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

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Presidential Documents

Title 3—

The President

Proclamation 9862 of April 12, 2019

Pan American Day and Pan American Week, 2019

By the President of the United States of America

A Proclamation

In October 1889, the nations of the Americas convened in Washington, D.C., at the First International Conference of the American States, to strengthen the bonds of friendship among the countries of the Western Hemisphere and to consider opportunities for improved cooperation. This conference set the foundation for the Organization of American States, which was eventually established in 1948 and today serves as the primary international forum for the countries of the Western Hemisphere. As we celebrate this Pan American Day and Pan American Week, nearly 130 years after the First International Conference, the United States proudly continues to stand in solidarity with the nations of the Americas. Together, we commemorate the progress we have made toward our shared goal of a hemisphere united in democracy, prosperity, and security.

The people of the Americas are bound together by much more than geographic proximity. From the earliest days of the inter-American system, we have shared a deep respect for liberty. Enshrined in the Charter of the Organization of American States is a declaration that ''representative democracy is an indispensable condition for the stability, peace, and development of the region'' and that ''the historic mission of America is to offer to man a land of liberty.'' We remain committed to freedom and a strong and interconnected Western Hemisphere in the face of current challenges.

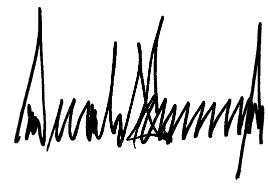
Together, the nations of America must continue to confront oppression and advocate for freedom—both in the region and around the globe. Sadly, the people of Cuba, Venezuela, and Nicaragua continue to live under tyranny and authoritarianism. The brutality and corruption of the illegitimate former regime in Venezuela has crippled the country and brought it to ruin. We must not forget that the struggle is one between dictatorship and democracy, between oppression and freedom, and between continued suffering for millions of Venezuelans and an opportunity for a renewed future of freedom and prosperity. The community of democracies in our Western Hemisphere must continue to support the people of Venezuela, Cuba, and Nicaragua as they fight for the restoration of democracy and liberty.

Despite such challenges, the countries of the Americas have made substantive progress on issues such as trafficking and crime, poverty reduction, and safety. The United States has worked with its partners to disrupt transnational criminal networks, stem drug and human trafficking, enhance citizen security, and strengthen border security. We will continue working cooperatively in the Americas and throughout the world to promote the rule of law and give the people of our countries every opportunity to thrive.

On Pan American Day and during Pan American Week, the nations of the Americas renew our common mission of advancing freedom in our hemisphere. Through unmatched levels of trade and investment, steady cooperation, and investment in the well-being of people from all walks of life, we are helping to secure prosperity and security for future generations.

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 14, 2019, as Pan American Day and April 14 through April 20, 2019, as Pan American Week. I urge the Governors of the 50 States, the Governor of the Commonwealth of Puerto Rico, and the officials of the other areas under the flag of the United States of America to honor these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth 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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Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2015–0101]

RIN 0579–AE30

Phytophthora ramorum; Regulated Areas, Regulated Establishments, and Testing Protocols

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the *Phytophthora ramorum* regulations to remove regulated areas for *P. ramorum* from the regulations, as well as all regulatory requirements specific to such areas. We are revising the inspection and sampling requirements for certain nurseries that are in areas quarantined for *P. ramorum* and that ship regulated nursery stock interstate to have them take into consideration additional potential sources of *P. ramorum* inoculum at the nurseries. Finally, we are establishing conditions under which we would regulate nurseries located outside of the quarantined areas for *P. ramorum,* if sources of *P. ramorum* inoculum are detected at those nurseries and the nurseries ship certain articles interstate. These changes will provide regulatory relief to nurseries in areas that are regulated for *P. ramorum,* while also ensuring that nurseries that may pose a risk of disseminating *P. ramorum* through the interstate movement of regulated nursery stock are subject to measures that address this risk.

DATES: Effective May 20, 2019.

FOR FURTHER INFORMATION CONTACT: Mr. William Wesela, National Policy Manager, Pest Management, PPQ, APHIS, 4700 River Road, Riverdale, MD 20737–1238; (301) 851–2229.

SUPPLEMENTARY INFORMATION:

Background

Under section 412(a) of the Plant Protection Act (7 U.S.C. 7701 *et seq.,* referred to below as the PPA), the Secretary of Agriculture may prohibit or restrict the movement in interstate commerce of any plant or plant product, if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of a plant pest within the United States.

Phytophthora ramorum, the cause of sudden oak death, ramorum leaf blight, and ramorum dieback, is a harmful pathogen that can cause mortality in several oak tree species and also causes twig and foliar diseases in numerous native and non-native ornamental plants, shrubs, and trees within the United States.

Since its initial discovery in Marin County, CA, in 1995, the *P. ramorum* pathogen has been confirmed on various native hosts in Curry County, OR, and 15 California counties. In 2001, the States of Oregon and California restricted intrastate movement of certain articles from known infested areas at the time to prevent the spread of *P. ramorum* within those States. Because infected plants and plant products that move interstate could serve as a pathway for the introduction of *P. ramorum* to other areas of the United States, the Animal and Plant Health Inspection Service (APHIS) issued an interim rule published in the **Federal Register** on February 14, 2002 (67 FR 6827–6837, Docket No. 01–054–1) to quarantine portions of the States of California and Oregon where *P. ramorum* was confirmed to exist (at the time, 10 counties in California and a portion of Curry County, OR). The interim rule established a new subpart, ''Subpart X—*Phytophthora ramorum*'' (7 CFR 301.92 through 301.92–12, referred to below as the regulations), which contains APHIS' regulations to address the spread of *P. ramorum.* Subsequent detections of the pathogen from two large southern California nurseries in 2004 that had shipped potentially infested plants throughout the United States led to the additional implementation of a Federal Order in 2005 requiring inspection of nurseries in California, Oregon, and Washington that ship host plants or associated host plants. As new findings emerged since that time, APHIS revised its protocols and expanded its quarantined areas to manage *P. ramorum* infections in the United States.

In a Federal Order issued on January 10, 2014, and a Federal Order issued on April 3, 2015, we restructured the domestic quarantine program for *Phytophthora ramorum.*[1] On June 25, 2018, we published in the **Federal Register** (83 FR 29465–29472, Docket No. APHIS–2015–0101), a proposal [2] to amend the regulations to reflect the changes made by the 2014 and 2015 Federal Orders to the *Phytophthora ramorum* domestic quarantine program. Additionally, we proposed to update the lists of hosts and associated hosts for *P. ramorum,* and to establish conditions for the interstate movement of soil samples from areas quarantined for *P. ramorum.*

We solicited comments on the proposal for 60 days ending August 24, 2018. We received 10 comments on our proposal. Comments were from researchers, State agricultural and conservation agencies, environmental advocacy groups, research foundations, and private citizens. Of these, one was fully supportive of the proposed action. Another objected to the proposal generally on the grounds that it would increase the spread of disease, but did not address specific concerns with the proposal. Others supported some aspects of the proposal, but raised several issues of concern. These issues are discussed below by topic.

Interstate Movement of Regulated Articles

An issue of concern to several commenters was the risk posed by interstate movement of nursery stock and other regulated articles under the proposed regulations. One commenter representing a State Department of Agriculture objected to the interstate shipment of plants from quarantine zones regardless of host status. The commenter stated that the proposal's method of evaluating plants in regulated establishments on a nursery-by-nursery basis prior to interstate shipment could lead to the *P. ramorum* pathogen moving with the shipment, if sampling is done during a latent period or if lots

[1] *https://www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/phytophthora-ramorum/ct_phytophthora_ramorum_sudden_oak_death.*

[2] To view the proposal, supporting documents, and the comments we received, go to *https://www.regulations.gov/docket?D=APHIS-2015-0101.*

testing free of the pathogen are contaminated prior to shipment. The commenter also noted that nurseries within a *P. ramorum* quarantined area remain at risk for contamination due to *P. ramorum* existing in the natural environment. In addition to objecting to the interstate shipment of plants from quarantine zones, the commenter asked that conditions for the shipment of plants from regulated establishments outside quarantine zones be clarified in the details of proposed compliance agreements, including mitigation measures, to ensure that there is no evidence of the pathogen in the natural environment, or the possibility of contamination from positive plant material in the nursery.

APHIS has been operating under the current *P. ramorum* domestic quarantine program, as implemented by Federal Orders, since 2014. We have found the existing testing protocols and conditions in place for interstate movement of regulated, restricted, and associated articles from quarantined areas and from regulated establishments, which this rule codifies, are sufficient to mitigate the risk of transmission of the pathogen. Additionally, we note in response to the commenter's concerns regarding sampling that the regulations require that annual inspections and sampling take place at times most conducive to detection of the pathogen.

Compliance agreements between regulated establishments and APHIS ensure that appropriate standards for individual establishments are implemented to prevent the spread of the *P. ramorum* pathogen. As the Agency responsible for Federal oversight of regulated establishments, APHIS will continue to ensure that requirements specified in individual compliance agreements meet stringent Agency standards to prevent the spread of the pathogen.

Another commenter representing a State Department of Food and Agriculture raised concerns regarding the proposed sampling requirement for nurseries in quarantined areas to be set on a nursery-by-nursery basis. The commenter stated that Federal Order DA–2014–02, used as a justification in the proposed rule for changing these sampling standards, does not actually address the number of samples to be collected during the annual quarantine compliance inspection of a nursery, only the number of samples for the Federal Order's compliance sampling that occurs biannually at previously positive nurseries. The State expressed concern that its regulators under this proposal would be placed under a substantial burden, and requested clarification regarding the minimum number of samples to be taken during an annual inspection in quarantined counties not previously testing positive for *P. ramorum,* as well as guidance in the form of a table or guide in the proposal to determine the number of samples to be collected from each nursery. The commenter also requested that APHIS re-examine Federal Order DA–2014–02 to determine if the Order's intent supports the proposed nursery-by-nursery basis for sampling, and asked that APHIS add a regulatory requirement for the inspection of nurseries that supply interstate shippers.

We agree with the commenter's assessment of the proposed sampling requirements for nurseries in quarantined areas and will not be making that proposed change in this final rule. Sampling requirements for annual inspections of nurseries in quarantined areas not previously testing positive for *P. ramorum* will continue as implemented under existing regulations and Federal Orders. We have also taken the commenter's request for additional nursery inspections under consideration, and will keep it in mind for future updates to domestic quarantine program operations. APHIS meets annually with the National Plant Board to discuss the program and any changes in protocol that may be needed, and will continue to engage with stakeholders when making operational decisions.

Two commenters stated that the risk of inadvertent shipment of the *P. ramorum* pathogen, and subsequent risk to forests and nurseries, would be reduced with additional mitigations in the proposed rule including more rigorous inspections, surveys, or monitoring. The commenters noted that any nursery with host plants in any location should be considered as a potential source of infested plants. Another commenter also highlighted the risk that any nursery plant poses in transmitting *P. ramorum,* adding that APHIS should institute a system for detecting the pathogen in any nursery that contains host plants. The commenter indicated that such a system should include mandatory inspection and monitoring using techniques for detecting *P. ramorum* beyond visual inspection alone, and that enhanced regulatory scrutiny should be applied to nurseries in geographic areas that are conducive to survival of *P. ramorum* or that sell plants to be planted in such geographic areas. The commenter also suggested resources for research that support amended testing protocols for *P. ramorum.*

We appreciate the commenters' concerns regarding the potential for additional infestation of *P. ramorum.* While our regulations focus on establishments that participate or intend to participate in interstate shipping, based on our experience in administering the domestic quarantine program, we believe the conditions currently in place for testing and inspections—which will be codified under this rule—are sufficient for preventing further spread of the pathogen and for protecting American agriculture. As mentioned above, the regulations require that annual inspections and sampling take place at times most conducive to detection of *P. ramorum,* which mitigates the risk of inadvertent shipment of the pathogen. Additionally, this rule will codify the use of measures beyond visual inspection for detecting the pathogen in regulated establishments and nurseries in quarantined areas shipping regulated articles interstate, including testing of soil and standing water. As in past practice, we will continue to monitor detection of the pathogen, and will reevaluate program protocols should the need arise.

One commenter questioned where the proposal would leave 'opt-out' nurseries that had tested positive for *P. ramorum* since March 31, 2011, but decided not to ship interstate under the DA–2014–02 Federal Order. The commenter asked if such nurseries would be considered a regulated establishment under the proposed rule if they choose to ship interstate in the future, or if the rule creates a loophole for these opt-out nurseries to begin shipping interstate without sampling or certification.

In § 301.92–3(b) of the proposed rule and this final rule, we indicate that the Administrator will designate a nursery that is not located in a quarantined area for *P. ramorum* as a regulated establishment if the nursery ships regulated, restricted, or associated articles interstate and sources of *P. ramorum* are detected on nursery stock, or in soil, growing media, pots used for nursery stock, water sources, or any other regulated, restricted, or associated articles at the nursery. A nursery outside of a quarantined area that has tested positive for *P. ramorum* and wishes to begin shipping interstate will need to meet the requirements of §§ 301.92–4 and 301.92–5, as well as the inspection and sampling requirements in § 301.92–11(c).

Any nurseries located in quarantined areas in which *P. ramorum* has been detected since March 31, 2011, wishing to ship interstate under the requirements of § 301.92–11(a)(2) in this rule will need to meet the requirements therein for inspection, sampling, and testing prior to shipment.

Two commenters representing different Departments of the same State also expressed concerns about interstate movement of *P. ramorum,* and asked for additional Federal oversight measures to address this. They asked that the U.S. Department of Agriculture (USDA) not relax regulations to protect against *P. ramorum* infestation and requested that USDA allow receiving States more flexibility in their ability to protect State resources. They also expressed concern that nurseries testing positive for *P. ramorum* are placed under Federal compliance agreements, which are then left to the States for oversight without stated minimum standards for mitigation processes.

Ongoing cooperation between Federal and State regulators is essential to the proper functioning of the domestic quarantine program for *P. ramorum.* States play an important role in this relationship to enforce regulatory requirements, for which Federal funding is provided. APHIS remains committed to its ongoing partnership with States, and intends to set minimum standards for mitigation processes through the codification of this rule. Additionally, we note that this rule does not relax any regulatory operations, but rather updates the regulations to codify existing protocols that have been in place since 2014, and will remain in place following publication of this rule.

Discrepancies in Background Information and Host List

Several commenters noted discrepancies in the background information of the proposed rule. Two commenters highlighted specific passages where suggestions for rewording were included to clarify the history and background associated with the *P. ramorum* pathogen. Several commenters also noted that the proposed rule's statement that 14 counties in California are under quarantine for *P. ramorum* should read as 15. A few commenters also took issue with the APHIS host list, finding it to exclude a number of hosts and also finding the length of time between a host's identification and its addition to the list to be unsatisfactory. Specifically, commenters cited concerns regarding the placement of the Japanese larch (*Larix kaempferi*) on the list of associated hosts, as literature in the United Kingdom has documented that this is a proven host of the pathogen. The commenters requested that APHIS re-evaluate its determination of hosts, including the speed with which hosts are evaluated, in addition to adding Japanese larch to the host list.

We appreciate the commenters' concerns and have in this final rule clarified background information that may have been inadvertently imprecise regarding the historical progression of *P. ramorum* detections and response protocols in the United States. The reference to 14 quarantined counties in the preamble of the proposed rule was made in the context of describing the list of counties in the existing regulations (first implemented by the 2002 interim rule). We have clarified this reference in this final rule, and note that all 15 counties quarantined under subsequent Federal Orders were included in the regulatory text of the proposal.

Regarding the host list, we agree with commenters as to the challenges of maintaining an updated host list in its current form. To address this issue, we plan in the near future to restructure the lists of proven *P. ramorum* hosts and associated plant taxa, and to move the lists from the regulations to the APHIS website to allow for more timely updates. Part of the restructuring plan would likely include merging the lists of proven and associated hosts into a single host list, which would address commenters' concern regarding placement of specific taxa within the existing lists. Any such plans would be proposed via rulemaking with a public comment period provided.

One commenter stated that the background information in the proposed rule understated the risk of *P. ramorum* infection to nurseries, pointing out that the annual 3 percent level of detection cited in the proposal is not a low level of risk, that spread of the pathogen to nurseries from the natural environment still occurs despite regulatory efforts, and that new infections in nurseries are likely to continue absent mandated surveys of all nurseries selling host or associated host plant material.

We wish to clarify that the 3 percent level of detection indicated in the preamble text was referring to the number of nurseries, not the number of overall plants, where *P. ramorum* was detected. Also, we note that we are bound by statutory authority to regulate based on interstate commerce, and therefore cannot mandate regulatory requirements that extend beyond this authority. However, based on our experience in administering the domestic quarantine program and the relatively low number of infestations discovered during its implementation, we believe that the proposed methods are sufficient to mitigate risks of further spread of the pathogen. As we have done in past practice with making program enhancements—including with this final rule that codifies program updates that were made to existing regulations—we note that we will continue to monitor detections of *P. ramorum* and will update program protocols should it become necessary to do so.

Lack of Transparency

Citing a lack of publicly-available data, several commenters noted the difficulty for non-regulators to be able to adequately evaluate the existing efficacy of the *P. ramorum* program and the provisions to codify them in the proposed rule. The commenters requested that APHIS reinstate the *P. ramorum* quarterly program updates that were discontinued in 2014.

We appreciate the commenters' concerns and will be reinstating the *P. ramorum* program updates beginning in April of 2019.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, with the changes discussed in this document.

Executive Orders 12866 and 13771 and Regulatory Flexibility Act

This rule is not an Executive Order 13771 regulatory action because this rule is not significant under Executive Order 12866. Further, APHIS considers this rule to be a deregulatory action under Executive Order 13771 as the action would remove regulated areas for *P. ramorum* from the regulations, as well as the regulatory requirements specific to such areas, thus relieving restrictions on affected entities living in those areas. This final rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities. The analysis is summarized below. Copies of the full analysis are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or on the *Regulations.gov* website (see **ADDRESSES** above for instructions for accessing *Regulations.gov*).

This rule revises the *Phytophthora ramorum* domestic regulations in accordance with Federal Orders issued 2013–2015. The Federal Orders have allowed APHIS and State regulatory agencies to focus regulatory controls on the nurseries that present a significant risk of spreading the pathogen and away from those nurseries that pose a negligible risk of contributing to its artificial spread, thereby more efficiently apportioning resources and the regulatory burden.

The rule removes the designation of *P. ramorum* regulated areas, as well as all restrictions and protocols specific to those areas. It will relieve the regulatory burden on approximately 1,500 nurseries where the pathogen is not present in the environment. As an alternative to regulated areas, this action codifies the concept of regulated establishments that will be required to enter into compliance agreement with APHIS.

The annual cost of complying with the *P. ramorum* management requirements in the regulations ranges from $14,000 to $16,000 per nursery. Thus, the cost savings for the 1,500 operations that will be relieved of these management requirements range from $21 million to $24 million per year. In accordance with guidance on complying with Executive Order 13771, the single primary estimate of the cost savings of this rule is about $22.5 million ($15,000 per nursery), the mid-point estimate of cost savings annualized in perpetuity using a 7 percent discount rate. In addition, by not requiring annual certification by APHIS or State officials, there will be public cost savings of about $363,000 per year.

This rule will not deregulate the current *P. ramorum* quarantine areas, nor will it deregulate interstate shipping nurseries located within these quarantined areas. For regulated establishments and establishments located within quarantined areas, compliance costs may increase or decrease depending on amended best management practices, but any related change in operational costs is not expected to be significant.

The majority of establishments that will be affected by this rule are small entities. The rule codifies current Federal Orders, and will not have a significant economic impact on a substantial number of small entities.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 2 CFR chapter IV.)

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the reporting, recordkeeping, and third party disclosure requirements included in this final rule have already been approved by the Office of Management and Budget (OMB) under OMB control numbers 0579–0088 and 0579–0310.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this final rule, please contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

■ 1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 issued under Sec. 204, Title II, Public Law 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under Sec. 203, Title II, Public Law 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

■ 2. Section 301.92 is amended as follows:

■ a. By revising paragraph (b); and

■ b. In paragraph (c), by removing the words ''quarantined or regulated area'' and adding the words ''quarantined area or regulated establishment'' in their place.

The revision reads as follows:

§ 301.92 Restrictions on interstate movement.

* * * * *

(b) No person may move interstate from any regulated establishment any regulated, restricted, or associated articles except in accordance with this subpart.

* * * * *

■ 3. Section 301.92–1 is amended by removing the definition for *Regulated area* and by adding, in alphabetical order, a definition for *Regulated establishment* to reads as follows:

§ 301.92–1 Definitions.

* * * * *

Regulated establishment. Any nursery regulated by APHIS pursuant to § 301.92–3(b).

* * * * *

■ 4. Section 301.92–2 is amended as follows:

■ a. In paragraph (d), by adding entries in alphabetical order for *Cinnamomum camphora* and *Gaultheria procumbens;* and

■ b. In paragraph (e), by adding entries in alphabetical order for *Ilex cornuta, Illicium parviflorum, Larix kaempferi, Magnolia denudata, Mahonia nervosa, Molinadendron sinaloense, Trachelospermum jasminoides,* and *Veronica spicata* Syn. *Pseudolysimachion spicatum.*

The additions read as follows:

§ 301.92–2 Restricted, regulated, and associated articles; lists of proven hosts and associated plant taxa.

* * * * *

(d) * * *

* *Cinnamomum camphora* Camphor tree

* * * * *

* *Gaultheria procumbens,* Eastern teaberry

* * * * *

(e) * * *

Ilex cornuta Buford holly, Chinese holly

* * * * *

Illicium parviflorum Yellow anise

Larix kaempferi Japanese larch

* * * * *

Magnolia denudata Lily tree

* * * * *

Mahonia nervosa Creeping Oregon grape

* * * * *

Molinadendron sinaloense

* * * * *

Trachelospermum jasminoides Star jasmine, confederate jasmine

* * * * *

Veronica spicata Syn. *Pseudolysimachion spicatum* Spiked speedwell

■ 5. Section 301.92–3 is revised to read as follows:

§ 301.92–3 Quarantined areas and regulated establishments.

(a) *Quarantined areas.* (1) Except as otherwise provided in paragraph (a)(2) of this section, the Administrator will designate as a quarantined area in paragraph (a)(3) of this section each State, or each portion of a State, in which *Phytophthora ramorum* has been confirmed by an inspector to be established in the natural environment, in which the Administrator has reason to believe that *Phytophthora ramorum* is present in the natural environment, or that the Administrator considers it necessary to quarantine because of its inseparability for quarantine enforcement purposes from localities in which *Phytophthora ramorum* has been found in the natural environment. Less than an entire area will be designated as a quarantined area only if the Administrator determines that:

(i) The State has adopted and is enforcing restrictions on the intrastate movement of regulated, restricted, and associated articles that are substantially the same as those imposed by this subpart on the interstate movement of regulated, restricted, and associated articles; and

(ii) The designation of less than the entire State as a quarantined area will prevent the interstate spread of *Phytophthora ramorum.*

(2) The Administrator or an inspector may temporarily designate any nonquarantined area as a quarantined area in accordance with paragraph (a)(1) of this section. The Administrator will give a copy of this regulation along with a written notice for the temporary designation to the owner or person in possession of the nonquarantined area. Thereafter, the interstate movement of any regulated, restricted, or associated article from an area temporarily designated as a quarantined area will be subject to this subpart. As soon as practicable, this area will be added to the list in paragraph (a)(3) of this section or the designation will be terminated by the Administrator or an inspector. The owner or person in possession of an area for which designation is terminated will be given notice of the termination as soon as practicable.

