Administrator may require other testing under section 114 of the CAA.	Yes.	
§ 63.7(f)	Alternative test method provisions	Yes.	
§ 63.7(g)	Performance test data analysis, recordkeeping, and reporting.	Yes.	
§ 63.7(h)	Waiver of tests	Yes.	
§ 63.8(a)(1)	Applicability of monitoring requirements.	Yes	Subpart YYYY contains specific requirements for monitoring at § 63.6125.
§ 63.8(a)(2)	Performance specifications	Yes.	
§ 63.8(a)(3)	[Reserved].		
§ 63.8(a)(4)	Monitoring for control devices	No.	
§ 63.8(b)(1)	Monitoring	Yes.	
§ 63.8(b)(2)–(3)	Multiple effluents and multiple monitoring systems.	Yes.	
§ 63.8(c)(1)	Monitoring system operation and maintenance.	Yes.	
§ 63.8(c)(1)(i)	General duty to minimize emissions and CMS operation.	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]. No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
§ 63.8(c)(1)(ii)	Parts for repair of CMS readily available.	Yes.	

Citation	Subject	Applies to subpart YYYY	Explanation
§ 63.8(c)(1)(iii)	Requirement to develop SSM Plan for CMS.	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]. No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
§ 63.8(c)(2)–(3)	Monitoring system installation	Yes.	
§ 63.8(c)(4)	Continuous monitoring system (CMS) requirements.	Yes	Except that subpart YYYY does not require continuous opacity monitoring systems (COMS).
§ 63.8(c)(5)	COMS minimum procedures	No.	
§ 63.8(c)(6)–(8)	CMS requirements	Yes	Except that subpart YYYY does not require COMS.
§ 63.8(d)(1)–(2)	CMS quality control	Yes.	
§ 63.8(d)(3)	Written procedures for CMS	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]. No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
§ 63.8(e)	CMS performance evaluation	Yes	Except for § 63.8(e)(5)(ii), which applies to COMS.
§ 63.8(f)(1)–(5)	Alternative monitoring method	Yes.	
§ 63.8(f)(6)	Alternative to relative accuracy test.	Yes.	
§ 63.8(g)	Data reduction	Yes	Except that provisions for COMS are not applicable. Averaging periods for demonstrating compliance are specified at §§ 63.6135 and 63.6140.
§ 63.9(a)	Applicability and State delegation of notification requirements.	Yes.	
§ 63.9(b)(1)–(5)	Initial notifications	Yes	Except that § 63.9(b)(3) is reserved.
§ 63.9(c)	Request for compliance extension	Yes.	
§ 63.9(d)	Notification of special compliance requirements for new sources.	Yes.	
§ 63.9(e)	Notification of performance test	Yes.	
§ 63.9(f)	Notification of visible emissions/opacity test.	No	Subpart YYYY does not contain opacity or VE standards.
§ 63.9(g)(1)	Notification of performance evaluation.	Yes.	
§ 63.9(g)(2)	Notification of use of COMS data	No	Subpart YYYY does not contain opacity or VE standards.
§ 63.9(g)(3)	Notification that criterion for alternative to relative accuracy test audit (RATA) is exceeded.	Yes.	
§ 63.9(h)	Notification of compliance status	Yes	Except that notifications for sources not conducting performance tests are due 30 days after completion of performance evaluations. § 63.9(h)(4) is reserved.
§ 63.9(i)	Adjustment of submittal deadlines	Yes.	
§ 63.9(j)	Change in previous information	Yes.	
§ 63.10(a)	Administrative provisions for recordkeeping and reporting.	Yes.	
§ 63.10(b)(1)	Record retention	Yes.	
§ 63.10(b)(2)(i)	Recordkeeping of occurrence and duration of startups and shutdowns.	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]. No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
§ 63.10(b)(2)(ii)	Recordkeeping of failures to meet a standard.	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]. No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]. See § 63.6155 for recordkeeping of (1) date, time and duration; (2) listing of affected source or equipment, and an estimate of the quantity of each regulated pollutant emitted over the standard; and (3) actions to minimize emissions and correct the failure.	
§ 63.10(b)(2)(iii)	Maintenance records	Yes.	
§ 63.10(b)(2)(iv)–(v)	Records related to actions during SSM.	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]. No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
§ 63.10(b)(2)(vi)–(xi).	CMS records	Yes.	
§ 63.10(b)(2)(xii)	Record when under waiver	Yes.	
§ 63.10(b)(2)(xiii)	Records when using alternative to RATA.	Yes.	
§ 63.10(b)(2)(xiv)	Records of supporting documentation.	Yes.	
§ 63.10(b)(3)	Records of applicability determination.	Yes.	
§ 63.10(c)(1)–(14)	Additional records for sources using CMS.	Yes	Except that § 63.10(c)(2)–(4) and (9) are reserved.