(3) The following areas are designated as quarantined areas:

California

Alameda County. The entire county.

Contra Costa County. The entire county.

Humboldt County. The entire county.

Lake County. The entire county.

Marin County. The entire county.

Mendocino County. The entire county.

Monterey County. The entire county.

Napa County. The entire county.

San Francisco County. The entire county.

San Mateo County. The entire county.

Santa Clara County. The entire county.

Santa Cruz County. The entire county.

Solano County. The entire county.

Sonoma County. The entire county.

Trinity County. The entire county.

Oregon

Curry County. The following portion of Curry County that lies inside the area starting at the point where the mouth of the Rogue River meets the Pacific Ocean and continuing east along the Rogue River to the northeast corner of T35S R12W section 31; then south to the northeast corner of T38S R12W section 18; then east to the northeast corner of T38S R12W section 13; then south to northeast corner of T38S R12W section 25; then east to the northeast corner of T38S R11W section 29; then south to the northeast corner of T40S R11W section 8; then east to the northeast corner of T40S R11W section 10; then south to the State border with California; then west to the intersection of the State border and U.S. Highway 101; then northwest along U.S. Highway 101 to the intersection with West Benham Lane; then west along West Benham Lane to the Pacific Coastline; then following the Pacific Coastline northwest to the point of beginning.

(b) *Regulated establishments*—(1) *Designation.* The Administrator will designate a nursery that is not located in a quarantined area for *Phytophthora ramorum* as a regulated establishment for *Phytophthora ramorum* if the nursery ships regulated, restricted, or associated articles interstate and sources of *Phytophthora ramorum* are detected on nursery stock, or in soil, growing media, pots used for nursery stock, standing water, drainage water, water used for irrigation, or any other regulated, restricted, or associated articles at the nursery.

(2) *Deregulation.* The Administrator will withdraw regulation of a regulated establishment if, for 3 consecutive years, each time the nursery is inspected by an inspector, it is found free of sources of *Phytophthora ramorum* inoculum.

(Approved by the Office of Management and Budget under control number 0579–0310)

■ 6. Section 301.92–4 is amended by revising the section heading and paragraphs (a)(2) and (d) to read as follows:

§ 301.92–4 Conditions governing the interstate movement of regulated, restricted, and associated articles, and non-host nursery stock from quarantined and regulated establishments.

(a) * * *

(2) *Without a certificate.* (i)(A) The regulated article or associated article originated outside the quarantined area and the point of origin of the article is indicated on the waybill of the vehicle transporting the article; and

(B) The regulated or associated article is moved from outside of the quarantined area through the quarantined area without stopping except for refueling or for traffic conditions, such as traffic lights or stop signs, and the article is not unpacked or unloaded in the quarantined area.

(ii) Soil samples may be moved from a quarantined area for *Phytophthora ramorum* for chemical or physical (compositional) analysis provided that they are moved to a laboratory; and that laboratory:

(A) Has entered into and is operating under a compliance agreement with APHIS in accordance with § 301.92–6;

(B) Is abiding by all terms and conditions of that compliance agreement; and

(C) Is approved by APHIS to test and/or analyze such samples.

* * * * *

(d) *Interstate movement of regulated, restricted, and associated articles from regulated establishments.* Regulated, restricted, and associated articles may be moved interstate from a regulated establishment if the regulated establishment has entered into a compliance agreement with APHIS in accordance with § 301.92–6, and the articles are accompanied by a certificate issued in accordance with § 301.92–5.

■ 7. Section 301.92–5 is amended by revising paragraphs (a)(1)(iv)(A) and (b) to read as follows:

§ 301.92–5 Issuance and cancellation of certificates.

(a) * * *

(1) * * *

(iv) * * *

(A)(*1*) Are shipped from a nursery that has been inspected in accordance with the inspection and sampling protocol described in § 301.92–11(a)(1), and the nursery is free of evidence of *Phytophthora ramorum* infestation; or

(*2*) Are shipped from a nursery that has been inspected in accordance with the inspection and sampling protocol described in § 301.92–11(a)(2), and the nursery is free of evidence of *Phytophthora ramorum* infestation; or

(*3*) Are shipped from a nursery that has been inspected in accordance with the inspection and sampling protocol described in § 301.92–11(a)(2), is not free of evidence of *Phytophthora ramorum* infestation, but has entered into and is operating under a compliance agreement with APHIS, and is determined by an inspector to be abiding by all terms and conditions of that agreement; and

* * * * *

(b) *Movements from regulated establishments.* An inspector may issue a certificate for the movement of regulated, restricted, and/or associated articles from a regulated establishment if the inspector determines that:

(1) The nursery has entered into a compliance agreement APHIS in accordance with § 301.92–6 and is abiding by all terms and conditions of that agreement; and

(2) The nursery has been inspected in accordance with § 301.92–11(c); and

(3) The articles to be shipped interstate are free from *Phytophthora ramorum* inoculum; and

(4) The movement of the articles is not subject to additional restriction under section 414 of the Plant Protection Act (7 U.S.C. 7714) or other Federal domestic plant quarantines and regulations.

* * * * *

§ 301.92–6 [Amended]

■ 8. Section 301.92–6 is amended as follows:

■ a. By redesignating footnote 15 as footnote 12; and

■ b. In the OMB citation at the end of the section, by adding the words ‘‘0579–0088 and’’ after the word ‘‘numbers’’.

§ 301.92–7 [Amended]

■ 9. In § 301.92–7, footnote 16 is redesignated as footnote 13.

■ 10. Section 301.92–11 is revised to read as follows:

§ 301.92–11 Inspection and sampling protocols.

(a) *Nurseries in quarantined areas shipping regulated articles of nursery stock and associated articles interstate*—(1) *Nurseries in which Phytophthora ramorum has not been detected since March 31, 2011.* To meet the requirements of § 301.92–5(a)(1)(iv), nurseries that are located in quarantined areas, that move regulated articles of nursery stock, decorative trees without roots, wreaths, garlands, or greenery, associated articles, or non-host nursery stock interstate, and in which *Phytophthora ramorum* has not been detected since March 31, 2011, must meet the following requirements. Any such nurseries in quarantined areas that do not meet the following requirements are prohibited from moving regulated articles and associated articles interstate. Any such nurseries in quarantined areas that do not meet the following requirements or those in paragraph (b) of this section are prohibited from moving non-host nursery stock interstate.

(i) *Annual inspection, sampling, and testing*—(A) *Inspection.* The nursery must be inspected annually for symptoms of *Phytophthora ramorum* by an inspector. Inspectors will visually inspect for symptomatic plants throughout the nursery, and inspection will focus on, but not be limited to, regulated articles and associated articles.

(B) *Sampling.* A minimum of 40 plant samples must be tested per nursery location. Samples must be taken from all symptomatic plants if symptomatic plants are present. If fewer than 40 symptomatic plants are present, each symptomatic plant must be sampled and the remainder of the 40 sample minimum must be taken from asymptomatic plants. If no symptomatic plants are present, 40 asymptomatic plants must be sampled; biased toward proven hosts. Each sample may contain more than one leaf, and may come from more than one plant, but all plants in the sample must be from the same lot. Asymptomatic samples, if collected, must be taken from regulated and associated articles and nearby plants. Inspectors must conduct inspections at times when the best expression of symptoms is anticipated and must take nursery fungicide programs into consideration. Nursery owners must keep records of fungicide applications for 2 years and must make them available to inspectors upon request.

(C) *Testing.* Samples must be labeled and sent for testing to a laboratory approved by APHIS and must be tested using a test method approved by APHIS, in accordance with § 301.92–12.

(D) *Annual certification.* If all plant samples tested in accordance with this section and § 301.92–12 return negative results for *Phytophthora ramorum,* an inspector may certify that the nursery is free of evidence of *Phytophthora ramorum* infestation at the time of the inspection, and the nursery is eligible to enter into or maintain its compliance agreement in accordance with § 301.92–6.

(ii) *Pre-shipment inspection, sampling, and testing*—(A) *Inspection.* During the 30 days prior to interstate movement from a nursery in a quarantined area, regulated articles or associated articles intended for interstate movement must be inspected for symptoms of *Phytophthora ramorum* by an inspector. Inspection will focus on, but not be limited to, regulated articles and associated articles. No inspections of shipments will be conducted unless the nursery from which the shipment originates has a current and valid annual certification in accordance with this section.

(*1*) If no symptomatic plants are found upon inspection, the shipment may be considered free from evidence of *Phytophthora ramorum* and is eligible for interstate movement, provided that the nursery is operating under a compliance agreement with APHIS in accordance with § 301.92–6.

(*2*) If symptomatic plants are found upon inspection, the inspector will collect at least one sample per symptomatic plant, and one sample per regulated article or associated article that is in close proximity to, or that has had physical contact with, a symptomatic plant.

(B) *Testing and withholding from interstate movement.* Samples taken in accordance with this paragraph (a)(1) must be labeled and sent for testing to a laboratory approved by APHIS and must be tested using a test method approved by APHIS, in accordance with § 301.92–12. The interstate movement of plants in the shipment is prohibited until the plants in the shipment are determined to be free of evidence of *Phytophthora ramorum* infection in accordance with § 301.92–12.

(2) *Nurseries in which Phytophthora ramorum has been detected since March 31, 2011.* To meet the requirements of § 301.92–5(a)(1)(iv), nurseries that are located in quarantined areas, that move regulated articles of nursery stock, decorative trees without roots, wreaths, garlands, or greenery, associated articles, or non-host nursery stock interstate, and in which *Phytophthora ramorum* has been detected since March 31, 2011, must meet the following requirements. Any such nurseries in quarantined areas that do not meet the following requirements are prohibited from moving regulated articles and associated articles interstate. Any such nurseries in quarantined areas that do not meet the following requirements or those in paragraph (b) of this section are prohibited from moving non-host nursery stock interstate.

(i) *Inspections.* The nursery must be inspected at least twice annually for symptoms of *Phytophthora ramorum* infestation by an inspector. The inspection will focus on regulated plants and other potential sources of *Phytophthora ramorum* inoculum.

(ii) *Sampling.* Samples must be taken from host plants, soil, standing water, drainage water, water for irrigation, and any other articles determined by the inspector to be possible sources of *Phytophthora ramorum* inoculum. The number of samples taken may vary depending on the possible sources of inoculum identified at the nursery, as well as the number of host articles in the nursery.

(iii) *Testing.* Samples must be labeled and sent for testing to a laboratory approved by APHIS and must be tested using a test method approved by APHIS in accordance with § 301.92–12.

(iv) *Negative results; certification.* If all samples tested in accordance with this section and § 301.92–12 return negative results for *Phytophthora ramorum,* an inspector may certify that the nursery is free of *Phytophthora ramorum* at the time of the inspection. If the nursery is inspected and determined by an inspector to be free of *Phytophthora ramorum* inoculum each time it is inspected for 3 consecutive years, the nursery will thereafter be inspected in accordance with paragraph (a)(1) of this section.

(v) *Positive results.* If any samples tested in accordance with this section and § 301.92–12 return positive results for *Phytophthora ramorum,* the nursery may ship lots of regulated, restricted, and associated articles interstate pursuant to § 301.92–5(b) only if the lot is determined to be free from *Phytophthora ramorum* inoculum. The method for this determination will be specified in the nursery's compliance agreement with APHIS.

(b) *Nurseries in quarantined areas shipping non-host nursery stock interstate.* Nurseries located in quarantined areas and that move non-host nursery stock interstate must meet the requirements of this paragraph or the requirements of paragraph (a) of this section. If such nurseries contain any regulated or restricted articles, the nursery must meet the requirements of paragraph (a) of this section. This paragraph (b) only applies if there are no regulated or associated articles or nursery stock at the nursery. Nurseries that do not meet the requirements of paragraph (a) of this section or this paragraph (b) are prohibited from moving non-host nursery stock interstate.

(1) *Annual visual inspection.* The nursery must be visually inspected annually for symptoms of *Phytophthora ramorum.* Inspections and determinations of freedom from evidence of *Phytophthora ramorum* infestation must occur at the time when the best expression of symptoms is anticipated.

(2) *Sampling.* All plants showing symptoms of infection with *Phytophthora ramorum* upon inspection will be sampled and tested in accordance with § 301.92–12. If symptomatic plants are found upon inspection, the following plants must be withheld from interstate shipment until testing is completed and the nursery is found free of evidence of *Phytophthora ramorum* in accordance with this paragraph (b) and § 301.92–12: All symptomatic plants, any plants located in the same lot as the suspect plant, and any plants located within 2 meters of this lot of plants.

(3) *Certification.* If all plant samples tested in accordance with this section and § 301.92–12 return negative results for *Phytophthora ramorum,* or if an inspector at the nursery determines that plants in a nursery exhibit no signs of infection with *Phytophthora ramorum,* the inspector may certify that the nursery free of evidence of *Phytophthora ramorum* infestation at the time of inspection. Certification is valid for 1 year and must be renewed each year to continue shipping plants interstate.

(c) *Regulated establishments shipping regulated, restricted, or associated articles of interstate*—(1) *Inspections.* To meet the conditions of § 301.92–5(b), the regulated establishment must be inspected at least twice annually for symptoms of *Phytophthora ramorum* infestation by an inspector. The inspection will focus on regulated plants and other potential sources of *Phytophthora ramorum* inoculum.

(2) *Sampling.* Samples must be taken from host plants, soil, standing water, drainage water, water for irrigation, growing media, and any other articles determined by the inspector to be possible sources of *Phytophthora ramorum* inoculum. The number of samples taken may vary depending on the possible sources of inoculum identified at the nursery, as well as the number of host articles in the nursery.

(3) *Testing.* Samples must be labeled and sent for testing to a laboratory approved by APHIS and must be tested using a test method approved by APHIS in accordance with § 301.92–12.

(4) *Negative results; certification.* If all samples tested in accordance with this section and § 301.92–12 return negative results for *Phytophthora ramorum,* an inspector may certify that the nursery is free of *Phytophthora ramorum* at the time of the inspection. For purposes of § 301.92–5(b), regulated, restricted, and associated articles at a certified nursery are considered free from *Phytophthora ramorum* until the time of the next inspection.

(5) *Positive results.* If any samples tested in accordance with this section and § 301.92–12 return positive results for *Phytophthora ramorum,* the nursery may ship lots of regulated, restricted, and associated articles interstate pursuant to § 301.92–5(b) only if the lot is determined to be free from *Phytophthora ramorum* inoculum. The method for this determination will be specified in the nursery's compliance agreement with APHIS.

(Approved by the Office of Management and Budget under control number 0579–0310)

§ 301.92–12 [Amended]

■ 11. In § 301.92–12, paragraph (a) introductory text is amended by removing the words ''prescreen plant samples'' and adding the words ''prescreen samples'' in their place.

Done in Washington, DC, this 12th day of April 2019.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2019–07798 Filed 4–17–19; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 905 and 944

[Doc. AMS–SC–18–0046; SC18–905–3 FR]

Oranges, Grapefruit, Tangerines, and Pummelos Grown in Florida and Imported Grapefruit; Change in Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule implements a recommendation from the Citrus Administrative Committee (Committee) to revise the grade and size requirements currently prescribed under the marketing order for oranges, grapefruit, tangerines, and pummelos grown in Florida. This rule removes the grade and size requirements for Ambersweet and Temple oranges, and simplifies the tables outlining the grade and size requirements for interstate and export shipments. A corresponding change will be made to the grapefruit import regulation as required under section 8e of the Agricultural Marketing Agreement Act of 1937.

DATES: Effective May 20, 2019.

FOR FURTHER INFORMATION CONTACT: Abigail Campos, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 291–8614, or Email: *Abigail.Campos@usda.gov* or *Christian.Nissen@usda.gov*.

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Richard.Lower@usda.gov*.

SUPPLEMENTARY INFORMATION: This final rule, pursuant to 5 U.S.C. 553, amends regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This final rule is issued under Marketing Order No. 905, as amended (7 CFR part 905), regulating the handling of oranges, grapefruit, tangerines, and pummelos grown in Florida. Part 905 (referred to as the ''Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The Committee locally administers the Order and is comprised of producers and handlers of citrus operating within the area of production, and a public member.

This rule is also issued under section 8e of the Act, which provides that whenever certain specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodities.

The Department of Agriculture (USDA) is issuing this final rule in conformance with Executive Orders 13563 and 13175. 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 final 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).

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of import regulations issued under section 8e of the Act.

This final rule revises the grade and size requirements under the Order. This action removes the grade and size requirements for Ambersweet and Temple oranges, and simplifies the tables outlining the grade and size requirements for interstate and export shipments. These changes were unanimously recommended by the Committee on April 26, 2018. In addition to these changes, the Committee also recommended relaxing the minimum grade requirements for oranges and Fall-glo, Sunburst, and Honey tangerines from U.S. No. 1 to U.S. No. 2.

On November 15, 2018, the Committee met again and revisited the recommendation to relax the minimum grade requirements for oranges and tangerines. The Committee voted to withdraw their recommendation to relax the minimum grade requirements for oranges and tangerines from a U.S. No.1 to a U.S. No. 2, recommending that USDA consider maintaining the current minimum grade requirements for oranges and tangerines. After receiving the Committee recommendation, USDA reviewed volume and shipment projected by National Agricultural Statistical Service (NASS) for the 2018–19 season and determined the final rule should be revised to reflect a withdrawal of the original proposal. Consequently, this final rule does not include the proposed change to the minimum grade requirements for oranges and tangerines from a U.S. No. 1 to a U.S. No. 2.

Section 905.52 provides authority to establish minimum grade requirements for Florida citrus. Section 905.306 specifies, in part, the minimum grade requirements for citrus. Requirements for domestic shipments are specified in § 905.306 in Table I of paragraph (a) and for export shipments in Table II of paragraph (b). Minimum grade and size requirements for grapefruit imported into the United States are currently in effect pursuant to § 944.106 (7 CFR 944.106).

The Committee met on April 26, 2018, and discussed ways to provide additional supplies of Florida citrus to the marketplace and increase grower and handler returns. Committee members recognized that with the ongoing impacts of citrus greening, some adjustments should be made to assist growers and handlers and provide for the utilization of additional volume of Florida citrus in the fresh market.

Citrus greening has caused the steady decline in Florida citrus production and has spread to all citrus producing counties in Florida. From the 2011–12 to the 2016–17 season, citrus greening has reduced Florida's orange production by 53 percent and tangerine production by 67 percent. During the same period, fresh shipments have declined by 54 percent for oranges and 80 percent for tangerines.

The industry suffered additional production losses as a result of damage from Hurricane Irma in September 2017. According to USDA's National Agricultural Statistics Service (NASS), production for the 2016–17 season totaled 68.8 million boxes for oranges and 1.6 million boxes for tangerines. For the 2017–18 season, the forecasted production was expected to decrease by 34 percent for oranges and 53 percent for tangerines. Also, the citrus trees may take several seasons to recover from the hurricane damage, further impacting production and supply.

Given the decrease in production, the Committee recommended relaxing the minimum grade requirements for oranges and Fallglo, Sunburst, and Honey tangerines from U.S. No. 1 to U.S. No. 2. During the discussion of this change, one Committee member stated the reduction in grade could help address the limited volumes of fruit available in the market. It was also stated that there was a good fresh juice market for the U.S. No. 2 orange and that this change could help promote the sale of more oranges for the fresh juice market.

For tangerines, it was stated that the very limited volumes of tangerines being produced in Florida was causing a supply concern for shippers. Members agreed lowering the grade for tangerines would promote increased shipments.

The Committee had agreed relaxing the grade from a U.S. No. 1 to a U.S. No. 2 for oranges and Fallglo, Sunburst, Honey tangerines would allow growers and handlers to utilize a greater percentage of the crop and would make more fruit available for shipment. By implementing this change, more fruit would meet grade requirements, and the industry would be able to put an additional 300,000 cartons or more into the fresh market, helping to maximize shipments and to increase grower and handler return.

The Committee met again on November 15, 2018, and revisited the recommendation to relax the minimum grade requirements for oranges and tangerines. During their discussion, members raised their concerns about its initial recommendation. In April 2018, the Committee made its recommendation given the decline in volume due to citrus greening and Hurricane Irma. Some members stated the recommendation to reduce the grade from a U.S. No. 1 to U.S. No. 2 was based on the projected numbers provided. At the time, the forecasted production for the 2017–18 season was expected to decline by 34 percent for oranges and 53 percent for tangerines and there were questions about how much the production for the 2018–19 season would recover.

The production estimates for the 2018–19 season were issued prior to the Committee's November meeting. Those estimates show production for the 2018–19 season are up considerably from 2017–18 production. According to NASS, the forecasted production for the 2018–19 season is 77 million boxes of oranges, 1.2 million boxes of tangerines, and 6.4 million boxes of grapefruit. Production for 2017–18 was just 44.95 million boxes for oranges, 750,000 boxes of tangerines, and 3.8 million boxes of grapefruit. Compared to the 2017–18 production, the 2018–19 season will provide an increase in production of 71 percent for oranges, 61 percent for tangerines, and 68 percent for grapefruit.

Committee members stated the change in minimum grade was no longer supported by industry members and that maintaining the current minimum grade would allow the industry to supply quality product and meet market demand. The Committee agreed the recommended change was no longer needed, given there will be an ample supply of product this season. For these reasons, the Committee voted to withdraw its recommendation to the Secretary to relax the minimum grade requirements for oranges and tangerines from a U.S. No. 1 to a U.S. No. 2. After receiving the Committee recommendation, USDA reviewed the volume and shipment forecast as projected by NASS for the 2018–19 season. Because the NASS data projects an increase in the volume of oranges and tangerines available for market, USDA has determined that the proposed change should not be finalized. Therefore, the proposed relaxation of the minimum grade requirements for oranges and tangerines is withdrawn and is not included in this final rule. The current regulations regarding the minimum grade requirements for oranges and tangerines remain in effect.

During the April 26, 2018 meeting, the Committee also discussed the limited production of Ambersweet and Temple oranges (also known as Royal tangerines). In the past, the Committee has considered removing the grade and size requirements for varieties with limited commercial value due to the very limited supplies available for shipment. Last season, Ambersweet oranges accounted for 4,280 cartons and Temple oranges accounted for a total of 40,227 cartons sold. Given the decline in production, the Committee recommended removing restrictions on grade and size for Ambersweet and Temple oranges to maximize remaining shipments.

The Committee also recommended simplifying Table I and Table II in § 905.306, which outline the minimum grade and size requirements for interstate and export shipments, to make them better reflect current industry requirements. Over the past few years, the Committee has made ongoing changes to both minimum grade and size for a number of Florida citrus varieties. These changes have moved minimum grade and size requirements toward greater commonality for both oranges and grapefruit.

With the minimum grade change presented in the proposed rule, there would have been no differences in minimum grade and size requirements for the various types and varieties of oranges listed in the table. Therefore, the Committee recommended that ''Early and midseason'' oranges be consolidated with ''Navel'' and ''Valencia and other late type'' oranges into one ''Oranges'' classification. These changes will be made by making some changes to Table I and Table II, as without the change from a U.S. No. 1 to U.S. No. 2 minimum grade for oranges there will still be some differences in grade among orange varieties. For grapefruit, the minimum grade and size requirements for the two listed categories are already the same. ''Seedless, red'' and ''Seedless, except red'' are combined into one ''Grapefruit, seedless'' classification.

In addition, the Committee recommended removing the ''Regulation Period'' column from the two tables. Except for the dates listed in Table I for Valencia and other late type oranges, the various dates listed are no longer applicable and are not reflective of the current industry practice. As the grade change originally proposed for oranges will not be made, the current dates listed for Valencia and other late type oranges will be maintained in Table I to recognize there are different grades associated with different regulatory periods. The Committee made these recommendations to simplify the tables to reflect changes in the industry.

Section 8e of the Act provides that when certain domestically produced commodities, including grapefruit, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, and maturity requirements as those in effect for the domestic commodity. Because this rule combines ''Seedless, red'' and ''Seedless, except red'' into one classification for grapefruit in the two domestic handling regulation tables as well as removes the ''Regulation Period'' column dates from those tables, a corresponding change to the table in the grapefruit import regulations is required.

Further, two minor administrative changes will be made to § 944.106. In § 944.106(c), the reference to ''§ 905.306'' is revised to read ''§ 905.306(a) through (d)'' so that the requirements specifically applicable to imports are more clearly defined. Additionally, § 944.106(d) is updated to reflect the revised name of the Agricultural Marketing Service (AMS) program area that oversees federal marketing orders.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 20 handlers of Florida citrus who are subject to regulation under the Order and approximately 500 citrus producers in the regulated area. There are approximately 50 citrus importers. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,500,000, and small agricultural producers are defined as those having annual receipts of less than $750,000 (13 CFR 121.201).

According to data from NASS, the industry, and the Committee, the weighted average f.o.b. price for Florida citrus for the 2016–17 season was approximately $15.20 per carton with total shipments of 12.6 million cartons. Using the number of handlers, and assuming a normal distribution, the majority of handlers have average annual receipts of more than $7,500,000 ($15.20 times 12.6 million equals $191,520,000 divided by 20 handlers equals $9,576,000 per handler).

In addition, based on the NASS data, the weighted average grower price for the 2016–17 season was approximately $8.30 per carton of citrus. Based on grower price, shipment data, and the total number of Florida citrus growers, and assuming a normal distribution, the average annual grower revenue is below $750,000 ($8.30 times 12.6 million cartons equals $104,580,000 divided by 500 growers equals $209,160 per grower).

South Africa, Peru, and Mexico are the major grapefruit-producing countries exporting grapefruit to the United States. In 2016, shipments of grapefruit imported into the United States totaled approximately 24,000 metric tons. Information from USDA's Foreign Agricultural Service indicates that the dollar value of imported fresh grapefruit was approximately $11.2 million in 2016. Using this value and the number of importers (approximately 50), most importers would have annual receipts of less than $7,500,000 for grapefruit.

Based on the previously described estimates, the majority of handlers of Florida citrus may be classified as large entities, while the majority of growers and importers may be classified as small entities.

This final rule removes the grade and size requirements for Ambersweet and Temple oranges, and simplifies the tables outlining the grade and size requirements for interstate and export shipments. This rule revises § 905.306. Authority for this change is provided in § 905.52. This rule also changes § 944.106 in the grapefruit import regulation and is required by section 8e of the Act.

This action is not expected to increase the costs associated with the Order's requirements or the grapefruit import regulation. Rather, it is anticipated this action will have a beneficial impact. Removing the size requirements for Ambersweet and Temple oranges will help maximize shipments of these varieties impacted by declining production. The benefits of this rule will also be equally available to all growers, handlers, and importers, regardless of their size.

An alternative to this action would be to maintain the current minimum requirements for domestic shipments of Ambersweet and Temple oranges. However, leaving the requirements unchanged will not make additional fruit available for shipment. Therefore, this alternative was rejected.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0189, Fruit Crops. No changes in those requirements are necessary as a result of this action. Should any changes become necessary, they would be submitted to OMB for approval.

This final rule will not impose any additional reporting or recordkeeping requirements on either small or large Florida citrus handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. As noted in the initial regulatory flexibility analysis, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule. No public comments were received regarding the initial regulatory flexibility analysis.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

The Committee's meetings were widely publicized throughout the citrus industry, and all interested persons were invited to attend the meetings and participate in Committee deliberations. Like all Committee meetings, the April, 26, 2018, and November 15, 2018, meetings were public meetings, and all entities, both large and small, were able to express their views on this issue.

A proposed rule concerning this action was published in the **Federal Register** on October 19, 2018 (83 FR 53003). Copies of the proposed rule were sent via email to Committee members and Florida citrus handlers. Additionally, the rule was made available through the internet by USDA and the Office of the Federal Register. A 30-day comment period ending November 19, 2018, was provided to allow interested persons to respond to the proposal.

During the comment period, 12 comments were received in response to the proposal. Of the comments received, 2 were in support of the regulations as proposed, an additional comment was in support but requested some changes to the proposal, 8 were opposed, and 1 took no position.

In the two comments that supported the regulation, both stated producers and consumers would benefit from this action. One comment mentioned the change would allow less product to go to waste. The other comment mentioned there would be no major negative effects to the fresh market besides consumers purchasing smaller size fruit.

The comment supporting the proposal with changes was submitted by the chairperson of the Citrus Administrative Committee, and reflected the position taken by the Committee during its November 15, 2018, meeting. The comment stated support for the proposed regulations but requested that USDA deny the request to lower the minimum grade for Florida oranges and Fallglo, Sunburst, and Honey tangerines to a U.S. No. 2. The commenter stated that the Committee's request was based on objections voiced from within the Florida citrus industry. The comment mentioned the proposal to relax the minimum grade from a U.S. No. 1 to a U.S. No. 2 was a result of crop damage from Hurricane Irma. With operations estimated to have losses of 30 to 100 percent of their crop, the proposed change to the minimum grade requirements was intended to make more product available and align the grade for Florida oranges with the current minimum grade for Texas and imported oranges.

The commenter added that the Committee recommends proceeding with the other changes in the proposed rule, including removal of grade and size requirements for Ambersweet and Temple oranges, and simplifying the tables outlining the grade and size requirements for interstate and export shipments.

Of the comments received in opposition to the regulation, all eight opposed the proposal to relax the minimum grade from a U.S. No. 1 to a U.S. No. 2 for Florida oranges and tangerines. Many of the comments expressed concern this change would negatively impact quality. Other comments mentioned that a relaxation of the minimum grade requirements is unnecessary as the 2018–19 season should provide an ample supply of high-quality fruit. As mentioned above, after receiving the Committee recommendation and other comments, USDA reviewed the volume and shipment forecast as projected by NASS for the 2018–19 season and determined the proposal to relax the minimum grade requirements for oranges and tangerines should be withdrawn. Consequently, this final rule does not include a change to the minimum grade requirements from a U.S. No. 1 to a U.S. No. 2 for oranges and tangerines. The current regulations remain unchanged.

Two comments raised concerns over the consolidation of the grapefruit requirements for ''Seedless, red'' and ''Seedless, except red'' into one ''Grapefruit, seedless'' classification. Both commentators mentioned this change could cause harm to the fresh red grapefruit markets, and that Texas is known for its deep red variety of fresh grapefruit. Both comments also question what economic problems would befall Texas growers with the elimination of the red grapefruit category.

For grapefruit, the grade and size requirements for ''Seedless, red'' and ''Seedless, except red'' are already the same. The definition for grapefruit in the Order still includes ''red grapefruit, to include all shades of color.'' This final rule does not eliminate the grade and size requirements for red seedless grapefruit; it simply combines the two categories into one ''Grapefruit, seedless'' classification. The grade and size requirements for grapefruit, regardless of color, remains the same. This is the case for both Florida and imported grapefruit. Further, 7 CFR part 906, Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas, the marketing order for Texas citrus that is not affected by this rulemaking, establishes the minimum grade and size requirements for Texas grapefruit. These requirements do not include a separate category for red grapefruit.

This final rule does not eliminate the requirements for red seedless grapefruit or eliminate it as a variety. This final rule provides that regardless of color, Florida grapefruit shipped outside of the production area must meet the grade and size requirements established under the Order.

A comment submitted on behalf of the Florida Citrus Packers expressed opposition to all the changes in the proposed rule. The comment acknowledged the Committee's initial recommendation to relax the minimum grade requirements for oranges and tangerines was made to align the minimum grade for oranges with the requirements for Texas and imports, while making more oranges available for specialized channels of trade. However, after recent discussions, the organization favors a return to the original Order language.

As previously stated, USDA will not move forward with the change in minimum grade requirements for oranges and tangerines. Concerning the group's opposition to the other parts of the proposed rule, no additional information or analysis was provided in the comment. No AMS response is required. With regards to eliminating the grade and size requirements for Ambersweet and Temple oranges, production of these two varieties has been declining for years and is expected to continue to decline. Shipments are limited and represent only a small portion of overall fresh shipments and are not anticipated to return to commercial shipping levels. The additional changes made by the rule make no substantive change to the requirements under the Order but does simplify the language in the rules and regulations, making it easier to read and follow.

Another comment in opposition expressed concerns about the changes proposed to the import requirements. Specifically, it states the proposed rule discusses grapefruit while not addressing orange and mandarin results, and that the proposal provides no analysis on what the impact would be specific to grapefruit, orange, and/or mandarin imports. The comment also questions whether the proposed changes would have an adverse effect on the California and Texas citrus industries by allowing offshore competitors to flood the market with less expensive product.

Section 8e of the Act provides that when certain domestically produced commodities, including grapefruit, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, and maturity requirements as those in effect for the domestically produced commodity. As this rule combines ''Seedless, red'' and ''Seedless, except red'' into one classification for grapefruit in the two domestic handling regulation tables and removes the dates under ''Regulation Period'' from those tables, a corresponding change to the table in the grapefruit import regulations is required by section 8e. In addition, two minor administrative changes will be made to § 944.106, revising it to make the requirements specifically applicable to imports are more clearly defined and to update the name of the AMS program area that oversees federal marketing orders.

The Secretary has determined grapefruit imported into the United States are in most direct competition with grapefruit grown in Florida regulated under marketing order 905, and oranges imported into United States are in most direct competition with oranges grown in Texas regulated in marketing order 906. Accordingly, the import requirements for grapefruit reflect the requirements in marketing order 905 and the import requirements for oranges reflect the requirements under marketing order 906. Section 8e does not list tangerines or mandarins as a commodity subject to its requirements. Thus, there are currently no import requirements for tangerines or mandarins specified in the import regulations.

The rule only reflects changes to the grapefruit import regulation, as it is the only import regulation impacted by this change. The changes to the requirements for oranges and tangerines considered under this regulation only impact fruit produced in the Florida citrus production area.

Regarding the impact of the final rule on the grapefruit import requirements, this rule adjusts the appearance of the table in the import regulation and makes two minor administrative adjustments. These changes do not impact the substantive requirements applied to imported grapefruit. Further, as the rule only makes changes to the grapefruit import requirements, no analysis of the rule's impact on oranges and tangerine imports is warranted.

In response to the concerns raised about whether the changes would have an adverse effect on the California and Texas citrus industries by allowing offshore competitors to flood the market with less expensive product, this rule does not make changes to the grade and size requirements applied to imported grapefruit. Further, the minimum grade requirements for imported oranges reflect the minimum grade established under the Texas citrus marketing order 906, which is currently a U.S. No. 2 for both Texas and imported oranges. Consequently, this rule makes no substantive change to the grade and size requirements for imported grapefruit, and no change to the import requirements for oranges. Therefore, the changes outlined in this rule should not have substantive impact on the volume of citrus imported into the United States.

One last commenter took no position on the rule, but rather questioned whether this change would create a lower standard for Ambersweet and Temple oranges. This rule creates a lower standard by removing the grade and size requirements for both varieties.

For the reasons discussed above, USDA will not move forward with the reduction in minimum grade requirements for oranges and tangerines. With regards to the other provisions of the proposed rule, no changes will be made to the rule as proposed, based on the comments received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

In accordance with section 8e of the Act, the United States Trade Representative has concurred with the issuance of this rule.

After consideration of all relevant matter presented, including the information and recommendation of the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects

7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Pummelos, Reporting and recordkeeping requirements, Tangelos, Tangerines.

7 CFR Part 944

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

For the reasons set forth in the preamble, parts 905 and 944 are amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND PUMMELOS GROWN IN FLORIDA

■ 1. The authority citation for part 905 continues to read as follows:

Authority: 7 U.S.C. 601–604.

■ 2. In § 905.306, paragraph (a), Table I in paragraph (a), paragraph (b), and Table II in paragraph (b) are revised to read as follows:

§ 905.306 Orange, Grapefruit, Tangerine and Tangelo Regulation.

(a) No handler shall ship between the production area and any point outside thereof, in the 48 contiguous States and the District of Columbia of the United States, any variety of fruit listed in column (1) of Table I, except for Ambersweet and Temple, unless such variety meets the applicable minimum grade and size (with tolerances for size as specified in paragraph (c) of this section) specified for such variety in columns (2) and (3) of Table I: *Provided,* That all grapefruit meet the minimum maturity requirements specified in paragraph (e) of this section.

TABLE I

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (inches) (4)
Oranges			
Early and midseason		U.S. No. 1	2 4/16
Navel		U.S. No. 1	2 4/16
Valencia and other late type	September 1–May 14	U.S. No. 1	2 4/16
	May 15–June 14	U.S. No. 1 Golden	2 4/16
	June 15–August 31	U.S. No. 2, External/U.S. No. 1, Internal	2 4/16
Grapefruit, Seedless		U.S. No. 1	3
Tangerines:			
Fallglo		U.S. No. 1	2 6/16
Honey		Florida No. 1	2 6/16
Sunburst		U.S. No. 1	2 6/16
Tangelos		U.S. No. 1	2 8/16

(b) No handler shall ship to any destination outside the 48 contiguous States and the District of Columbia of the United States any variety of fruit listed in column (1) of Table II, except for Ambersweet and Temple, unless such variety meets the applicable minimum grade and size (with tolerances for size as specified in paragraph (c) of this section) specified for such variety in columns (2) and (3) of Table II: *Provided,* That all grapefruit meet the minimum maturity requirements specified in paragraph (e) of this section.

TABLE II

Variety (1)	Minimum grade (2)	Minimum diameter (inches) (3)
Oranges	U.S. No. 1	2 4/16
Navels	U.S. No. 1 Golden	2 4/16

TABLE II—Continued

Variety (1)	Minimum grade (2)	Minimum diameter (inches) (3)
Grapefruit, Seedless	U.S. No. 1	3
Tangerines:		
Fallglo	U.S. No. 1	2 6/16
Honey	Florida No. 1	2 6/16
Sunburst	U.S. No. 1	2 6/16
Tangelos	U.S. No. 1	2 8/16

* * * * *

PART 944—FRUITS; IMPORT REGULATIONS

■ 3. The authority citation for part 944 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 4. In § 944.106, revise the table in paragraph (a), paragraph (c), and the first sentence in paragraph (d) to read as follows:

§ 944.106 Grapefruit import regulation.

(a) * * *

Grapefruit classification (1)	Minimum grade (2)	Minimum diameter (inches) (3)
Grapefruit, seedless	U.S. No. 1	3

* * * * *

(c) Terms and tolerances pertaining to grade and size requirements, which are defined in the United States Standards for Grades of Florida Grapefruit (7 CFR 51.750–51.784), and in Marketing Order No. 905 (7 CFR 905.18 and 905.306(a) through (d)), shall be applicable herein.

(d) The Federal or Federal-State Inspection Service, Specialty Crops Program, Agricultural Marketing Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of grapefruit imported into the United States. * * *

* * * * *

Dated: April 12, 2019.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2019–07801 Filed 4–17–19; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2019–0030]

RIN 3150–AK28

List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM 100 Cask System, Certificate of Compliance No. 1014, Amendment No. 13

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is confirming the effective date of May 13, 2019, for the direct final rule that was published in the **Federal Register** on February 26, 2019. The direct final rule amended the NRC's spent fuel storage regulations by revising the Holtec International HI–STORM 100 Cask System listing within the ''List of approved spent fuel storage casks'' to include Amendment No. 13 to Certificate of Compliance No. 1014. Amendment No. 13 revises Appendix B of the technical specifications to update the initial uranium weight for the 16x16B and 16x16C assembly classes to match the value for 16x16A.

DATES: *Effective date:* The effective date of May 13, 2019, for the direct final rule published February 26, 2019 (84 FR 6055), is confirmed.

ADDRESSES: Please refer to Docket ID NRC–2019–0030 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2019–0030. 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.
- *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 proposed amendment to the certificate, the proposed changes to the technical specifications, and the

preliminary safety evaluation report are available in ADAMS under Accession No. ML18351A180. The final amendment to the certificate, final changes to the technical specifications, and final safety evaluation report can also be viewed in ADAMS under Accession No. ML19099A294.

• *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: Christian Jacobs, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–6825; email: *Christian.Jacobs@nrc.gov* or Gregory R. Trussell, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–6244; email: *Gregory.Trussell@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: On February 26, 2019 (84 FR 6055), the NRC published a direct final rule amending its regulations in part 72 of title 10 of the *Code of Federal Regulations* to the HI–STORM 100 System listing within § 72.214, ''List of approved spent fuel storage casks,'' to include Amendment No. 13 to Certificate of Compliance No. 1014. Amendment No. 13 revises Appendix B of the technical specifications to update the initial uranium weight for the 16x16B and 16x16C assembly classes to match the value for 16x16A.

In the direct final rule, the NRC stated that if no significant adverse comments were received, the direct final rule would become effective on May 13, 2019. As described more fully in the direct final rule, a significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change.

The NRC received one comment and has determined that it is not a significant adverse comment. The comment requested that small entities suffering from dishonor and long term endangerment inflicted by the Atomic Energy Act of 1954 be awarded relief immediately at fair market value. As this rulemaking only addressed changes to the technical specifications for dry shielded canisters used to store nuclear waste on-site, the NRC determined this comment to be out of scope of this direct final rule.

Because no significant adverse comments were received, this direct final rule will become effective as scheduled.

Dated at Rockville, Maryland, this 10th 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. 2019–07835 Filed 4–17–19; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0771; Product Identifier 2018–CE–029–AD; Amendment 39–19619; AD 2019–07–08]

RIN 2120–AA64

Airworthiness Directives; GA 8 Airvan (Pty) Ltd Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for GA 8 Airvan (Pty) Ltd Model GA8 and Model GA8–TC320 airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as certain wing strut fittings manufactured with incorrect grain orientation, which has an unknown effect on fatigue related concerns. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective May 23, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of May 23, 2019.

ADDRESSES: You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0771; or in person at Docket Operations, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

For service information identified in this AD, contact GA 8 Airvan (Pty) Ltd, c/o GippsAero Pty Ltd, Attn: Technical Services, P.O. Box 881, Morwell Victoria 3840, Australia; telephone: + 61 03 5172 1200; fax: +61 03 5172 1201; email: *aircraft.techpubs@mahindraaerospace.com.* You may view this referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *http://www.regulations.gov* by searching for Docket No. FAA-2018-0771.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to GA 8 Airvan (Pty) Ltd Model GA8 and Model GA8–TC320 airplanes. The NPRM was published in the **Federal Register** on September 17, 2018 (83 FR 46900). The NPRM proposed to correct an unsafe condition for the specified products and was based on mandatory continuing airworthiness information (MCAI) originated by the Civil Aviation Safety Authority (CASA), which is the aviation authority of the Commonwealth of Australia. The MCAI states:

> Amendment 1 of this [CASA] AD is issued to amend the replacement times as Service Bulletin GA8–2017–174 Issue 2 changed the mandatory replacement times for part number GA8–570026–035 strut from 6000 hours time in service or 3 calendar years to 9000 hours time in service or 5 calendar years, whichever occurs first.
>
> A manufacturing quality escape has resulted in wing strut fittings in the effective serial number range to be manufactured with incorrect grain orientation. The fatigue implications of the incorrect grain are not well understood. Therefore, CASA has mandated a conservative factored fatigue life limit based on the known fleet data of the affected aircraft. CASA will continue to gather data for the purposes of managing the fleet removal of these fittings from service.

The MCAI can be found in the AD docket on the internet at: *https://www.regulations.gov/document?D=FAA-2018-0771-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

We reviewed GippsAero Service Bulletin SB–GA8–2017–174, Issue 2, dated May 23, 2018. The service information describes procedures for wing strut and strut fitting inspection and replacement. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

Costs of Compliance

We estimate that this AD would affect 50 airplanes of U.S. registry. The average labor rate is $85 per work-hour.

We estimate that it would take about 8 work-hours and $200 for parts to do the initial inspections of this AD, for a cost of $880 per airplane and $44,000 for the U.S. operator fleet. We estimate that it would take about 5 work-hours and $200 for parts to do the repetitive inspections, for a cost of $625 per airplane and $31,250 for the U.S. operator fleet per inspection cycle.

In addition, we estimate that replacing the struts and strut fittings would take about 10 work-hours and require parts costing $7,000, for a cost of $7,850 per airplane and $392,500 for the U.S. operator fleet.

Reporting the inspection findings would require about 1 work-hour, for a cost of $85 per airplane and $4,250 for the U.S. operator fleet per inspection cycle.

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

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are mandatory as required by this AD; the nature and extent of confidentiality to be provided, if any. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to small airplanes, gliders, balloons, airships, domestic business jet transport airplanes, and associated appliances to the Director of the Policy and Innovation Division.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0771; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (telephone (800) 647–5527) is in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

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):

2019–07–08 GA 8 Airvan (Pty) Ltd: Amendment 39–19619; Docket No. FAA–2018–0771; Product Identifier 2018–CE–029–AD.

(a) Effective Date

This AD becomes effective May 23, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to GA 8 Airvan (Pty) Ltd Model GA8 and Model GA8–TC320 airplanes, certificated in any category, with a strut or strut fitting installed that has a part number and serial number listed in table 1 of GippsAero Service Bulletin SB–GA8–2017–174, Issue 2, dated May 23, 2018 (GippsAero SB–GA8–2017–174, Issue 2).