Citation	Subject	Applies to subpart YYYY	Explanation
§ 63.10(c)(15)	Use of SSM Plan	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]. No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
§ 63.10(d)(1)	General reporting requirements	Yes.	
§ 63.10(d)(2)	Report of performance test results	Yes.	
§ 63.10(d)(3)	Reporting opacity or VE observations.	No	Subpart YYYY does not contain opacity or VE standards.
§ 63.10(d)(4)	Progress reports	Yes.	
§ 63.10(d)(5)	Startup, shutdown, and malfunction reports.	No. After [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], see 63.6150(a) for malfunction reporting requirements.	
§ 63.10(e)(1) and (2)(i).	Additional CMS reports	Yes.	
§ 63.10(e)(2)(ii)	COMS-related report	No	Subpart YYYY does not require COMS.
§ 63.10(e)(3)	Excess emissions and parameter exceedances reports.	Yes.	
§ 63.10(e)(4)	Reporting COMS data	No	Subpart YYYY does not require COMS.
§ 63.10(f)	Waiver for recordkeeping and reporting.	Yes.	
§ 63.11	Flares	No.	
§ 63.12	State authority and delegations	Yes.	
§ 63.13	Addresses	Yes.	
§ 63.14	Incorporation by reference	Yes.	
§ 63.15	Availability of information	Yes.	

[FR Doc. 2019–07024 Filed 4–11–19; 8:45 am]

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FEDERAL REGISTER

Vol. 84 Friday,

No. 71 April 12, 2019

Part III

The President

Proclamation 9861—National Former Prisoner of War Recognition Day, 2019

Federal Register
Vol. 84, No. 71
Friday, April 12, 2019

Presidential Documents

Title 3—

The President

Proclamation 9861 of April 8, 2019

National Former Prisoner of War Recognition Day, 2019

By the President of the United States of America

A Proclamation

On National Former Prisoner of War Recognition Day, we honor the Americans captured and imprisoned by foreign powers while carrying out their duties to defend this great Nation. Throughout our history, hundreds of thousands of American service members have been held as prisoners of war (POWs), enduring harsh treatment, unforgiving conditions, and the anguish of being separated from their families. These brave Americans are true patriots, and their inspiring legacy of selfless courage is a testament to their fierce spirit, unshakeable loyalty, and enduring resilience.

The life of World War II hero Lieutenant Louis Zamperini is a shining example of the extraordinary devotion that POWs maintain for their brothers in arms, to our country, and to the cause of freedom. After surviving an airplane crash and 47 terrifying days adrift in the Pacific Ocean, through which he witnessed the deaths of 9 of his fellow crewmembers, Lieutenant Zamperini was captured by the Japanese and placed in a prison camp. Even though he was imprisoned and subjected to daily torture for 2 painstaking years, Lieutenant Zamperini never let his oppressors destroy his identity or allegiance to America. As much as they tried, he could not be broken. Indeed, after he regained his freedom, he inspired the world with his authentic and powerful message of faith and forgiveness, shaking the hands of his ruthless camp guards while visiting them in a Japanese prison.

As a Nation, we must never forget or take for granted the traumatic ordeals of our former POWs. With honor and valor, they served to keep our country safe, and they stayed the course—despite conditions that were often harsh and agonizing.

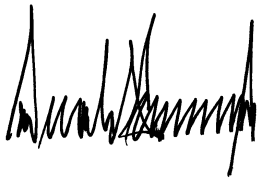
We must also remember that freedom from captivity does not guarantee a smooth transition back into civilian life. For example, upon returning home, Lieutenant Zamperini first struggled deeply with the aftereffects of his POW experience. He was eventually able to find peace, however, through the care of his family, the support of community, and his faith. Over time, he triumphed over his suffering and became a permanent example of forgiveness and hope.

The Nation has a solemn duty to ensure that all former POWs are able to flourish upon returning home. We are grateful for the many Americans—including many former POWs—who have devoted their time, talent, and resources to fulfilling that obligation.

Today, and every day, we renew our strong and abiding commitment to America's former POWs and honor the tremendous debt of gratitude we owe to them for their courageous service and incredible sacrifices. We also remember all those POWs who died while in captivity, selflessly giving their very lives for the sacred cause of liberty.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 9, 2019, as National Former Prisoner of War Recognition Day. I call upon Americans to observe this day by honoring the service and sacrifice of all our former prisoners of war and to express our Nation's eternal gratitude for their sacrifice. I also call upon Federal, State, and local government officials and organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of April, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.



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