(d) Subject

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

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as certain wing strut fittings manufactured with incorrect grain orientation, which has an unknown effect on fatigue-related concerns. We are issuing this AD to detect and address fatigue-related damage to the wing strut fittings, which could lead to failure of the wing with consequent loss of control of the airplane.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) through (7) of this AD:

(1) Within 3 months after May 23, 2019 (the effective date of this AD) or within 100 hours time-in-service (TIS) after May 23, 2019 (the effective date of this AD), whichever occurs first, with the wing struts removed, visually inspect each forward and aft wing strut fitting and fuselage attachment point for cracks, corrosion, and damage. If there is a crack, any corrosion, or any damage, before further flight, do the applicable corrective actions (including checking torque, restoring surface protection, reworking areas with fouling, and replacing any part with a crack, corrosion, or damage). Follow the procedures in Parts C1, C2, and D or E, as applicable, in the Accomplishment Instructions in GippsAero SB–GA8–2017–174, Issue 2.

(2) Within 3 months after May 23, 2019 (the effective date of this AD) or within 100 hours TIS after May 23, 2019 (the effective date of this AD), whichever occurs first, and thereafter at intervals not to exceed 100 hours TIS, visually inspect each strut and strut fitting for cracks, corrosion, and damage. If there is a crack, any corrosion, or any damage, before further flight, do the applicable corrective actions (including checking torque, restoring surface protection, and replacing any part with a crack, corrosion, or damage). Follow the procedures in Parts B and D or E, as applicable, in the Accomplishment Instructions of GippsAero SB–GA8–2017–174, Issue 2.

(3) Within 1,000 hours TIS after doing the inspections required in paragraph (f)(1) of this AD and thereafter at intervals not to exceed 1,000 hours TIS, with the wing struts installed, visually inspect each forward and aft wing strut, strut fitting, and strut fitting lug hole for cracks, corrosion, and damage. If there is a crack, any corrosion, or any damage, before further flight, do the applicable corrective actions (including additional inspections, replacing hardware, and replacing any part with a crack, corrosion, or damage). Follow the procedures in Parts C3 and D or E, as applicable, in the Accomplishment Instructions of GippsAero SB–GA8–2017–174, Issue 2.

(4) To use an eddy current or fluorescent liquid penetrant inspection method instead of a visual inspection for the requirements in paragraph (f)(1) of this AD, the Manager, Small Airplane Standards Branch, FAA must approve your inspection method, and the Manager's approval letter must specifically refer to this AD. Send your approval request to the contact information found in paragraph (g)(1) of this AD.

(5) As of May 23, 2019 (the effective date of this AD), remove from service each part on or before exceeding its replacement time listed in Parts D and E of table 3 of GippsAero SB–GA8–2017–174, Issue 2, and replace with an airworthy part by following the procedures in Part D or Part E, as applicable, in the Accomplishment Instructions of GippsAero SB–GA8–2017–174, Issue 2.

(6) For each part that has, on May 23, 2019 (the effective date of this AD), exceeded its replacement time listed in Parts D and E of table 3 of GippsAero SB–GA8–2017–174, Issue 2, you may comply with the requirements in paragraph (f)(5) of this AD within 100 hours TIS after May 23, 2019 (the effective date of this AD) or within 12 months after May 23, 2019 (the effective date of this AD), whichever occurs first.

(7) Within 24 hours after each inspection required in paragraphs (f)(1) and (2) of this AD, submit a report of the inspection results as specified in the Document Compliance Notice of GippsAero SB–GA8–2017–174, Issue 2, even if no damage is found, to the Civil Aviation Safety Authority (CASA) and GA 8 Airvan (Pty) Ltd. Also include in the report the total hours TIS on the airplane and the type of operation. You may use the contact information found in paragraph (i)(3) of this AD to contact GA 8 Airvan (Pty) Ltd. To contact CASA, use the online CASA Defect Reporting Service at the following internet address: *https://drs.casa.gov.au/.*

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Small Airplane Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must instead be accomplished using a method approved by the Manager, Small Airplane Standards Branch, FAA; or CASA.

(3) *Reporting Requirements:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0731. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are voluntary; the nature and extent of confidentiality to be provided, if any. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

(h) Related Information

Refer to MCAI issued by CASA, AD No. AD/GA8/9, Amendment 1, dated May 29, 2018. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0771.

(i) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) GippsAero Service Bulletin SB–GA8–2017–174, Issue 2, dated May 23, 2018 (ii) [Reserved]

(3) For service information identified in this AD, contact GA 8 Airvan (Pty) Ltd, c/o GippsAero Pty Ltd, Attn: Technical Services, P.O. Box 881, Morwell Victoria 3840, Australia; telephone: + 61 03 5172 1200; fax: +61 03 5172 1201; email: *aircraft.techpubs@mahindraaerospace.com.*

(4) You may view this service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. In addition, you can access this service information on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0771.

(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 Kansas City, Missouri, on April 5, 2019.

Melvin J. Johnson,

Deputy Director, Policy & Innovation Division, Aircraft Certification Service.

[FR Doc. 2019–07702 Filed 4–17–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0787; Airspace Docket No. 18–ASW–12]

RIN 2120–AA66

Establishment of Class E Airspace; Coushatta, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, correction.

SUMMARY: This action corrects a final rule published in the **Federal Register** of March 1, 2019, that establishes Class E airspace at The Red River Airport, Coushatta, LA. The geographic coordinates of the airport will be amended to be in concert with the FAA's aeronautical database.

DATES: Effective date 0901 UTC, April 25, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** for Docket No. FAA–2018–0787 (84 FR 6965, March 1, 2019), establishing Class E airspace at The Red River Airport, Coushatta, LA. Subsequent to publication, the FAA identified an error that the geographic coordinates of the airport need to be amended to be in concert with the FAA's aeronautical database. This correction changes the coordinates from ''(lat. 31°59′25″ N, long. 093°18′40″ W)'' to read ''(lat. 31°59′25″ N, long. 093°18′27″ W)''

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, in the **Federal Register** of March 1, 2019 (84 FR 6965) FR Doc. 2019–03615, Establishment of Class E Airspace; Coushatta, LA, is corrected as follows:

§ 71.1 [Amended]

ASW LA E5 Coushatta, LA [Corrected]

■ On page 6966, column 1, line 37; remove ''(lat. 31°59′25″ N, long. 093°18′40″ W)'' and add in its place ''(lat. 31°59′25″ N, long. 093°18′27″ W)''.

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

John Witucki,

Acting Manager, Operations Support Group, Central Service Center.

[FR Doc. 2019–07600 Filed 4–17–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA–2017–C–6238]

Listing of Color Additives Exempt From Certification; Synthetic Iron Oxide; Confirmation of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA or we) is confirming the effective date of December 4, 2018, for the final rule that appeared in the **Federal Register** of November 1, 2018, and that amended the color additive regulations to provide for the expanded safe use of synthetic iron oxides as color additives to include use in dietary supplement tablets and capsules.

DATES: Effective date of final rule published in the **Federal Register** of November 1, 2018 (83 FR 54869) confirmed: December 4, 2018.

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: Molly A. Harry, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1075.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 1, 2018 (83 FR 54869), we amended the color additive regulations in § 73.200, ''Synthetic iron oxide'' (21 CFR 73.200), to provide for the expanded safe use of synthetic iron oxides as color additives in dietary supplement tablets and capsules, including coatings and printing inks, such that the total amount of elemental iron per day for labeled dosages does not exceed 5 milligrams.

We gave interested persons until December 3, 2018, to file objections or requests for a hearing. We received no objections or requests for a hearing on the final rule. Therefore, we find that the effective date of the final rule that published in the **Federal Register** of November 1, 2018, should be confirmed.

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Foods, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e) and under authority delegated to the Commissioner of Food and Drugs, we are giving notice that no objections or requests for a hearing were filed in response to the November 1, 2018, final rule. Accordingly, the amendments issued in the final rule became effective December 4, 2018.

Dated: April 15, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–07829 Filed 4–17–19; 8:45 am]

BILLING CODE 4164–01–P

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Part 1404

RIN 3076–AA14

Arbitration Services

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal Mediation and Conciliation Service (FMCS) rules pertaining to arbitration services. It clarifies existing provisions; eliminates redundancies and provisions that were never used in practice; consolidates sections; updates contact information; reduces award submission requirements and references an apprenticeship alternative for joining the Roster after completion of specified

training. It also implements a modest increase in user fees.

DATES: This final rule is effective on May 20, 2019.

FOR FURTHER INFORMATION CONTACT: Arthur Pearlstein, Director, Office of Arbitration Services, FMCS, 250 E Street SW, Washington, DC 20427. Telephone: (202) 606–8103.

SUPPLEMENTARY INFORMATION: The enabling legislation for FMCS provides that ''the settlement of issues between employers and employees through collective bargaining may be advanced by making available full and adequate governmental facilities for conciliation, mediation, and voluntary arbitration . . .'' 29 U.S.C. 171(b). Pursuant to the statute and 29 CFR part 1404, FMCS has long maintained a roster of qualified, private labor arbitrators to hear disputes arising under collective bargaining agreements and provide fact finding and interest arbitration. The existing regulation establishes the policy and administrative responsibility for the FMCS Roster, criteria and procedures for listing and removal, procedures for using arbitration services, an option for expedited arbitration and, in the appendix, a schedule of user fees.

FMCS revised its arbitration regulation to (1) clarify and shorten existing provisions and naming conventions and make other helpful style improvements; (2) eliminate redundancies and provisions that are never used in practice; (3) consolidate sections for ease of understanding and placement under appropriate headings; (4) update contact information and provisions regarding the use of technology; (5) reduce award submission requirements and reference an apprenticeship alternative for joining the Roster after completion of specified training; and (6) implement a modest increase in user fees that have remained unchanged for more than 8 years. The increased fees more accurately reflect FMCS's costs of maintaining the Roster and the technology to support it, as well as responding to requests for arbitrator panels and biographical data. The arbitrator listing fee increase would only apply to arbitrators on the Roster for 5 or more years, reflecting the greater likelihood for more experienced arbitrators to be selected by parties.

This rule is not a significant regulatory action for the purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget. As required by the Regulatory Flexibility Act, I certify that this rule will not have a significant impact on a substantial number of small entities. This regulation does not have any federalism or tribal implications.

Background: On January 31, 2019, FMCS published a Notice of Proposed Rulemaking (NPRM) proposing changes to its arbitration rule and requesting comments. A correction was made to the NPRM on February 4, 2019. No comments were submitted.

FMCS is adopting the proposed rule as final with no changes.

List of Subjects in 29 CFR Part 1404

Administrative practice and procedures, Labor management relations.

■ For the reasons stated in the preamble, FMCS revises 29 CFR part 1404 to read as follows:

PART 1404—ARBITRATION SERVICES

Authority: 29 U.S.C. 172 and 29 U.S.C. 173 *et seq.*

Subpart A—Arbitration Policy; Administration of Roster

§ 1404.1 Scope and authority.

This chapter is issued by the Federal Mediation and Conciliation Service (FMCS) under Title II of the Labor Management Relations Act of 1947 (Pub. L. 80–101) as amended. It applies to all arbitrators listed on the FMCS Roster of Arbitrators (the Roster), to all applicants for listing on the Roster, and to all persons or parties seeking to obtain from FMCS either names or panels of names of arbitrators listed on the Roster in connection with disputes that are to be submitted to arbitration or fact-finding.

§ 1404.2 Policy.

The labor policy of the United States promotes and encourages the use of voluntary arbitration to resolve disputes over the interpretation or application of collective bargaining agreements. Voluntary arbitration and fact-finding are important features of constructive employment relations as alternatives to economic strife.

§ 1404.3 Administrative responsibilities.

(a) *Director.* The Director of FMCS has responsibility for all aspects of FMCS arbitration activities and is the final agency authority on all questions concerning the Roster and FMCS arbitration procedures.

(b) *Office of Arbitration.* The Office of Arbitration (OA) maintains the Roster; administers subpart C of this part (Procedures for Arbitration Services); assists, promotes, and cooperates in the establishment of programs for training and developing new arbitrators; and provides names or panels of names of listed arbitrators to parties requesting them.

(c) *Arbitrator Review Board.* The Arbitrator Review Board (Board) shall consist of a chair and members appointed by the Director who shall serve at the Director's pleasure. The Board shall be composed entirely of full-time officers or employees of the Federal Government and shall establish procedures for carrying out its duties.

(1) *Duties of the Board.* The Board shall:

(i) Review the qualifications of all applicants for listing on the Roster, interpreting and applying the criteria set forth in § 1404.5;

(ii) Review the status of all persons whose continued eligibility for listing on the Roster has been questioned under § 1404.5;

(iii) Recommend to the Director the acceptance or rejection of applicants for listing on the Roster, or the withdrawal of listing on the Roster for any of the reasons set forth in this part;

(iv) At the request of the Director, or upon its own volition, review arbitration policies and procedures, including all regulations and written guidance regarding the use of Roster arbitrators, and make recommendations regarding such policies and procedures to the Director.

(2) [Reserved]

Subpart B—Roster of Arbitrators; Admission and Retention

§ 1404.4 Roster and status of members.

(a) *The Roster.* FMCS shall maintain a Roster of labor arbitrators consisting of persons who meet the criteria for listing contained in § 1404.5 and who remain in good standing.

(b) *Adherence to standards and requirements.* Persons listed on the Roster shall comply with FMCS rules and regulations pertaining to arbitration and with such guidelines and procedures as may be issued by OA pursuant to subpart C of this part. Arbitrators shall conform to the ethical standards and procedures set forth in the Code of Professional Responsibility for Arbitrators of Labor Management Disputes, as approved by the National Academy of Arbitrators, FMCS, and the American Arbitration Association (''the Code'').

(c) *Status of arbitrators.* Persons who are listed on the Roster and are selected or appointed to hear arbitration matters or to serve as factfinders do not become employees of the Federal Government by virtue of their selection or appointment. Following selection or appointment, the arbitrator's relationship is solely with the parties to the dispute, except that arbitrators are subject to certain reporting requirements and to standards of conduct as set forth in this part.

(d) *Rights of persons listed on the Roster.* No person shall have any right to be listed or to remain listed on the Roster. FMCS retains its authority and responsibility to assure that the needs of the parties using its services are served. To accomplish this purpose, FMCS may establish procedures for the preparation of panels or the appointment of arbitrators or factfinders that include consideration of such factors as background and experience, availability, acceptability, geographical location, and the expressed preferences of the parties.

§ 1404.5 Listing on the Roster, criteria for listing and removal, procedure for removal.

Persons seeking to be listed on the Roster must complete and submit an application available online at *https://www.fmcs.gov/services/arbitration/information-joining-arbitrator-roster/.* Upon receipt of an executed application, OA will review the application, ensure that it is complete, make such inquiries as are necessary, and submit the application to the Board. The Board will review the completed application under the criteria in paragraphs (a), (b) and (c) of this section, and will forward to the FMCS Director, or Director's designee, its recommendation as to whether or not the applicant meets the criteria for listing on the Roster. The Director shall make all final decisions as to whether an applicant may be listed on the Roster. Each applicant shall be notified in writing of the Director's decision and the reasons therefore.

(a) *General criteria.* (1) Applicants will be listed on the Roster upon a determination that he or she:

(i) Is experienced, competent, and acceptable in decision-making roles in the resolution of labor relations disputes; or

(ii) Has extensive and recent experience in relevant positions in collective bargaining; and

(iii) Is capable of conducting an orderly hearing, can analyze testimony and exhibits and can prepare clear and concise findings and awards within reasonable time limits.

(iv) For applicants who are governmental employees, the following criteria shall also apply:

(A) *Federal employees.* These applicants must provide OA with written permission from their employer to work as an arbitrator. Federal employees will not be assigned to panels involving the Federal Government.

(B) *Governmental employees other than Federal.* These applicants must provide OA with written permission from their employer to work as an arbitrator as well as a statement of the jurisdiction(s) in which the applicant is permitted to do this work.

(2) FMCS may identify certain positions relating to collective bargaining that will substitute for the General Criteria. FMCS may also identify periodic educational requirements for remaining on the Roster.

(b) *Proof of qualification.* Unless waived under exceptional circumstances wholly in the discretion of the Director, applicants must:

(1) Submit five recent labor arbitration awards that are final and binding, and prepared by the applicant while serving as an impartial arbitrator of record selected by mutual agreement of the parties to labor relations disputes arising under collective bargaining agreements, or by direct designation by an administrative agency, or

(2) Successfully complete the FMCS labor arbitrator training course and either submit one award as described above or complete an apprenticeship that meets specifications that FMCS may, in its discretion, provide. Applicants must also submit information demonstrating extensive and recent experience in collective bargaining, including at least the position or title held, duties or responsibilities, the name and location of the company or organization, and the dates of employment.

(c) *Advocacy.* Any person who at the time of application is an advocate, as defined in paragraph (c)(1) of this section, must agree to cease such activity before being recommended for listing on the Roster by the Board. Except in the case of persons listed on the Roster as advocates before November 17, 1976, any person who did not divulge his or her advocacy at the time of listing or who becomes an advocate while listed on the Roster and who did not request to be placed on inactive status pursuant to § 1404.6 prior to becoming an advocate, shall be recommended for removal by the Board after the fact of advocacy is revealed.

(1) *Definition of advocacy.* (i) An advocate is a person who represents employers, labor organizations, or individuals as an employee, attorney, or consultant, in matters of labor relations or employment relations, including but not limited to the subjects of union representation and recognition matters, collective bargaining, arbitration, unfair labor practices, equal employment opportunity, and other areas generally recognized as constituting labor or employment relations. The definition includes representatives of employers or employees in individual cases or controversies involving worker's compensation, occupational health or safety, minimum wage, or other labor standards matters.

(ii) This definition of advocate also includes a person who is directly or indirectly associated with an advocate in a business or professional relationship as, for example, partners or employees of a law firm. Individuals engaged only in joint education or training or other non-adversarial activities will not be deemed to be advocates.

(2) [Reserved]

(d) *Removal from the Roster.* Removal from the Roster shall be by decision of the Director of FMCS based upon the recommendations of the Board or upon the Director's own initiative. The Board may recommend for removal, and the Director may remove, any arbitrator listed on the Roster for violation of this part or of the Code. FMCS will provide to the affected arbitrator written notice of removal from the Roster. Complaints about arbitrators should be in writing and sent to the Director of OA. The complaint should cite any specific section(s) of the Code or the FMCS rule the arbitrator has allegedly violated. The following criteria shall be a basis for the

Board to recommend and/or the Director to initiate an arbitrator's removal from the Roster:

(1) No longer meets the criteria for admission;

(2) Has become an advocate as defined in paragraph (c) of this section;

(3) Has been repeatedly or flagrantly in violation of one or more provisions of this part;

(4) Has refused to make reasonable and periodic reports in a timely manner to FMCS, as required in subpart C of this part, concerning activities pertaining to arbitration;

(5) Has been the subject of a complaint by a party who uses FMCS services, or engages in conduct inappropriate for an arbitrator which otherwise comes to the attention of FMCS, and the Board, after appropriate inquiry, concludes that cause for removal has been shown; or

(6) Has been in an inactive status pursuant to § 1404.6 for longer than two years and has not paid the annual listing fee.

(e) *Procedure for removal.* Prior to any recommendation by the Board to remove an arbitrator from the Roster, the Board shall conduct an inquiry into the facts of any such recommended removal. When the Board recommends removal of an arbitrator, it shall send the arbitrator a written notice. This notice shall inform the arbitrator of the Board's recommendation and the basis for it, and that he or she has 60 days from the date of such notice to submit a written response or information showing why the arbitrator should not be removed. When the Director removes an arbitrator from the Roster, he or she shall inform the arbitrator of this in writing, stating the effective date of the removal and the length of time of the removal if it is not indefinite. An arbitrator so removed may seek reinstatement to the Roster by making written application to the Director no earlier than two years after the effective date of his or her removal.

(f) *Suspension.* The Director of OA may suspend, for a period not to exceed 180 days, any arbitrator listed on the Roster based on any of the criteria in paragraph (d) of this section. Arbitrators shall be promptly notified of a suspension. The arbitrator may appeal a suspension to the Board, which shall make a recommendation to the Director of FMCS. The decision of the Director of FMCS shall constitute the final action of the agency.

§ 1404.6 Inactive status.

(a) An arbitrator on the Roster who continues to meet the criteria for listing on the Roster may request that he or she be put in an inactive status on a temporary basis.

(b) Arbitrators whose schedules do not permit cases to be heard within six months of assignment must make themselves inactive temporarily until their caseload permits the earlier scheduling of cases.

(c) An arbitrator can remain on inactive status without paying any annual listing fee for a period of two years. If an arbitrator is on inactive status for longer than two (2) years, the arbitrator will be removed from the Roster unless the arbitrator pays the annual listing fee.

§ 1404.7 Listing fee.

All arbitrators will be required to pay an annual fee for listing on the Roster, as set forth in the appendix to this part.

Subpart C—Procedures for Arbitration Services

§ 1404.8 Freedom of choice.

Nothing contained in this part should be construed to limit the rights of parties who use FMCS arbitration services to jointly select any arbitrator or arbitration procedure acceptable to them. Once a request is made to OA, all parties are subject to the procedures contained in this part.

§ 1404.9 Procedures for requesting arbitration lists and panels.

(a) The OA has been delegated the responsibility for administering all requests for labor arbitration services. Requests must be made online at *fmcs.gov/services/arbitration/requesting-a-panel/,* or via email attaching a completed Form R–43 addressed to *arbitration@fmcs.gov.*

(b) Upon request, OA will refer a randomly selected panel of seven arbitrators to parties to an agreement to arbitrate or engage in fact-finding, or where labor arbitration or fact-finding may be provided by statute. A biographical sketch will be provided for each member of the panel. This sketch states the background, qualifications, experience, and all fees as furnished to OA by the arbitrator. The parties are encouraged to make joint requests. However, a panel request, whether joint or unilateral, will be honored. Requests for a panel of other than seven (7) names, for a direct appointment of an arbitrator, and/or for special qualifications or other service will not be honored unless jointly submitted or authorized by both parties pursuant to mutual agreement. The issuance of a panel—in response to either joint or unilateral request—is nothing more than a response to a request. Neither issuance of a panel nor appointment of an arbitrator signifies the adoption of any position by FMCS regarding the status of an arbitration agreement, arbitrability of any dispute, or the terms of the parties' contract.

(c) FMCS has no power to:

(1) Compel parties to appear before an arbitrator;

(2) Enforce an agreement to arbitrate;

(3) Compel parties to arbitrate any issue;

(4) Influence, alter, or set aside decisions of arbitrators on the Roster; or

(5) Compel, deny, or modify payment of compensation to an arbitrator.

(d) OA may decline to submit a panel or to make an appointment of an arbitrator if the request submitted is overly burdensome or otherwise impracticable. OA, in such circumstances, may refer the parties to an FMCS mediator to help in the design of an alternative solution. OA may also decline to service any request from a party based on the party's prior non-payment of arbitrator fees or other behavior that constrains the spirit or operation of the arbitration process.

(e) Panel requests that contain certain special requirements not found among the selections online, cannot be processed via the agency's internet system; instead, parties must submit the pdf version of the R–43 form via email to OA and specify the additional requirements agreed to by both parties.

(f) As an alternative to a panel of arbitrators, OA will, upon written request, submit a list of arbitrators and their biographical sketches from a designated geographical area; the parties may then select and deal directly with an arbitrator of their choice, with no further involvement of FMCS with the parties or the arbitrator, and no assigned case number. The parties may also request FMCS to make a direct appointment of their selection. In such a situation, a case number will be assigned.

(g) OA will charge a fee for all requests for lists, panels, and other major services. Payments for these services must be received with the request for services before the service is delivered and may be paid by either labor or management or both. A schedule of fees is listed in the appendix to this part.

§ 1404.10 Arbitrability.

OA will not decide the merits of a claim by either party that a dispute is not subject to arbitration.

§ 1404.11 Nominations of arbitrators.

(a) All panels submitted to the parties by OA, and all letters issued by OA making a direct appointment, will have an assigned FMCS case number. All future communications with OA should refer to this case number.

(b) OA will provide a randomly selected panel of arbitrators located in geographical areas in proximity of the hearing site, as specified in the request. The parties may jointly request special qualification of arbitrators experienced in certain issues or industries or that possess certain backgrounds, or a panel with no geographic restrictions within the U.S. OA has no obligation to put an individual on any given panel or on a minimum number of panels in any fixed period. If at any time both parties request that a name or names be included, or omitted, from a panel, such name or names will be included, or omitted, unless the number of names is excessive. These inclusions/exclusions may not discriminate against anyone because of age, race, color, gender, national origin, disability, genetic information, or religion.

(c) If the parties do not agree on an arbitrator from the first panel, OA will furnish up to five additional panels to the parties upon joint request, or upon a unilateral request if authorized by the applicable collective bargaining agreement, and payment of additional fees.

§ 1404.12 Selection by parties and appointment of arbitrators.

(a) After receiving a panel of names, the parties must notify OA of their selection of an arbitrator or of the decision not to proceed with arbitration. Upon notification of the selection of an arbitrator, OA will make a formal appointment of the arbitrator. The arbitrator, upon notification of appointment, shall communicate with the parties within 14 days to arrange for preliminary matters, such as the date and place of hearing. Should an arbitrator be notified directly by the parties that he or she has been selected, the arbitrator must promptly notify OA of the selection. The arbitrator must provide OA with the FMCS case number and other pertinent information for OA to make an appointment. A pattern of failure by an arbitrator to notify FMCS of a selection in an FMCS case may result in suspension or removal from the Roster. If the parties settle a case prior to the hearing, the parties must inform the arbitrator as well as OA. Consistent failure to follow these procedures may lead to a denial of future OA services.

(b) Where the parties' collective bargaining agreement permits each party to separately notify OA of its ranked order of preference, or is silent on the manner of selecting arbitrators, FMCS will ask each party to advise OA of its order of preference by numbering each name on the panel and submitting the numbered list in writing to OA. Upon receiving the rank order from one party, OA will notify the other party that it has fourteen (14) days in which to submit its selections. Where both parties respond, the name that has the lowest combined number will be appointed. If the other party fails to respond, the first party's choice will be honored.

(c) OA will make a direct appointment of an arbitrator only upon joint request or as otherwise provided by this part.

§ 1404.13 Conduct of hearings.

All proceedings conducted by the arbitrators shall conform to the contractual obligations of the parties, and to the Code. The arbitrator shall comply with § 1404.4(b). The conduct of the arbitration proceeding is under the arbitrator's jurisdiction and control, and the arbitrator's decision shall be based upon the evidence and testimony presented at the hearing or otherwise incorporated in the record of the proceeding. The arbitrator may, unless prohibited by law, proceed in the absence of any party who, after due notice, fails to be present or to obtain a postponement. An award rendered in an ex parte proceeding of this nature must be based upon evidence presented to the arbitrator.

§ 1404.14 Decision and award.

(a) Arbitrators shall make awards no later than 60 days from the date of the closing of the record, unless otherwise agreed upon by the parties or specified by the collective bargaining agreement or law. However, failure to meet the 60-day deadline will not invalidate the process or award. A failure to render timely awards reflects upon the performance of an arbitrator and may lead to removal from the FMCS Roster.

(b) The parties should inform OA whenever a decision is delayed. The arbitrator shall promptly notify OA if and when the arbitrator:

(1) Cannot schedule or hear a case, and/or render a decision promptly and in accordance with time limits established in this part, or

(2) Learns a dispute has been settled by the parties prior to the decision.

(c) Within 15 days after an award and/or final invoice has been submitted to the parties, the arbitrator shall submit an online Arbitrator's Report and Fee Statement (Form R–19) to OA showing a breakdown of the fee and expense charges.

(d) While FMCS encourages the publication of arbitration awards, arbitrators must not publicize awards without the express consent of the parties in conformance with the Code.

§ 1404.15 Fees and charges of arbitrators.

(a) *Fees to parties.* Prior to appointment, the parties should be aware of all significant aspects of the bases for an arbitrator's fees and expenses. Each arbitrator's biographical sketch shall include a statement of the bases for the arbitrator's fees and expenses, which shall conform to this part and the Code. The parties and the arbitrator shall be bound by the arbitrator's statement of the bases for fees and expenses in the biographical sketch for two years from the date of appointment unless they mutually agree otherwise in writing. Arbitrators listed on the Roster may change the bases for their fees and expenses for future appointments if they provide them in writing to OA at least 30 days in advance.

(b) *Two or more addresses.* Arbitrators with more than one business address must bill the parties for expenses from the least expensive business address to the hearing site.

(c) *Additional administrative fee.* In cases involving unusual amounts of time and expense relative to the pre-hearing and post-hearing administration of a particular case, the arbitrator may charge an administrative fee. This fee shall be disclosed to the parties as soon as it is foreseeable by the arbitrator.

(d) *Fee disputes.* When a party believes the arbitrator has not followed the requirements of this Part, it should promptly notify OA, which may bring any complaint concerning the fees charged by an arbitrator to the attention of the Board for consideration. Complaints by arbitrators concerning non-payment of fees by a party may lead to the denial of services or other actions by OA.

§ 1404.16 Reports and biographical sketches.

(a) Arbitrators listed on the Roster shall execute and return all documents, forms and reports required by OA and be responsible for updating their account and bio information online, including changes of address, telephone number, and availability. They must also furnish to OA the contact information for a person they know well whom OA may contact if unable to reach the arbitrator, and who has agreed to contact OA if the arbitrator has become incapacitated or deceased. Arbitrators must contact OA directly when they engage, or are accused of engaging, in any business or other connection or relationship involving labor or employment relations and/or which creates or gives the appearance of advocacy as defined in § 1404.5(c)(1).

(b) OA reserves the right to decide and approve the format and content of biographical sketches.

Subpart D—Expedited Arbitration

§ 1404.17 Policy.

In an effort to reduce the time and expense of some grievance arbitrations, FMCS offers expedited procedures where the parties agree on a streamlined process with short deadlines. Parties may also agree on their own procedures if it is practicable for FMCS.

§ 1404.18 Procedures for requesting expedited panels.

(a) With the exception of the specific changes noted in this Subpart, all FMCS rules and regulations governing its arbitration services shall apply to Expedited Arbitration.

(b) Upon receipt of a joint Request for Arbitration Panel (Form R–43) indicating that both parties desire expedited services, OA will refer a panel of arbitrators which shall be valid for up to 30 days. Only one panel will be submitted per case. If the parties are unable to mutually agree upon an arbitrator or if prioritized selections are not received from both parties within 30 days, OA will make a direct appointment of an arbitrator not on the original panel.

(c) If the parties mutually select an arbitrator, but the arbitrator is not available, the parties may select a second name from the same panel or OA will make a direct appointment of another arbitrator not listed on the original panel.

§ 1404.19 Arbitration process.

(a) Once notified of the expedited case appointment by OA, the arbitrator must contact the parties within seven (7) calendar days.

(b) The parties and the arbitrator must attempt to schedule a hearing within 30 days of the appointment date.

(c) Absent mutual agreement, all hearings will be concluded within one day. No transcripts of the proceedings will be made and the filing of post-hearing briefs will not be allowed.

(d) All awards must be completed within seven (7) working days from the hearing. These awards are expected to be brief and concise, and to not require extensive written opinion or research time.

Appendix to Part 1404—Arbitration Policy; Schedule of Fees

Annual listing fee for arbitrators who have completed less than 5 years on the Roster: $150 for the first address; $50 for each additional address

Annual listing fee for arbitrators who have completed 5 or more years on the Roster: $250 for the first address; $100 for each additional address

Request for panel of arbitrators processed by FMCS staff: $70.00

Request for panel of arbitrators on-line: $35.00

Direct appointment of an arbitrator when a panel is not used: $30.00 per appointment

List and biographic sketches of arbitrators in a specific area: $35.00 per request plus $.25 per page.

Dated: April 9, 2019.

Jeannette Walters-Marquez,

Deputy General Counsel.

[FR Doc. 2019–07412 Filed 4–17–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 310

[Docket ID: DOD–2018–OS–0008]

RIN 0790–AJ20

Department of Defense Privacy Program; Correction

AGENCY: Department of Defense.

ACTION: Final rule; correction.

SUMMARY: The Department of Defense is correcting a final rule that appeared in the **Federal Register** on April 11, 2019. The document issued a final rule revising its Privacy regulation to implement the Privacy Act of 1974, as amended. This part establishes and promotes uniformity in the DoD Privacy Program, creating a single privacy rule for the Department, while incorporating other administrative changes. It takes precedence over all DoD component publications that supplement and implement the DoD Privacy program.

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

FOR FURTHER INFORMATION CONTACT: Cindy Allard, (703) 571–0086.

SUPPLEMENTARY INFORMATION: In FR Doc. 2019–3971 appearing at 84 FR 14728–14811 in the **Federal Register** of Thursday, April 11, 2019, the following corrections are made:

§ 310.21 [Corrected]

■ 1. On page 14778, in the first column, in § 310.21, in paragraph (c)(7)(i), ''(i) *Authority*'' is corrected to read ''(ii) *Authority*''.

§ 310.26 [Corrected]

■ 2. On page 14788, in the second column, in § 310.26, the paragraph designation ''(4)'' is corrected to read ''(3)'', correctly designating the paragraph as (d)(3).

■ 3. On page 14789, in the first column, in § 310.26, the paragraph designation ''(5)'' is corrected to read ''(4)'' correctly designating the paragraph as (d)(4).

■ 4. On page 14789, in the third column, in § 310.26, the paragraph designation ''(6)'' is corrected to read ''(5)'', correctly designating the paragraph as (d)(5).

■ 5. On page 14790, in the second column, in § 310.26, the paragraph designation ''(7)'' is corrected to read ''(6)'', correctly designating the paragraph as (d)(6).

■ 6. On page 14790, in the second column, in § 310.26, the paragraph designation ''(8)'' is corrected to read ''(7)'', correctly designating the paragraph as (d)(7).

§ 310.28 [Corrected]

■ 7. On page 14801, in the third column, in § 310.28, in paragraph (c)(6)(ii), ''(ii) *Reasons*'' is corrected to read ''(iii) *Reasons*''.

Dated: April 12, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–07698 Filed 4–17–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2019–0210]

Safety Zones; Annual Events Requiring Safety Zones in the Captain of the Port Lake Michigan Zone—Start of the Chicago to Mackinac Race

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Start of the Chicago to Mackinac Race on a portion of Lake Michigan on July 13, 2019. This action is intended to protect the safety of life and property on the navigable waterway immediately before, during, and after this event. During the enforcement period listed below, entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or a designated representative.

DATES: The regulations in 33 Code of Federal Regulations (CFR) 165.929 will be enforced for the location listed in item (e)(45) in Table 165.929 from 11:30 a.m. to 3 p.m. on July 13, 2019.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email LT John Ramos, Waterways Management Division, Marine Safety Unit Chicago, telephone 630–986–2155, email address *D09–DG–MSUChicago-Waterways@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Safety Zone; Start of the Chicago to Mackinac Race listed as item (e)(45) in Table 165.929 of 33 CFR 165.929. Section 165.929 lists many annual events requiring safety zones in the Captain of the Port Lake Michigan zone. This safety zone encompasses all waters of Lake Michigan in the vicinity of the Chicago Harbor Entrance at Chicago IL, within a rectangle that is bounded by a line drawn from 41°53.251 N, 087°35.393 W then East to 41°53.251 N, 087°34.352 W then South to 41°52.459 N, 087°34.364 W then West to 41°52.459 N, 087°35.393 W then North back to the point of origin. This safety zone will be enforced on July 13, 2019, from 11:30 a.m. to 3 p.m.

All vessels must obtain permission from the Captain of the Port Lake Michigan, or his designated on-scene representative to enter, move within, or exit this safety zone during the enforcement times listed in this notice of enforcement. Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. Approvals will be granted on a case-by-case basis. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port Lake Michigan, or his on-scene representative.

This notice of enforcement is issued under authority of 33 CFR 165.929, Safety Zones, Annual events requiring safety zones in the Captain of the Port Lake Michigan zone, and 5 U.S.C. 552 (a). In addition to this notice of enforcement in the **Federal Register**, the Captain of the Port Lake Michigan will provide the maritime community with advance notification of this safety zone enforcement period via Broadcast Notice to Mariners and Local Notice to Mariners. The Captain of the Port Lake Michigan or a designated on-scene representative may be contacted via VHF Channel 16 or (414) 747–7182.

Dated: April 15, 2019.

Thomas J. Stuhlreyer,

Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.

[FR Doc. 2019–07820 Filed 4–17–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0222]

RIN 1625–AA00

Safety Zone; Mississippi Sound, Biloxi, MS

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in Mississippi Sound in Biloxi, MS. The safety zone is needed to protect persons, vessels, and the marine environment in the waters adjacent to Biloxi Beach during an airshow in Biloxi, MS. This rulemaking restricts transit into, through, and within the regulated area unless specifically authorized by the Captain of the Port Sector Mobile (COTP) or a designated representative.

DATES: This rule is effective from 8 a.m. on May 1, 2019 through 5 p.m. on May 5, 2019.

ADDRESSES: You may find supplemental documents identified in the preamble of this rule by searching the docket number USCG–2019–0222 on the Federal eRulemaking Portal at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions about this rulemaking, call or email LT Kyle D. Berry, Sector Mobile, Waterways Management Division, U.S. Coast Guard; telephone 251–441–5940, email *kyle.d.berry@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 17, 2019, the marine event sponsor for the Thunder over the Sound Air Show submitted an application for a marine event permit. The Captain of the Port Sector Mobile (COTP) has determined a safety zone is needed to protect the persons, vessels, and marine environment in the waters adjacent to Biloxi during the Thunder over the Sound marine event.

The Coast Guard is issuing this safety zone 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 safety zone 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 it is impracticable. It is impractical to publish an NPRM because this safety zone must be established by May 1, 2019, and we 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 would be contrary to the public interest because immediate action is needed to respond to potential safety hazards associated with the Thunder over the Sound air show.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041. The Captain of the Port Sector Mobile has determined that potentials hazards associated with the Thunder over the Sound air show will be a safety concern for persons, vessels, and the marine environment within the area adjacent to Biloxi Beach in the Mississippi Sound. The purpose of this rule is to ensure safety of the public, participants, spectators, and the marine environment in the regulated area during the event.

IV. Discussion of the Rule

This rule establishes a safety zone from May 1st, 2019 until May 5th, 2019, which will be enforced from 8 a.m. through 5 p.m. daily. The safety zone is intended to protect the persons, vessels, and marine environment from hazards associated with the Thunder over the Sound Air Show.

The safety zone takes place over the Mississippi Sound in Biloxi, MS, encompassing the square show box between positions: Northwest Corner—30°23′33.16″ N, 88°55′54.89″ W; Northeast Corner—30°23′33.55″ N, 88°53′37.88″ W; Southwest Corner—30° 23′30.47″ N, 88°55′54.75″ W; Southeast Corner—30°23′30.88″ N, 88°53′37.77″ W. No vessel or person will be permitted to enter, transit within or through, or exit the safety zone without obtaining permission from the COTP or a designated representative. A designated representative will be a Patrol Commander (PATCOM). Spectator vessels desiring to enter, transit through or within, or exit the safety zone may request permission to enter the regulated from a PATCOM. When permitted to transit the area vessels must follow restrictions within the safety zone as directed by the Coast Guard, and must operate at a minimum safe navigation speed in a manner which will not endanger participants in the safety zone or any other vessels.

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 safety zone 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 determination is based on the size, location, and duration of the safety zone. This safety zone impacts a small area of the Mississippi Sound adjacent to Biloxi Beach for nine hours each day over five days. Vessel traffic will be informed about the safety zone through local notices to mariners. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone and the rule allows vessels to seek permission to transit the zone.

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 safety zone may be small entities, for the reasons stated in section IV.A above, this rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 encompassing the square show box between the following positions adjacent to Biloxi Beach: Northwest Corner—30°23′33.16″ N, 88°55′54.89″ W; Northeast Corner—30°23′33.55″ N, 88°53′37.88″ W; Southwest Corner—30°23′30.47″ N, 88°55′54.75″ W; Southeast Corner—30°23′30.88″ N, 88°53′37.77″ W. 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 (REC) supporting this determination would be 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.T08–0222 to read as follows:

§ 165.T08–0222 Safety Zone; Mississippi Sound, Biloxi, MS.

(a) *Location.* The following area is a safety zone: Navigable waters in the Mississippi Sound encompassing the square show box adjacent to Biloxi Beach bound by the following positions: Northwest Corner—30°23′33.16″ N, 88°55′54.89″ W; Northeast Corner—30°23′33.55″ N, 88°53′37.88″ W; Southwest Corner—30°23′30.47″ N, 88°55′54.75″ W; Southeast Corner—30°23′30.88″ N, 88°53′37.77″ W.

(b) *Effective period.* This section is effective from 8 a.m. on May 1, 2019 until 5 p.m. on May 5, 2019.

(c) *Enforcement period.* This section will be enforced from 8 a.m. until 5 p.m. each day of the effective period.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into, transiting through, or exiting from this area is prohibited unless authorized by the Captain of the Port Sector Mobile (COTP) or a designated representative. A designated representative may be a Patrol Commander (PATCOM). The PATCOM will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The PATCOM may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign ''PATCOM''.

(2) All persons and vessels not registered with the event sponsor as participants or official patrol vessels are considered spectators. The ''official patrol vessels'' consist of any Coast Guard, state, or local law enforcement and sponsor provided vessels assigned or approved by the COTP to patrol the regulated area.

(3) Spectator vessels desiring to transit the regulated area may do so only with prior approval of the PATCOM and when so directed by that officer will be operated at a minimum safe navigation speed in a manner that will not endanger participants in the zone or any other vessels.

(4) No spectator vessel shall anchor, block, loiter, or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times, unless cleared for entry by or through an official patrol vessel.

(5) Any spectator vessel may anchor outside the regulated area, but may not anchor in, block, or loiter in a navigable channel. Spectator vessels may be moored to a waterfront facility within the regulated area in such a way that they shall not interfere with the progress of the event. Such mooring must be complete at least 30 minutes prior to establishment of the regulated area and remain moored through duration of the event.

(6) The Patrol Commander may forbid and control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(7) The Patrol Commander may terminate the event or the operation of any vessel at any time it is deemed necessary for the protection of life or property.

(8) The Patrol Commander will terminate enforcement of the safety zone at the conclusion of the event.

(9) Entry into this zone is prohibited unless authorized by the COTP or a designated representative.

(10) Persons or vessels seeking to enter into or transit through the zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM channels 16 or by telephone at 251–441–5976.

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

(e) *Informational broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notices to Mariners of the enforcement period for the temporary safety zone as well as any changes in the planned schedule.

Dated: April 12, 2019.

M.R. McLellan,

Captain, U.S. Coast Guard, Captain of the Port Sector Mobile.

[FR Doc. 2019–07770 Filed 4–17–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2019–0215]

Safety Zone, Brandon Road Lock and Dam to Lake Michigan Including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a segment of the Safety Zone: Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and the Calumet-Saganashkee Channel. This action is necessary in order to protect vessels and persons from the potential hazards associated with construction involving wires being airlifted via helicopter across the river. During the enforcement period listed below, entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or a designated representative.

DATES: The regulations in 33 Code of Federal Regulations (CFR) 165.930 will be enforced without actual notice from April 18, 2019 through April 21, 2019. For purposes of enforcement, actual notice will be used from April 15, 2019 through April 18, 2019. Construction involving airlifts will take place from 8 a.m. through 3 p.m. intermittently in fifteen-minute intervals.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email LT John Ramos, Waterways Management Division, Marine Safety Unit Chicago, at 630–986–2155, email address *D09–DG–MSUChicago-Waterways@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a segment of the Safety Zone: Brandon Road Lock and

Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, Calumet-Saganashkee Channel, Chicago, IL, listed in 33 CFR 165.930. The safety zone will encompass all waters of the South Branch Chicago River east of the Ashland Avenue Bridge, north of the Adlai E. Stevenson Expressway Bridge and west of the South Halsted Street Bridge. Enforcement will occur from April 15, 2019 through April 21, 2019. Construction involving airlifts will take place from 8 a.m. to 3 p.m. intermittently in fifteen-minute intervals. During the enforcement period, no vessel may transit this regulated area without approval from the Captain of the Port, Lake Michigan or a Captain of the Port, Lake Michigan designated representative. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port, Lake Michigan, or his or her on-scene representative.

This notice of enforcement is issued under the authority of 33 CFR 165.930 and 5 U.S.C. 552 (a). In addition to this publication in the **Federal Register**, the Captain of the Port Lake Michigan will also provide notice through other means, which will include Broadcast Notice to Mariners. Additionally, the Captain of the Port Lake Michigan may notify representatives from the maritime industry through telephonic notifications, email notifications, or by direct communication from on scene patrol commanders. If the Captain of the Port Lake Michigan or a designated representative determines that the regulated area does not need to be enforced for the full duration stated in this notice of enforcement, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area. The Captain of the Port Lake Michigan or a designated on-scene representative may be contacted via Channel 16, VHF–FM or at (414) 747–7182.

Dated: April 15, 2019.

Thomas J. Stuhlreyer,

Captain, U.S. Coast Guard, Captain of the Port, Lake Michigan.

[FR Doc. 2019–07819 Filed 4–17–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2018–0713]

RIN 1625–AA00

Safety Zone; Chicago Harbor, Navy Pier Southeast, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Correcting amendments.

SUMMARY: The Coast Guard published a document in the **Federal Register** on March 4, 2019, concerning a final rule for the Safety Zone; Chicago Harbor, Navy Pier Southeast, Chicago, IL. The final rule contained an error in the coordinates within the regulatory text. This document corrects the regulation.

DATES: This rule is effective May 20, 2019.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email LT John Ramos, Waterways Management Division, Marine Safety Unit Chicago, U.S. Coast Guard; telephone (630) 986–2155, email *D09-DG-MSUChicago-Waterways@uscg.mil.*

SUPPLEMENTARY INFORMATION: This is a summary of the Coast Guard's correction to the final rule published March 4, 2019 (84 FR 7290). This document corrects the coordinates for the location of the safety zone. This is the first correction.

List of Subjects in 33 CFR Part 165

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

Accordingly, 33 CFR part 165 is corrected by making the following correcting amendments:

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. Amend § 165.931 by revising paragraph (a) to read as follows:

§ 165.931 Safety Zone, Chicago Harbor, Navy Pier Southeast, Chicago, IL.

(a) *Location.* The following area is a safety zone: The waters of Lake Michigan within Chicago Harbor bounded by coordinates beginning at 41°53′23.3″ N, 087°36′04.5″ W; then south to 41°53′11.8″ N, 087°36′04.1″ W; then west to 41°53′12.1″ N, 087°35′40.5″ W; then north to 41°53′23.6″ N, 087°35′40.07″ W; then east back to the point of origin (NAD 83).

* * * * *

Dated: April 15, 2019.

Thomas J. Stuhlreyer,

Captain, U.S. Coast Guard, Captain of the Port, Lake Michigan.

[FR Doc. 2019–07818 Filed 4–17–19; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R05–OAR–2016–0496; FRL–9992–43–Region 5]

Air Plan Disapproval; Wisconsin; Redesignation Request for the Wisconsin Portion of the Chicago-Naperville, Illinois-Indiana-Wisconsin Area to Attainment of the 2008 Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is disapproving an August 15, 2016 request from Wisconsin to redesignate the Wisconsin portion of the Chicago-Naperville, Illinois-Indiana-Wisconsin (IL-IN-WI) ozone nonattainment area (Chicago nonattainment area) to attainment of the 2008 ozone National Ambient Air Quality Standard (NAAQS or standard), because the area is violating the standard with 2015–2017 monitoring data. EPA is also disapproving Wisconsin's maintenance plan and Motor Vehicle Emissions Budgets (MVEBs), submitted with the State's redesignation request, since approval of these State Implementation Plan (SIP) components is contingent on attainment of the ozone standard. The Chicago area includes Cook, DuPage, Kane, Lake, McHenry and Will Counties, Aux Sable and Goose Lake Townships in Grundy County, and Oswego Township in Kendall County in Illinois; Lake and Porter Counties in Indiana; and the area east of and including the corridor of Interstate 94 in Kenosha County, Wisconsin.

DATES: This final rule is effective May 20, 2019.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2016–0496. All documents in the docket are listed in the *https://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 *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Environmental Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–1767, *dagostino.kathleen@epa.gov.*

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

I. What is the background for this action?

The background for this action is discussed in detail in EPA's February 15, 2019 proposed rule (84 FR 4426). In that proposed rulemaking, we noted that, under EPA regulations at 40 CFR 50, the 2008 ozone standard is violated when the three-year average of the annual fourth-highest daily maximum eight-hour ozone concentrations at any monitoring site in the subject area is greater than 0.075 parts per million parts of air (ppm). *See* 77 FR 30088 (May 21, 2012) for further information regarding area designations for the 2008 ozone standard and 77 FR 34221 (June 11, 2012) for information regarding the designation of the Chicago-Naperville, IL-IN-WI area for the 2008 ozone standard. *See* 40 CFR 50.15 and appendix P to 40 CFR part 50 regarding the ozone data requirements for a determination of whether an area has attained the 2008 ozone standard. Under section 107(d)(3)(E) of the Clean Air Act (CAA), EPA may redesignate a nonattainment area (or a portion thereof) to attainment if sufficient complete, quality-assured data are available to demonstrate that the nonattainment area as a whole has attained the standard and if all other requirements of section 107(d)(3)(E) have been met.

Wisconsin submitted a request for the redesignation of the Wisconsin portion of the Chicago nonattainment area to attainment of the 2008 ozone standard on August 15, 2016. The redesignation request included summarized ozone data for all monitors in the Chicago-Naperville, IL-IN-WI ozone nonattainment area along with other information specific to Kenosha County to demonstrate that all requirements of section 107(d)(3)(E) of the CAA have been satisfied. The February 15, 2019 proposed disapproval provides a detailed discussion of the ozone data for the period of 2013 through 2017 (*see* table 1 in the February 15, 2019 proposed rule at 84 FR 4428), which show a violation of the 2008 ozone standard in the Chicago area based on current, quality-assured ozone data. The proposal also notes that preliminary monitoring data for 2018 indicate that the Chicago nonattainment area will continue to violate the standard when that data is considered. It does not, however, discuss in detail other components of Wisconsin's submittal because EPA believes that Wisconsin failed to meet the most basic requirement for redesignation, a demonstration that the Chicago ozone nonattainment area has attained the 2008 ozone standard. We proposed to disapprove Wisconsin's ozone redesignation request based on the violation of the 2008 ozone standard and proposed to disapprove Wisconsin's maintenance plan and MVEBs since approval of these SIP components is contingent on attainment of the ozone standard.

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

EPA provided a 30-day review and comment period for the February 15, 2019, proposed rule. The comment period ended on March 18, 2019. We received one comment in support of EPA's proposed action. We received no adverse comments on the proposed rule.

III. What action is EPA taking?

Based on the above and the information contained in EPA's proposed rule, EPA is disapproving Wisconsin's August 15, 2016 request to redesignate the Wisconsin portion of the Chicago nonattainment area to attainment of the 2008 ozone standard, because the Chicago nonattainment area continues to violate this standard based on the most recent three years of quality-assured, certified air quality monitoring data. Because this area continues to violate the 2008 ozone NAAQS, we are also disapproving the ozone maintenance plan and MVEBs included in the State's submittal.

IV. Statutory and Executive Order Reviews

Executive Orders 12866 and 13563: Regulatory Planning and Review

Under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011), this action is not a ''significant regulatory action'' and, therefore, is not subject to review by the Office of Management and Budget.

Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

Paperwork Reduction Act

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Regulatory Flexibility Act

This action merely proposes to disapprove state law as not meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Unfunded Mandates Reform Act

Because this rule proposes to disapprove pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it 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).

Executive Order 13132: Federalism

This action also does not have Federalism implications because it does 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely proposes to disapprove a state rule, and does not alter the relationship or the distribution of power and responsibilities established in the CAA.

Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

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).

Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it proposes to disapprove a state rule.

Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

Because it is not a ''significant regulatory action'' under Executive Order 12866 or a ''significant energy action,'' this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

National Technology Transfer Advancement Act

In reviewing state submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the state to use voluntary consensus standards (VCS), EPA has no authority to disapprove a state submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a state submission, to use VCS in place of a state submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629 (February 16, 1994)) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA lacks the discretionary authority to address environmental justice in this action. In reviewing SIP submissions, EPA's role is to approve or disapprove state choices, based on the criteria of the CAA. Accordingly, this action merely disapproves certain state requirements for inclusion into the SIP under section 110 and subchapter I, part D of the CAA and will not in-and-of itself create any new requirements. Accordingly, it 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.

Congressional Review Act

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 17, 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, Oxides of nitrogen, Ozone, Volatile organic compounds.

Dated: April 4, 2019.

Cheryl L. Newton,

Deputy 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. Section 52.2585 is amended by adding paragraph (gg) to read as follows:

§ 52.2585 Control strategy: Ozone.

* * * * *

(gg) Disapproval—EPA is disapproving Wisconsin's August 15, 2016, ozone redesignation request for the Wisconsin portion of the Chicago-Naperville, IL–IN–WI nonattainment area for the 2008 ozone standard. EPA is also disapproving Wisconsin's maintenance plan and motor vehicle emission budgets submitted with the redesignation request.

[FR Doc. 2019–07715 Filed 4–17–19; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register

Vol. 84, No. 75

Thursday, April 18, 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 929

[Doc. No. AMS–SC–19–0019; SC19–929–1 CR]

Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among eligible cranberry producers to determine whether they favor continuance of the marketing order regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

DATES: The referendum will be conducted from May 6 through May 28, 2019. Only current producers of cranberries within the production area that grew cranberries during the period September 1, 2017, through August 31, 2018, are eligible to vote in this referendum.

ADDRESSES: Copies of the marketing order may be obtained from the Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1124 First Street South, Winter Haven, FL 33880; Telephone: (863) 324–3375; from the Office of the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; or on the internet: *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jennie M. Varela, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1124 First Street South, Winter Haven, FL 33880; Telephone: (863) 324–3375, Fax: (863) 291–8614, or Email: *Jennie.Varela@usda.gov* or *Christian.Nissen@usda.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Marketing Agreement and Order No. 929, as amended (7 CFR part 929), hereinafter referred to as the ''Order,'' and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act,'' it is hereby directed that a referendum be conducted to ascertain whether continuance of the Order is favored by producers. The referendum will be conducted from May 6 through May 28, 2019, among cranberry producers in the production area. Only current cranberry producers that were also engaged in the production of cranberries during the period of September 1, 2017, through August 31, 2018, may participate in the continuance referendum.

USDA has determined that continuance referenda are an effective means for determining whether producers favor the continuation of marketing order programs. USDA would consider termination of the Order if less than 50 percent of the producers voting in the referendum and producers of less than 50 percent of the volume of cranberries represented in the referendum favor continuance of the program. In evaluating the merits of continuance versus termination, USDA will not exclusively consider the results of the continuance referendum. USDA will also consider all other relevant information regarding operation of the Order and relative benefits and disadvantages to producers, handlers, and consumers to determine whether continuing the Order would tend to effectuate the declared policy of the Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the ballot materials used in the referendum have been submitted to and approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0189, Fruit Crops. It has been estimated it will take an average of 20 minutes for each of the approximately 1,100 cranberry producers to cast a ballot. Participation is voluntary. Ballots postmarked after May 28, 2019, will not be included in the vote tabulation.

Jennie M. Varela and Christian D. Nissen of the Southeast Marketing Field Office, Specialty Crops Program, AMS, USDA, are hereby designated as the referendum agents of the Secretary of Agriculture to conduct this referendum. The procedure applicable to the referendum shall be the ''Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended'' (7 CFR part 900.400 *et seq.*).

Ballots will be mailed to all producers of record and may also be obtained from the referendum agents or from their appointees.

List of Subjects in 7 CFR Part 929

Cranberries, Marketing agreements, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 601–674.

Dated: April 12, 2019.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2019–07810 Filed 4–17–19; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0248; Airspace Docket No. 18–AEA–8]

RIN 2120–AA66

Proposed Amendment of Area Navigation (RNAV) Routes T–287, T–291, and T–295; Eastern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify low altitude RNAV routes T–287, T–291, and T–295 in the eastern United States. The proposal would expand the availability of RNAV routing in support of transitioning the National

Airspace System (NAS) from ground-based to satellite-based navigation.

DATES: Comments must be received on or before June 3, 2019.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1 (800) 647–5527 or (202) 366–9826. You must identify FAA Docket No. FAA–2019–0248; Airspace Docket No. 18–AEA–8 at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would expand the availability of RNAV in the eastern United States and improve the efficiency of the NAS by lessening the dependency on ground-based navigation.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2019–0248; Airspace Docket No. 18–AEA–8 and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2019–0248; Airspace Docket No. 18–AEA–8''. The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018 and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this proposed rule. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 to amend RNAV routes T–287, T–291, and T–295. The proposed route changes are described below.

T–287: T–287 currently extends between the DENNN, VA, waypoint (WP), (located northwest of the Gordonsville, (GVE) VA, VORTAC), and the TOMYD, MD, WP (located northwest of the Westminster, MD, VORTAC). The proposed change would extend the route eastward from the TOMYD, MD, WP to the WNSTN, NJ, WP (near the Sea Isle, NJ, VORTAC). The following points would be added between the TOMYD, MD, WP and the WNSTN, NJ, WP: MOYRR, MD, WP; DANII, MD, WP; OBWON, MD, WP; VYSOR, MD, WP; AGARD, MD, Fix; SPEAK, MD, Fix; CANNY, DE, Fix; and the DONIL, DE, Fix.

T–291: T–291 currently extends between the LOUIE, MD, Fix and the Albany, NY (ALB), VORTAC. The proposed change would shift the southern end of the route approximately 75 NM south of the LOUIE, MD, Fix to begin at the Harcum, VA (HCM), VORTAC. Additional points would be added along the routes as follows. The following points would be inserted between the Harcum, VA, VORTAC and the LOUIE, MD, Fix: MODEL, VA, Fix; FAGED, VA, Fix; COLIN, VA, Fix; and SHLBK, MD, WP. The GRACO, MD, Fix and the VYSOR, MD, WP would be inserted between the LOUIE, MD, Fix and the BAABS, MD, WP. The MORTO, PA, Fix would be inserted between the Harrisburg, PA (HAR), VORTAC, and the Selinsgrove, PA (SEG), VOR/DME. The OAKIL, NY, Fix would be inserted between the Delancey, NY (DNY), VOR/DME and the Albany, NY (ALB), VORTAC.

T–295: T–295 currently extends between the LOUIE, MD, Fix and the Bangor, ME (BGR), VORTAC. The southern end of the route would be extended further south to begin at the POORK, VA, WP (southeast of the Lawrenceville, VA (LVL), VORTAC). The following points would be inserted between the POORK, VA, WP, and the LOUIE, MD, Fix: KREGG, VA, WP; HOUKY, VA, WP; TAPPA, VA, Fix; COLIN, VA, Fix; and SHLBK, MD, WP. The GRACO, MD, Fix and the VYSOR, MD, WP would be inserted between the LOUIE, MD, Fix and the BAABS, MD, WP. The following points would be inserted between the Lancaster, PA (LRP), VOR/DME, and the Wilkes-Barre, PA (LVZ), VORTAC: DUMMR, PA, Fix; HAILS, PA, Fix; SNOWY, PA, Fix; KRAZE, PA, Fix; and the LYTEL, PA, Fix. The KERRI, NY, fix, and the PRNCE, NY, Fix would be inserted between the LAAYK, PA, Fix and the SAGES, NY, Fix. The following points would be inserted between the SAGES, NY, Fix and the SASHA, MA, Fix: TALCO, NY, Fix; WIGAN, NY Fix; BOWAN, NY, Fix; and the MOBBS, MA, Fix. The following points would be inserted between the SASHA, MA, Fix and the Keene, NH (EEN), VORTAC: MOLDs, MA, Fix; WHATE, MA, Fix; and the WARIC, MA, Fix. The TAPSE, NH, Fix would be inserted between the Keene, NH (EEN), VORTAC and the Concord, NH (CON), VOR/DME. The SATAN, ME, Fix would be inserted between the Concord, NH, VOR/DME and the Kennebunk, ME (ENE), VOR/DME. The RAZZR, ME, Fix would be inserted between the BRNNS, ME Fix, and the Bangor, ME (BGR), VORTAC.

The existing latitude/longitude coordinates in the descriptions of T–287, T–291, and T–295 would be adjusted to the hundredths of a second place to provide greater accuracy for RNAV navigation.

United States Area Navigation Routes are published in paragraph 6011 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The RNAV routes listed in this document would be subsequently published in the Order.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

Paragraph 6011 United States Area Navigation Routes

* * * * *

T–287 DENNN, VA to WNSTN, NJ [Amended]

DENNN, VA	WP	(Lat. 38°05′05.90″ N, long. 078°12′27.54″ W)
CAARY, VA	WP	(Lat. 38°19′39.69″ N, long. 078°23′37.11″ W)
WILMY, VA	WP	(Lat. 38°32′29.59″ N, long. 078°33′32.00″ W)
KAIJE, VA	WP	(Lat. 38°44′34.79″ N, long. 078°42′48.47″ W)
BAMMY, WV	WP	(Lat. 39°24′33.13″ N, long. 078°25′45.64″ W)
REEES, PA	WP	(Lat. 39°47′51.75″ N, long. 077°45′56.31″ W)
TOMYD, MD	WP	(Lat. 39°40′52.20″ N, long. 077°08′26.42″ W)
MOYRR, MD	WP	(Lat. 39°30′03.42″ N, long. 076°56′10.84″ W)
DANII, MD	WP	(Lat. 39°17.46.42″ N, long. 076°42′19.36″ W)
OBWON, MD	WP	(Lat. 39°11′54.69″ N, long. 076°32′04.84″ W)
VYSOR, MD	WP	(Lat. 39°02′03.86″ N long. 076°14′59.88″ W)
AGARD, MD	Fix	(Lat. 39°02′36.89″ N, long. 076°04′11.14″ W)
SPEAK, MD	Fix	(Lat. 39°03′29.31″ N, long. 075°44′45.94″ W)
CANNY, DE	Fix	(Lat. 39°03′39.92″ N long. 075°40′40.65″ W)
DONIL, DE	Fix	(Lat. 39°04′35.44″ N long. 075°18′18.92″ W)
WNSTN, NJ	WP	(Lat. 39°05′43.81″ N long. 074°48′01.20″ W)

T–291 Harcum, VA (HCM) to Albany, NY (ALB) [Amended]

Harcum, VA (HCM)	VORTAC	(Lat. 37°26′55.18″ N, long. 076°42′40.87″ W)
MODEL, VA	Fix	(Lat. 37°44′01.71″ N, long. 076°41′26.85″ W)
FAGED, VA	Fix	(Lat. 37°51′07.69″ N, long. 076°40′55.91″ W)
COLIN, VA	Fix	(Lat. 38°05′59.23″ N, long. 076°39′50.85″ W)
SHLBK, MD	WP	(Lat. 38°20′16.21″ N, long. 076°26′10.51″ W)
LOUIE, MD	Fix	(Lat. 38°36′44.33″ N, long. 076°18′04.37″ W)
GRACO, MD	Fix	(Lat. 38°56′29.81″ N, long. 076°11′59.22″ W)
VYSOR, MD	WP	(Lat. 39°02′03.86″ N, long. 076°14′59.88″ W)
BAABS, MD	WP	(Lat. 39°19′51.39″ N, long. 076°24′40.87″ W)
Harrisburg, PA (HAR)	VORTAC	(Lat. 40°18′08.06″ N, long. 077°04′10.41″ W)
MORTO, PA	Fix	(Lat. 40°35′48.70″ N, long. 076°57′28.92″ W)
Selinsgrove, PA (SEG)	VORTAC	(Lat. 40°47′27.09″ N, long. 076°53′02.55″ W)
Milton, PA (MIP)	VORTAC	(Lat. 41°01′24.21″ N, long. 076°39′55.04″ W)
MEGSS, PA	Fix	(Lat. 41°11′13.28″ N, long. 076°12′41.02″ W)
LAAYK, PA	Fix	(Lat. 41°28′32.64″ N, long. 075°28′57.31″ W)

Delancey, NY (DNY)	VOR/DME	(Lat. 42°10′41.81″ N, long. 074°57′24.99″ W)
OAKIL, NY	Fix	(Lat. 42°26′26.98″ N, long. 074°25′48.33″ W)
Albany, NY (ALB)	VORTAC	(Lat. 42°44′50.21″ N, long. 073°48′11.47″ W)

T–295 POORK, VA to Bangor, ME (BGR) [Amended]

POORK, VA		(Lat. 36°34′11.34″ N, long. 077°35′21.39″ W)
KREGG, VA	WP	(Lat. 36°51′07.95″ N, long. 077°25′17.57″ W)
HOUKY, VA	WP	(Lat. 37°19′55.98″ N, long. 077°07′57.63″ W)
TAPPA, VA	Fix	(Lat. 37°58′12.66″ N, long. 076°50′40.62″ W)
COLIN, VA	Fix	(Lat. 38°05′59.23″ N, long. 076°39′50.85″ W)
SHLBK, MD	WP	(Lat. 38°20′16.21″ N, long. 076°26′10.51″ W)
LOUIE, MD	Fix	(Lat. 38°36′44.33″ N, long. 076°18′04.37″ W)
GRACO, MD	Fix	(Lat. 38°56′29.81″ N, long. 076°11′59.22″ W)
VYSOR, MD	WP	(Lat. 39°02′03.86″ N, long. 076°14′59.88″ W)
BAABS, MD	WP	(Lat. 39°19′51.39″ N, long. 076°24′40.87″ W)
Lancaster, PA (LRP)	VORTAC	(Lat. 40°07′11.91″ N, long. 076°17′28.66″ W)
DUMMER, PA	Fix	(Lat. 40°28′10.68″ N, long. 076°06′40.18″ W)
HAILS, PA	Fix	(Lat. 40°34′13.43″ N, long. 076°03′31.77″ W)
SNOWY, PA	Fix	(Lat. 40°45′05.77″ N, long. 075°57′51.63″ W)
KRAZE, PA	Fix	(Lat. 40°50′13.14″ N, long. 075°55′10.83″ W)
LYTEL, PA	Fix	(Lat. 40°55′48.79″ N, long. 075°52′14.42″ W)
Wilkes-Barre, PA (LVZ)	VORTAC	(Lat. 41°16′22.10″ N, long. 075°41′22.07″ W)
LAAYK, PA	Fix	(Lat. 41°28′32.64″ N, long. 075°28′57.31″ W)
KERRI, NY	Fix	(Lat. 41°50′37.49″ N, long. 074°44′14.93″ W)
PRNCE, NY	Fix	(Lat. 41°58′24.75″ N, long. 074°28′12.25″ W)
SAGES, NY	Fix	(Lat. 42°02′46.33″ N, long. 074°19′10.33″ W)
TALCO, NY	Fix	(Lat. 42°03′45.97″ N, long. 074°06′27.85″ W)
WIGAN, NY	Fix	(Lat. 42°05′06.33″ N, long. 073°48′53.89″ W)
BOWAN, NY	Fix	(Lat. 42°06′23.14″ N, long. 073°31′28.95″ W)
MOBBS, MA	Fix	(Lat. 42°07′30.84″ N, long. 073°15′36.59″ W)
SASHA, MA	Fix	(Lat. 42°07′58.70″ N, long. 073°08′55.39″ W)
MOLDS, MA	Fix	(Lat. 42°12′30.91″ N, long. 073°03′13.39″ W)
WHATE, MA	Fix	(Lat. 42°26′10.03″ N, long. 072°45′41.96″ W)
WARIC, MA	Fix	(Lat. 42°37′42.00″ N, long. 072°30′37.72″ W)
Keene, NH (EEN)	VORTAC	(Lat. 42°47′39.40″ N, long. 072°17′30.40″ W)
TAPSE, NH	Fix	(Lat. 43°04′16.55″ N, long. 071°49′38.92″ W)
Concord, NH (CON)	VOR/DME	(Lat. 43°13′11.23″ N, long. 071°34′31.63″ W)
SATAN, ME	Fix	(Lat. 43°23′09.13″ N, long. 070°48′11.07″ W)
Kennebunk, ME (ENE)	VOR/DME	(Lat. 43°25′32.42″ N, long. 070°36′48.69″ W)
BRNNS, ME	Fix	(Lat. 43°54′08.64″ N, long. 069°56′42.81″ W)
RAZZR, ME	Fix	(Lat. 44°13′16.51″ N, long. 069°35′12.25″ W)
Bangor, ME (BGR)	VORTAC	(Lat. 44°50′30.46″ N, long. 068°52′26.27″ W)

* * * * *

Issued in Washington, DC, on April 10, 2019.

M. Colby Abbott,

Acting Manager, Airspace Policy Group.

[FR Doc. 2019–07597 Filed 4–17–19; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 201

[Docket No. FDA–1978–N–0018 (formerly Docket No. FDA–1978–N–0038)]

RIN 0910–AF43

Sunscreen Drug Products for Over-the-Counter Human Use; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule relating to the regulation of over-the-counter (OTC) sunscreen monograph products that appeared in the **Federal Register** of February 26, 2019. The document was published with formulas that were illegible. These corrections are being made to improve the accuracy of the proposed rule.

DATES: Submit either electronic or written comments on the proposed rule by June 27, 2019.

FOR FURTHER INFORMATION CONTACT: Kristen Hardin, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5443, Silver Spring, MD 20993, 240–402–4246.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 26, 2019 (84 FR 6204), in FR Doc. 2019–03019, on pages 6267 through 6270, the following corrections are made:

1. On page 6267, in the first column, the formula under § 201.327(i)(2)(ii)(B) is corrected to read:

BILLING CODE 4164–01–P

$$E = \sum_{250}^{400} V_i\,(\lambda) * I(\lambda) * t$$

2. On page 6268, in the second column, the formula under § 201.327(i)(3)(ii)(C)(*2*) is corrected to read:

$$R = \frac{2 * (t_o - t_p)}{W_o + W_p}$$

3. On page 6268, in the second column, the formulas under § 201.327(i)(3)(ii)(D)(*2*)(*i*) are corrected to read:

$$\text{Percent Oxybenzone} = \frac{\text{Peak area of oxybenzone in sunscreen standard}}{\text{Peak area of oxybenzone in HPLC reference standard}} * 100$$

$$\text{Percent Padimate O} = \frac{\text{Peak area of padimate O in sunscreen standard}}{\text{Peak area of padimate O in HPLC reference standard}} * 100$$

4. On page 6269, in the third column, the formula under § 201.327(i)(7)(i) is corrected to read:

$$\text{SPFi} = \frac{\text{MEDp}}{\text{final MEDu}}$$

5. On page 6269, in the third column, the formulas under § 201.327(i)(7)(ii) are corrected to read:

$$\text{SPF}\ (\overline{\text{SPF}})$$

$$\overline{\text{SPF}} - (t * \text{SE})$$

6. On page 6270, in the second column, the formula under § 201.327(j)(4)(ii) is corrected to read:

$$\overline{\text{T}(\lambda)} = \frac{\sum_1^n P(\lambda)/n}{\sum_1^n C(\lambda)/n}$$

7. On page 6270, in the third column, the formulas under § 201.327(j)(5)(i) are corrected to read:

$$\overline{\mathrm{T}(\lambda)}$$

$$\overline{\mathrm{A}(\lambda)}$$

$$\overline{\mathrm{A}(\lambda)} = -\log \overline{\mathrm{T}(\lambda)}$$

8. On page 6270, in the third column, the formula under § 201.327(j)(7) is corrected to read:

$$\int_{290}^{\lambda c} \mathrm{A}(\lambda)\mathrm{d}\lambda = 0.9 \int_{290}^{400} \mathrm{A}(\lambda)\mathrm{d}\lambda$$

9. On page 6270, in the third column, the formula under § 201.327(j)(8) is corrected to read:

$$\mathrm{UVAI/UV} = \frac{\int_{340}^{400} \mathrm{A}(\lambda)\mathrm{d}\lambda\, \mathrm{B}(\lambda) \,/\, \int_{340}^{400} \mathrm{d}\lambda}{\int_{290}^{400} \mathrm{A}(\lambda)\mathrm{d}\lambda\, \mathrm{B}(\lambda) \,/\, \int_{290}^{400} \mathrm{d}\lambda}$$

Elsewhere in this issue of the **Federal Register**, FDA is extending the comment period on the proposed rule.

Dated: April 12, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–07712 Filed 4–17–19; 8:45 am]

BILLING CODE 4164–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 201, 310, 347, and 352

[Docket No. FDA–1978–N–0018 (formerly Docket No. FDA–1978–N–0038)]

RIN 0910–AF43

Sunscreen Drug Products for Over-the-Counter Human Use; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is extending the comment period for the proposed rule that appeared in the **Federal Register** of February 26, 2019. In the proposed rule, FDA requested comments on its proposals relating to the regulation of over-the-counter (OTC) sunscreen monograph products. These proposals described the conditions under which the Agency proposes that OTC sunscreen monograph products are generally recognized as safe and effective and not misbranded. The Agency is taking this action in response to a request for an extension to allow interested persons additional time to submit comments.

DATES: FDA is extending the comment period on the proposed rule published February 26, 2019 (84 FR 6204). Submit either electronic or written comments by June 27, 2019.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before June 27, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of June 27, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–1978–N–0018 (formerly Docket No. FDA–1978–N–0038) for ''Sunscreen Drug Products for Over-the-Counter Human Use.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Kristen Hardin, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5443, Silver Spring, MD 20993, 240–402–4246.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 26, 2019, FDA published a proposed rule with a 90-day comment period to request comments on the Agency's proposals relating to the regulation of OTC sunscreen monograph products. These proposals described the conditions under which the Agency proposes that OTC sunscreen monograph products are generally recognized as safe and effective and not misbranded. Comments on these proposals will inform FDA's rulemaking to establish regulations putting into effect a final monograph for nonprescription, OTC sunscreen drug products. FDA also indicated in the proposed rule that the Agency would consider requests to defer further rulemaking with respect to specific sunscreen active ingredients to allow the submission of new safety and/or effectiveness data to the record if such requests were submitted to the docket within the initial 90-day comment period. Elsewhere in this issue of the **Federal Register**, the Agency is publishing a correction to the proposed rule to clarify illegible graphics of equations.

The Agency has received a request for a 60- to 90-day extension of the comment period for the proposed rule. This request conveyed concern that the current 90-day comment period does not allow sufficient time to develop a meaningful or thoughtful response to the proposed rule.

FDA has considered the request and is extending the comment period for the proposed rule for 30 days, until June 27, 2019. The Agency believes that a 30-day extension allows adequate time for interested persons to submit comments without significantly delaying rulemaking on these important issues. We note that this 30-day extension applies both to comments and to requests for the Agency to defer further rulemaking with respect to specific sunscreen active ingredients.

Dated: April 12, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–07710 Filed 4–17–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2019–0150]

RIN 1625–AA08

Special Local Regulation; Kailua Bay, Ironman World Championship, Kailua-Kona, Hawaii

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a recurring special local regulation for certain waters of Kailua Bay, Hawaii. This action is necessary to provide for the safety of life on these navigable waters located at Kailua-Kona, HI, during the swim portion of the Ironman World Championship Triathlon and practice swim held on consecutive Saturdays annually in October. This proposed rulemaking would prohibit persons and vessels from being in the regulated area each day of the event unless authorized by the Captain of the Port Honolulu. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 20, 2019.

ADDRESSES: You may submit comments identified by docket number USCG–2019–0150 using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Chief Jason Olney, Waterways Management Division, U.S. Coast Guard Sector Honolulu; telephone (808) 522–8265, email *jason.r.olney@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register

NPRM Notice of proposed rulemaking
§ Section
SLR Special Local Regulation
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

The Ironman World Championship Triathlon is held annually on the first two Saturdays in October and consists of two swim events, the race itself, and a practice swim held the week before. This event is a world famous triathlon with participants coming from around the world to compete. The event occurs within the ocean waters of Kailua Bay, HI. Each swim event consists of 2,500 participants swimming a 2.4 mile (4,224 yard) marked race course located in navigable shallow ocean waters. Each year, an increasing number of spectator pleasure craft are drawn to support and view the Ironman swim event. Spectator vessels and other vessel traffic pose a significant safety hazard due to the limited maneuverability of swim participants and vessels navigating in close proximity to the designated area.

The purpose of this rulemaking is to protect event participants, spectators, and transiting vessels on navigable waters of Kailua Bay before, during, and after the scheduled event held annually. The Captain of the Port (COTP) Honolulu has determined that potential hazards associated with the swimmers are a safety concern for anyone intending to operate near the event area.

The Coast Guard proposes this rulemaking under authority in 46 U.S.C. 70041 which authorizes the Coast Guard to establish and define special local regulations.

III. Discussion of Proposed Rule

The COTP Honolulu proposes to establish a recurring special local regulation to be enforced from 5 a.m. to 11 a.m., on the first two Saturdays in October annually. For both the race itself and the practice swim event, six hours are required for all participants to complete the swim course.

The regulated area would cover all navigable waters of Kailua Bay within 100 yards adjacent to the 2.4 mile (4,224 yards) swim course, starting at the shoreline northeast of Kailua Pier at 19°38.341′ N, 155°59.782′ W; thence southeast to 19°37.416′ N, 155°59.444′ W; thence southwest to 19°37.397′ N, 155°59.500′ W; thence northwest to 19°38.150′ N, 155°59.760′ W, thence north and back to Kailua Pier at 19°38.398′ N, 155°59.816′ W, and returning along the pier to the originating point on the shoreline at to 19°38.341′ N, 155°59.782′ W.

This proposed rule provides additional information about areas with the regulated area and the restrictions that apply to mariners. These areas include a ''Course Area'', and ''Buffer Area''. The duration of the rule and size of the regulated area are intended to ensure the safety of life on these navigable waters before, during, and after the event, scheduled from 5 a.m. until 11 a.m. on the first two Saturdays in October annually. The COTP and Coast Guard Patrol Commander (PATCOM) would have authority to forbid and control the movement of all vessels and persons, including event participants, in the regulated area. When hailed or signaled by an official patrol, a vessel or person in the regulated area would be required to immediately comply with the directions given by the COTP or PATCOM. If a person or vessel fails to follow such directions, the Coast Guard may expel them from the area, issue them a citation for failure to comply, or both. Except for Ironman participants and vessels already identified as part of the event safety or security, a vessel or person would be required to get permission from the COTP or PATCOM before entering the regulated area while the rule is being enforced. Vessel operators could request permission to enter and transit through the regulated area by contacting the PATCOM on VHF–FM channel 16. Vessel traffic would be able to safely transit the regulated area once the PATCOM deems it safe to do so. A person or vessel not registered with the event sponsor as a participant or assigned as official patrols would be considered a spectator. Official Patrols are any vessel assigned or approved by the Commander, Coast Guard Sector Honolulu, with a commissioned, warrant, or petty officer on board.

If permission is granted by the COTP or PATCOM, a person or vessel would be allowed to enter the regulated area or pass directly through the regulated area as instructed. Vessels would be required to operate at a safe speed while within the regulated area. Official patrol vessels will assist with the safety of the event and ensure spectator vessels remain outside the regulated area. The designated swim area will remain closed until races have concluded and the regulated area is deemed safe for normal operations.

The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed 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 NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM 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, event history, time of day and time of year of the regulated area which would impact a small designated area of Kailua Bay. Accordingly, this NPRM has not been reviewed by the Office of Management and Budget.

The Coast Guard would promulgate a Notice of Enforcement and issue a Local Notice to Mariners each year. In addition, the Coast Guard will issue a Broadcast Notice to Mariners with information pertaining to the regulated area via VHF–FM marine channel 16 about the status of the regulated area. Moreover, the rule would allow vessels to seek permission to enter the regulated area, transit around the race area, and vessel traffic would be able to safely transit the regulated area once the COTP of Honolulu's PATCOM deems it safe to do so.

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 proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the regulated area may be small entities, this proposed rule would not have a significant economic impact on vessel owners or operators for the reasons stated in section IV.A above.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 proposed 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. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would 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 proposed 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 proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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 proposed 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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed 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 made a preliminary determination 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 proposed rule involves implementation of regulations within 33 CFR 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users. Normally such actions are categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

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.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *https://www.regulations.gov/privacyNotice.*

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.1402 to read as follows:

§ 100.1402 Special Local Regulation; Kailua Bay, Ironman World Championship, Kailua-Kona, Hawaii.

(a) *Definitions.* As used in this section:

Buffer area is a neutral 100-yard area that surrounds the perimeter of the course area's navigable waters as described by this section. The purpose of a buffer area is to minimize potential collision conflicts with marine event participants and spectator vessels or nearby transiting vessels. This area provides separation between a course area and spectator viewing areas.

Captain of the Port (COTP) Honolulu means the Commander, U.S. Coast Guard Sector Honolulu or any Coast Guard commissioned, warrant or petty officer who has been authorized by the COTP to act on his behalf.

Coast Guard Patrol Commander (PATCOM) means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated as PATCOM by the Commander, Coast Guard Sector Honolulu.

Course area is an area described by a line bound by coordinates provided in latitude and longitude that outlines the boundary of the event swim area within the overall regulated area defined by this section.

Enforcement vessels are designated vessels authorized by the COTP Honolulu, the event PATCOM, or COTP Honolulu's designated representatives to support the safety and security of the marine event.

Official Patrol means any vessel assigned or approved by Commander, Coast Guard Sector Honolulu with a commissioned, warrant, or petty officer on board.

Participant means any persons registered with the event sponsor as participating in the Ironman Triathlon or practice swim.

Regulated area is the combined course area and buffer area.

Spectators are all persons and vessels not registered with the sponsor as participants, support vessels, or enforcement vessels.

(b) *Location.* All coordinates reference Datum NAD 1983.

(1) *Regulated area.* All navigable waters within Kailua Bay and encompasses the course area and surrounding 100-yard buffer area. This course area and 100-yard buffer area extends from the surface of the water to the ocean floor.

(2) *Course area.* The 2.24 mile (4,224 yards) swim course is a temporary marked swim course within the regulated area located in Kailua Bay.

(3) *Buffer area.* All navigable waters 100 yards outside of the perimeter of the course area, described in paragraph (c)(4) of this section.

(c) *Special local regulations:* (1) The COTP Honolulu or PATCOM may forbid and control the movement of all vessels and persons, including event participants, in the regulated area. When hailed or signaled by an official patrol, a vessel or person in the regulated area shall immediately comply with the directions given by the patrol. Failure to do so may result in the Coast Guard expelling the person or vessel from the area, issuing a citation for failure to comply, or both. The COTP Honolulu or PATCOM may terminate the event at any time the COTP Honolulu or PATCOM believes it necessary to do so for the protection of life.

(2) Except for participants and safety support vessels, a person or vessel within the regulated area at the start of enforcement of this section must immediately depart the regulated area.

(3) Support and enforcement vessels consist of any local law enforcement and sponsor provided vessels assigned or approved by the COTP Honolulu, the event PATCOM, or COTP Honolulu designated representatives, to patrol the regulated area.

(4) The regulated area consists of all navigable waters starting at the shoreline northeast of Kailua Pier at 19°38.341′ N, 155°59.782′ W; thence southeast to 19°37.416′ N, 155°59.444′ W; thence southwest to 19°37.397′ N, 155°59.500′ W; thence northwest to 19°38.150′ N, 155°59.760′ W, thence north and back to Kailua Pier at 19°38.398′ N, 155°59.816′ W, and returning along the pier to the originating point on the shoreline at to 19°38.341′ N, 155°59.782′ W.

(5) Spectators shall not enter into, anchor, block, loiter, or impede the transit of participants or support/enforcement vessels in the regulated area during the enforcement of this regulation, unless cleared for entry by the COTP Honolulu, the event PATCOM, or the COTP's designated representatives.

(6) Persons desiring to transit the regulated area identified may contact the COTP Honolulu in advance at the Sector Honolulu Command Center telephone number (808) 842–2600 and (808) 842–2601 or immediately prior to or during the event to the COTP Honolulu's PATCOM or designated representative on VHF–FM marine channel 16 (156.8 Mhz) to seek permission to transit or remain in the area. If permission is granted, all persons and vessels must comply with the instructions of the COTP Honolulu, the event PATCOM or the COTP's designated representative and proceed at the minimum speed necessary to maintain a safe course while in the area.

(7) If enforcement of the regulated area is no longer necessary, the COTP Honolulu, event Patrol Commander, or COTP designated representative will inform the public through radio broadcasts that the regulated area is no longer being enforced.

(d) *Enforcement officials.* The Coast Guard may be assisted with event patrol and enforcement of the regulated area by other Federal, State, and local agencies.

(e) *Enforcement period.* The marine event and special local regulation will be enforced from 5 a.m. to 11 a.m. on the first two Saturdays in October annually. The Coast Guard will publish a notice in the Fourteen Coast Guard District Local Notice to Mariners, a Notice of the Enforcement in the **Federal Register**, and issue a marine information broadcast on VHF–FM marine band radio on channel 16 announcing specific event date and times.

Dated: April 12, 2019.

M.C. Long,

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

[FR Doc. 2019–07777 Filed 4–17–19; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2018–0706; FRL–9991–79–Region 6]

Air Plan Approval; New Mexico; Infrastructure for the 2015 Ozone National Ambient Air Quality Standards and Repeal of State Regulations for Total Suspended Particulate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve State Implementation Plan (SIP) infrastructure certifications from the State of New Mexico and Albuquerque-Bernalillo County to address Clean Air Act (CAA or Act) section 110(a)(1) and (2) requirements for the 2015 ozone (O_3) National Ambient Air Quality Standards (NAAQS). The submittals address how the existing SIP provides for the implementation, maintenance, and enforcement of the 2015 O_3 NAAQS (infrastructure SIP or i-SIP). The i-SIP ensures that the New Mexico SIP is adequate to meet the state's responsibilities under the CAA for this NAAQS. The EPA is also proposing to approve a SIP revision for the repeal of the New Mexico Ambient Air Quality Standards (NMAAQS) for total suspended particulate (TSP) in the New Mexico regulations incorporated into the SIP.

DATES: Written comments must be received on or before May 20, 2019.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2018–0706, at *https://www.regulations.gov* or via email to *ruan-lei.karolina@epa.gov.* Follow the online instructions for submitting comments. 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, please contact Ms. Karolina Ruan Lei, (214) 665–7346, *ruan-lei.karolina@epa.gov.* For 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.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Ms. Karolina Ruan Lei, (214) 665–7346, *ruan-lei.karolina@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Ms. Karolina Ruan Lei or Mr. Bill Deese at 214–665–7253.

SUPPLEMENTARY INFORMATION:

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

I. Background

Section 110 of the CAA requires states to develop and submit to the EPA a SIP to ensure that state air quality meets the NAAQS. These ambient standards currently address six criteria pollutants: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide. Each federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin through air pollution regulations and control strategies. The EPA-approved SIP regulations and control strategies are federally enforceable.

On October 26, 2015, the EPA revised the primary and secondary 8-hour O_3 NAAQS from 0.075 ppm to 0.070 ppm to provide increased protection of public health and the environment (82 FR 65291). The primary standards are set to protect human health, while secondary standards are set to protect public welfare.

Pursuant to section 110(a)(1) of the CAA, states are required to submit an i-SIP within three years after the promulgation of a new or revised NAAQS. Section 110(a)(2) of the CAA contains a list of specific elements the i-SIP must include to adequately address such new or revised NAAQS as applicable. On September 13, 2013, the EPA issued guidance addressing the i-SIP elements for NAAQS.[1] The State of New Mexico and Albuquerque-Bernalillo County i-SIP certifications, submitted on November 1, 2018, and September 24, 2018, respectively, provide demonstrations of how the existing New Mexico SIP meets the applicable section 110(a)(2) requirements for the 2015 O_3 NAAQS. Our technical evaluation of these submittals is provided in the Technical Support Document (TSD) for this action.[2]

Additionally, on November 16, 2018, the State of New Mexico provided updated regulations to the New Mexico SIP that pertain to the repeal of the air quality standards for TSP in New Mexico. The TSP NMAAQS were first adopted into the New Mexico regulations in 1969 and have not been revised since their original promulgation. On April 30, 1971, the EPA established primary and secondary NAAQS for particulate matter, with the indicator set as TSP (36 FR 8186). TSP was defined as particulate matter up to a nominal size of 25 to 45 micrometers (μm). The EPA, to better protect human health and the public welfare, replaced the indicator for particulate matter from TSP to PM_{10} on July 1, 1987, and established standards for fine particulate matter ($PM_{2.5}$) on July 18, 1997 (52 FR 24634 and 62 FR 38652). PM_{10} and $PM_{2.5}$ refer to particles with an aerodynamic diameter less than or equal to a nominal 10 and 2.5 μm, respectively. The 24-hour $PM_{2.5}$ standard was revised in 2006, and the annual $PM_{2.5}$ standard was revised in 2012 (71 FR 61144, October 17, 2006 and 78 FR 3086, January 15, 2013).

Section 110(l) of the CAA requires that a revision to the SIP not interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171 of the CAA), or any other applicable requirement of the Act. The New Mexico SIP revision submitted on November 16, 2018, includes a demonstration that the repeal of the NMAAQS for TSP will not interfere with the attainment and maintenance of the NAAQS or any other CAA requirement.

II. The EPA's Evaluation of New Mexico's and Albuquerque-Bernalillo County's i-SIP

The State's and County's submissions on November 1, 2018, and September 24, 2018, demonstrate how the existing New Mexico SIP meets the infrastructure requirements for the 2015 O_3 NAAQS. As mentioned in the previous section, a detailed discussion of our evaluation can be found in the TSD for this action, accessible through *www.regulations.gov* (Docket No. EPA–R06–OAR–2018–0706). Below is a summary of the EPA's evaluation of the New Mexico i-SIP and Albuquerque-Bernalillo County i-SIP for each applicable element of 110(a)(2)(A) through (M).

(A) Emission limits and other control measures: The CAA section 110(a)(2)(A) requires the SIP to include enforceable emission limits and other control measures, means or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of the Act and other related matters as needed to implement, maintain and enforce each of the NAAQS.[3]

The New Mexico *Environmental Improvement Act* (EIA), codified in Chapter 74, Article 1 of the New Mexico Statutes Annotated (NMSA) 1978, created the New Mexico Environment Department (NMED) and the New Mexico Environmental Improvement Board (EIB). The New Mexico *Air Quality Control Act* (AQCA), codified in NMSA 1978, Chapter 74, Article 2,

[1] ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)''. Memorandum from Stephen D. Page, U.S. EPA, Office of Air Quality Planning and Standards. September 13, 2013.

[2] The TSD for this action can be accessed through *www.regulations.gov* (Docket No. EPA–R06–OAR–2018–0706).

[3] The specific nonattainment area plan requirements of CAA section 110(a)(2)(I) are subject to the timing requirements of CAA section 172, not the timing requirement of CAA section 110(a)(1). Thus, CAA section 110(a)(2)(A) does not require that states submit regulations or emissions limits specifically for attaining the 2015 O_3 NAAQS. Those SIP provisions are due as part of each state's attainment plan, and will be addressed separately from the requirements of CAA section 110(a)(2)(A). In the context of an infrastructure SIP, the EPA is not evaluating the existing SIP provisions for this purpose. Instead, the EPA is only evaluating whether the state's SIP has basic structural provisions for the implementation of the NAAQS.

together with the Albuquerque and parallel Bernalillo County Joint Air Quality Control Board Ordinances (collectively referred to as the ''AQCA and Ordinances'') authorized creation of the Joint Air Quality Control Board (Air Board) and the Albuquerque Environmental Health Department (EHD). The NMED has jurisdiction over all of New Mexico except for Albuquerque-Bernalillo County. The NMED, the EIB, and the State refer to the authorities in New Mexico outside of Bernalillo County, and the EHD, the Air Board, and the County refer to the authorities within Bernalillo County.

The AQCA delegates legislative authority to the EIB to adopt, promulgate, publish, amend and repeal regulations consistent with the AQCA to attain and maintain the NAAQS and prevent or abate air pollution. The AQCA also designates the NMED as the State's air pollution control agency and the AQCA and the EIA provides the NMED with enforcement authority. Similarly, Albuquerque-Bernalillo County's enforceable emissions limitations and other control measures are authorized by the AQCA and Ordinances, which give legislative authority to the Air Board to attain and maintain the NAAQS. The AQCA and Ordinances also state that the EHD is the administrative agency for the EIB and give the EHD authority to enforce air quality regulations. The authority delegated by the New Mexico statutes and ordinances has been employed to adopt and submit multiple revisions to the New Mexico SIP.

New Mexico's enforceable emission limitations and other control measures for O_3 and its precursors were promulgated by the EIB and can be found in Title 20, Chapter 2 of the New Mexico Administrative Code (NMAC) Parts 3, 5, 7, 8, 10, 32–34, 72–75, 79, and 99. Albuquerque-Bernalillo County's enforceable emissions limitations and other control measures for any NAAQS, including O_3 and its precursors, can be found in Title 20, Chapter 11 NMAC Parts 1–8, 20–22, 39–41, 43, 46–47, 49, 60–61, 63–68, 90, 100, and 102–103. New Mexico and Albuquerque-Bernalillo County regulations that have been approved in the New Mexico SIP can be found listed in 40 CFR 52.1620(c).

Section 110(a)(2)(A) requires that all measures and other elements in the SIP be enforceable. To satisfy element A, an air agency's submission should identify existing EPA-approved SIP provisions or new SIP provisions that the air agency has adopted and submitted for EPA approval that limit emissions of pollutants relevant to the subject NAAQS. New Mexico and Albuquerque-Bernalillo County have each provided the relevant provisions that have been approved into the New Mexico SIP. The EPA is therefore proposing to find that the New Mexico SIP meets the requirements of section 110(a)(2)(A) of the CAA with respect to the 2015 O_3 NAAQS.

(B) Ambient air quality monitoring/data system: Section 110(a)(2)(B) of the CAA requires SIPs to include provisions for establishment and operation of ambient air quality monitors, collecting and analyzing ambient air quality data, and making these data available to the EPA upon request.

The AQCA provides the authority necessary for the NMED and the EHD to collect air monitoring data, quality-assure the results, and report the data in order to fulfill the requirements of CAA section 110(a)(2)(B) (NMSA 1978, section 74–2–5.1).

New Mexico and Albuquerque-Bernalillo County each maintain and operate air monitoring networks to measure ambient levels of pollutants, including O_3. All monitoring data is measured using EPA-approved methods and subject to EPA quality assurance requirements. The NMED and the EHD submit all required data to the EPA, following EPA rules. These networks have been approved into the SIP (46 FR 4005, August 6, 1981) and they undergo recurrent annual review by the EPA.[4] In addition, the NMED and the EHD conduct recurrent assessments of their monitoring networks every five years, which include an evaluation of ambient monitoring for O_3, as required by EPA rules. The most recent of these 5-Year Monitoring Network Assessments were conducted by the NMED and the EHD in 2015, and the EPA reviewed and commented on these reviews. The comment letters are in the docket for this rulemaking.[5] The NMED and the EHD websites provide the monitor locations and post past and current concentrations of criteria pollutants measured in these networks of monitors.[6]

In summary, New Mexico and Albuquerque-Bernalillo County meet the requirements to: Establish, operate, and maintain an ambient air monitoring network; collect and analyze the monitoring data; and make the data available to the EPA upon request. The EPA is proposing to find that the current New Mexico SIP meets the requirements of CAA section 110(a)(2)(B) with respect to the 2015 O_3 NAAQS.

(C) Program for enforcement of control measures: The CAA section 110(a)(2)(C) requires SIPs include the following three elements: (1) A program providing for enforcement of the measures in subsection A of this action, above; (2) a program for the regulation of the modification and construction of stationary sources as necessary to protect the applicable NAAQS (*i.e.,* state-wide permitting of minor sources); and (3) a permit program to meet the major source permitting requirements of the CAA (for areas designated as attainment or unclassifiable for the NAAQS in question).[7]

(1) Enforcement of SIP Measures. As noted in (*A*), the AQCA provides authority for the NMED and the EHD to enforce the requirements of the AQCA and any regulations of the EIB, permits or final compliance orders. Its statutes also provide the NMED and the EHD with general enforcement powers. Among other things, the NMED and the EHD can file lawsuits to compel compliance with statutes and regulations; commence civil actions; issue field citations, conduct investigations of regulated entities; collect criminal and civil penalties; develop and enforce rules and standards related to protection of air quality; issue compliance orders; pursue criminal prosecutions; conduct investigations; enter into remediation agreements; and issue emergency cease and desist orders. The AQCA also provides additional enforcement authorities and funding mechanisms (NMSA 1978, sections 74–2–12, 74–2–2, and 74–1–6(F)).

(2) Minor New Source Review. Section 110(a)(2)(C) also requires that the SIP include measures to regulate construction and modification of stationary sources to protect the NAAQS. Both the New Mexico (78 FR 15296, March 11, 2013) and Albuquerque-Bernalillo County (69 FR 78312, December 30, 2004) minor NSR permitting requirements are approved as part of the SIP.[8]

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[4] Copies of the 2018 Annual Air Monitoring Network Plans and the EPA's approval letters for New Mexico and Albuquerque-Bernalillo County are included in the docket for this proposed rulemaking.

[5] Copies of the 2015 5-Year Ambient Monitoring Network Assessments. Most recent Annual Network Plans, and EPA's approval letters for New Mexico and Albuquerque-Bernalillo County are included in the docket for this proposed rulemaking.

[6] For New Mexico air monitors and current air quality, see *http://nmaqinow.net/.* For Albuquerque-Bernalillo County air monitors and current air quality, see *http://www.cabq.gov/airquality/air-quality-monitoring.*

[7] As discussed in further detail in the TSD.

[8] The EPA is not proposing to approve or disapprove the existing New Mexico or Albuquerque-Bernalillo County minor NSR programs to the extent that it may be inconsistent with the EPA's regulations governing this program. The EPA has maintained that the CAA does not

(3) Prevention of Significant Deterioration (PSD) permit program. The Albuquerque-Bernalillo County and New Mexico PSD program portions of the SIP cover all NSR regulated pollutants as well as the requirements for the 2015 O_3 NAAQS and have been approved by the EPA (80 FR 52401, August 31, 2015, and 78 FR 15296, March 11, 2013).[9]

(D) Interstate transport, and interstate and international pollution abatement: Under CAA section 110(a)(2)(D)(i), there are four requirements the SIP must include relating to interstate transport. The first two of the four requirements are outlined in CAA section 110(a)(2)(D)(i)(I) and require that the SIP contain adequate provisions prohibiting emissions to other states which will (1) contribute significantly to nonattainment of the NAAQS, and (2) interfere with maintenance of the NAAQS. The third and fourth requirements are outlined in CAA section 110(a)(2)(D)(i)(II) and require that the SIP contain adequate provisions prohibiting emissions to other states which will (1) interfere with measures required to prevent significant deterioration or (2) interfere with measures to protect visibility.

The State of New Mexico and Albuquerque-Bernalillo County submittals did not include how the current New Mexico SIP meets CAA section 110(a)(2)(D)(i)(I) requirements. The NMED and the EHD stated that they are currently working with the EPA to address this requirement as it relates to the 2015 O_3 NAAQS as a sufficient basis for a submittal addressing these requirements does not yet exist. The NMED and the EHD indicate that they will continue to work with the EPA to develop an appropriate submittal for this element.

As the submittals from the State of New Mexico and Albuquerque-Bernalillo County did not include how the New Mexico SIP meets CAA section 110(a)(2)(D)(i)(I) requirements, we will only discuss how the submittals address CAA sections 110(a)(2)(D)(i)(II) and 110(a)(2)(D)(ii).

The SIP submission stated that as noted in subsection C of this action, shown above, Albuquerque-Bernalillo County and New Mexico each have comprehensive EPA-approved PSD programs meeting the prevention of significant deterioration of air quality requirement of CAA section 110(a)(2)(D)(i)(II) (80 FR 52402, August 31, 2015, and 80 FR 40915, July 14, 2015, respectively). With respect to the visibility element of CAA section 110(a)(2)(D)(i)(II), both Albuquerque-Bernalillo County and New Mexico have a regional haze program in place that fully meets the requirements of 40 CFR 51.309 that have been approved by the EPA into the New Mexico SIP. The Albuquerque-Bernalillo County regional haze SIP was approved by EPA on November 29, 2012 (77 FR 71119). The New Mexico regional haze SIP was approved in two actions; the first action, promulgated on November 27, 2012, approved the majority of the regional haze SIP (77 FR 70693), and the second action, promulgated on October 9, 2014, addressed best available retrofit technologies (79 FR 60985). As we have approved both New Mexico and Albuquerque-Bernalillo County comprehensive PSD programs and regional haze plans, we propose to approve the current SIP meets CAA section 110(a)(2)(D)(i)(II) requirements.

CAA section 110(a)(2)(D)(ii) requires that the SIP contain adequate provisions ensuring compliance with the applicable requirements of sections 126 (relating to interstate pollution abatement) and 115 (relating to international pollution abatement). As stated in their submittals, New Mexico and Albuquerque-Bernalillo County meet the section 126 requirements as (1) they have fully approved PSD SIPs (Albuquerque-Bernalillo County, 80 FR 52401, August 31, 2015 and New Mexico, 78 FR 15296, March 11, 2013), which include notification to neighboring air agencies of potential impacts from each new or modified major source, and (2) no source or sources have been identified by the EPA as having any interstate impacts under CAA section 126 in any pending action related to any air pollutant. New Mexico and Albuquerque-Bernalillo County meet CAA section 115 requirements as there are no findings by the EPA that New Mexico or Albuquerque-Bernalillo County air emissions affect other countries. Therefore, we propose to approve that the current SIP meets requirements for CAA section 110(a)(2)(D)(ii).

(E) Adequate authority, resources, implementation, and oversight: CAA section 110(a)(2)(E) requires that the SIP provide for the following: (1) Necessary assurances that the state (and other entities within the state responsible for implementing the SIP) will have adequate personnel, funding, and authority under state or local law to implement the SIP, and that there are no legal impediments to such implementation; (2) compliance with requirements relating to state boards as required under section 128 of the CAA; and (3) necessary assurances that the state has responsibility for ensuring adequate implementation of any plan provision for which it relies on local governments or other entities to carry out that portion of the plan. Both subsections A and E of this action address the requirement that there is adequate authority and no legal impediments to implement and enforce the SIP.

The i-SIP submissions for the 2015 O_3 NAAQS describe the SIP regulations governing the various functions of personnel within the NMED, the EIB, the EHD, and the Air Board, including the administrative, technical support, planning, enforcement, and permitting functions of the program. (NMSA 1978, sections 9–7A–6(B)(4), 9–7A–11(A), 74–2–5.1(F) and 74–2–5.2).

With respect to funding, the AQCA requires the NMED to establish an emissions fee schedule for sources in order to fund the reasonable costs of administering various air pollution control programs and authorizes the NMED to collect additional fees necessary to cover reasonable costs associated with processing of air permit applications (NMSA 1978, sections 9–7A–6(B)(4), 9–7A–11(A), 74–2–5.1(F) and 74–2–5.2). The EPA conducts periodic program reviews to ensure that the state has adequate resources and funding to, among other things, implement and enforce the SIP. With respect to funding for the EHD and the Air Board, the resources to carry out the plan are provided through general funds, permit fees and the CAA grant process. Permit fees are collected under the authority of NMSA 1978, section 74–2–7.

The State and County addressed element E requirements pertaining to CAA section 128 requirements for state boards. The EIA, NMSA 1978, section 74–1–4, provides that the EIB contain at least a majority of members who represent the public interest and do not derive any ''significant portion'' of their income from persons subject to, or who appear before the board, on issues related to the CAA or the AQCA. Likewise, Albuquerque-Bernalillo County require that the Air Board follows the same requirements under the AQCA, NMSA 1978, section 74–2–4(B). The members of the board or body, or the head of an agency with similar

require that new infrastructure SIP submissions correct any defects in existing EPA-approved provisions of minor NSR programs in order for the EPA to approve the infrastructure SIP for element C (76 FR 41075 [41076–41079], July 13, 2011). The EPA believes that a number of states may have minor NSR provisions that are contrary to the existing EPA regulations for this program. The statutory requirements of section 110(a)(2)(C) provide for considerable flexibility in designing minor NSR programs.

[9] As discussed in further detail in the TSD.

powers, are required to adequately disclose any potential conflicts of interest.

Regarding assurances concerning reliance on local government agencies, the State indicates that the City of Albuquerque-Bernalillo County is authorized to carry out all portions of New Mexico's SIP within the jurisdictional boundaries of Bernalillo County. The Albuquerque-Bernalillo County SIP provisions are part of the New Mexico SIP.[10] However, the NMED and the EIB retain oversight authority in the event the local authority fails to act (AQCA, NMSA 1978, section 74–2–4).

Based upon review of the SIP submissions for the 2015 O_3 NAAQS and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in the New Mexico SIP, the EPA believes that the requirements of CAA section 110(a)(2)(E) are met.

(F) Stationary source monitoring system: CAA section 110(a)(2)(F) requires that the SIP provide for the establishment of a system to monitor emissions from stationary sources and to submit periodic emission reports. Element F requires the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources, to monitor emissions from such sources. The SIP shall also require periodic reports on the nature and amounts of emissions and emissions-related data from such sources and require that the state correlate the source reports with emission limitations or standards established under the CAA. These reports must be made available for public inspection at reasonable times.

The AQCA authorizes the EIB and the Air Board to require persons engaged in operations which result in air pollution to monitor or test emissions and to file reports containing information relating to the nature and amount of emissions (NMSA 1978, section 74–2–5(C)(6)). There are also SIP-approved state regulations pertaining to sampling and testing and requirements for reporting of emissions inventories (20.2 NMAC Parts 5,7–8, 10–20, 30–34, 40–41, and 72–74). For the County, SIP rules establish general requirements for maintaining records and reporting emissions (20.11.47 NMAC).

The NMED uses the data received to track progress towards maintaining the NAAQS, develop control and maintenance strategies, identify sources and general emission levels, and determine compliance with SIP regulations and additional EPA requirements. The SIP requires this information be made available to the public. The County also has provisions concerning the handling of confidential data and proprietary business information; these provisions exclude from confidential treatment any records concerning the nature and amount of emissions reported by sources (20.11.90 NMAC).

From reviewing the State and County submittals and the relevant regulations and statutes, we are proposing that the New Mexico SIP meets the requirements of CAA section 110(a)(2)(F).

(G) Emergency authority: CAA section 110(a)(2)(G) requires a demonstration that the state has the authority to restrain any source from causing imminent and substantial endangerment to public health or welfare or the environment. The SIP must include an adequate contingency plan to implement such authorities as necessary.

The AQCA provides the NMED and the EHD with authority to address environmental emergencies, inclusive of contingency plans to implement emergency episode provisions.

Upon a finding that an owner or operator is unreasonably affecting the public health, safety or welfare, or the environment, the AQCA authorizes the NMED and the EHD to, after a reasonable attempt to give notice, declare a state of emergency and issue without hearing an emergency special order directing the owner or operator to cease such pollution immediately (NMSA 1978, section 74–2–10).

New Mexico promulgated the Air Pollution Episode Contingency Plan for New Mexico, which includes contingency measures, and these provisions were approved into the SIP on August 21, 1990 (55 FR 34013). Similarly, the Air Board adopted into the SIP the Air Pollution Episode Contingency Plan for Albuquerque-Bernalillo County, which covers air pollution episodes and the occurrence of an emergency due to the effects of the pollutants on the health of persons (56 FR 38073, August 12, 1991).

Based upon review of the infrastructure SIP submissions, the EPA believes that the requirements of CAA section 110(a)(2)(G) are met.

(H) Future SIP revisions: CAA section 110(a)(2)(H) requires that states must have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or in response to an EPA finding that the SIP is substantially inadequate to attain the NAAQS.

The State of New Mexico and Albuquerque-Bernalillo County each responded that the New Mexico SIP is a compilation of regulations, plans, and submittals that act to improve and maintain air quality in accordance with national standards. The authority to develop or revise the SIP is based on the authority to adopt new regulations, revise existing regulations, and conduct business in a manner to meet the NAAQS. NMSA 1978, section 74–7–5 gives the board authority to perform these functions. The AQCA authorizes and requires the State and County to revise its SIP, as necessary, to account for: Revisions of the NAAQS, newly promulgated NAAQS, attaining and maintaining the NAAQS, abating air pollution, adopting more effective methods of attaining the NAAQS, and responding to EPA SIP calls concerning NAAQS adoption or implementation (NMSA 1978, sections 74–2–5(B)(1) and 74–2–5.2(B)). Nothing in New Mexico's statutory or regulatory authority prohibits the State or Albuquerque-Bernalillo County from revising the SIP in the event of a new or revised NAAQS. Based upon review of the infrastructure SIP submissions, the EPA believes that the requirements of CAA section 110(a)(2)(H) are met.

(I) Nonattainment areas: The CAA section 110(a)(2)(I) requires that in the case of a plan or plan revision for areas designated as nonattainment areas, states must meet applicable requirements of part D of the CAA, relating to SIP requirements for designated nonattainment areas.

The EPA does not expect infrastructure SIP submissions to address element I. The specific SIP submissions for designated nonattainment areas, as required under CAA title I, part D, are subject to different submission schedules than those for CAA section 110 infrastructure elements. Instead, the EPA will take action on part D attainment plan SIP submissions through a separate rulemaking process governed by the requirements for nonattainment areas, as described in part D.

(J) Consultation with government officials, public notification, PSD and visibility protection: The SIP must meet the following three CAA requirements: (1) Section 121, relating to interagency consultation regarding certain CAA requirements; (2) section 127, relating to public notification of NAAQS exceedances and related issues; and (3) prevention of significant deterioration of air quality and (4) visibility protection.

[10] See approved Albuquerque-Bernalillo County statutes in the New Mexico SIP at 40 CFR 52.1620(e).

(1) Interagency consultation. As required by the AQCA, there must be a public hearing before the adoption of any regulations or emission control requirements and all interested persons must be given a reasonable opportunity to submit data, view documents, or argue orally or in writing and to examine testimony of witnesses from the hearing (NMSA 1978, sections 74–2–6(B), (C), and (D)). In addition, the AQCA provides for the power and duty to ''advise, consult, contract with and cooperate with local authorities, other states, the federal government and other interested persons or groups in regard to matters of common interest in the field of air quality control.'' (NMSA 1978, section 74–2–5.2(B)). Furthermore, New Mexico's PSD SIP rules mandate public participation and notification regarding permitting applications to any other state or local air pollution control agencies, local government officials of the city or county where the source will be located, tribal authorities, and Federal Land Managers whose lands may be affected by emissions from the source or modification. The State's Transportation Conformity SIP rules also provide procedures for interagency consultation, resolution of conflicts, and public notification. These rules apply to both New Mexico and Albuquerque-Bernalillo County.

(2) Public notification. The submitted revisions provide the SIP regulatory citations requiring both the NMED and the EHD to regularly notify the public of instances or areas in which any NAAQS are exceeded, advise the public of the health hazards associated with such exceedances, and enhance public awareness of measures that can prevent such exceedances and ways in which the public can participate in efforts to improve air quality. Additional public notification concerning compliance with the NAAQS is accomplished by real-time publishing of air quality data from NMED's monitoring network to the NMED website, and from Albuquerque-Bernalillo County's monitoring network available via the EPA's Air Quality System Data Mart website.

(3) PSD. The PSD requirements here are the same as those addressed under subsection C of this action.

(4) Visibility protection. The New Mexico SIP requirements for both the state and Albuquerque-Bernalillo County relating to visibility and regional haze are not affected when the EPA establishes or revises a NAAQS. Therefore, the EPA has determined that there are no new visibility protection requirements due to the revision of the NAAQS, and consequently there are no newly applicable visibility protection obligations pursuant to infrastructure element J after the promulgation of a new or revised NAAQS.

Based upon the review of the infrastructure SIP submissions for the 2015 O_3 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in New Mexico's SIP, the EPA believes that the requirements of CAA section 110(a)(2)(J) are met.

(K) Air quality and modeling/data: Element K requires that the SIP provide for performing air quality modeling to predict the effects on ambient air quality from emissions of any NAAQS pollutant, and for submission of such data to the EPA upon request.

The NMED and the EHD have the duty, authority, and technical capability to conduct air quality modeling, pursuant to the AQCA, in order to assess the effect on ambient air quality of relevant pollutant emissions; and can provide relevant data as part of the permitting and NAAQS implementation process (NMSA, 1978 section 74–2–5.2(B)). The NMED and the EHD follow EPA guidelines for air dispersion modeling. Upon request, the NMED and the EHD will submit current and future data relating to air quality modeling to the EPA.

The NMED and the EHD have the power and duty under the AQCA to investigate and develop facts, which provide for the functions of environmental air quality assessment (NMSA 1978, section 74–2–5.1(A)). Past modeling and emissions reductions measures have been submitted by the State and County and approved into the SIP. The AQCA also authorizes and requires the NMED to cooperate with the federal government and local authorities concerning matters of common interest in the field of air quality control, thereby allowing the agency to make such submissions to the EPA.

Based upon review of the infrastructure SIP submissions for the 2015 O_3 NAAQS, the EPA finds that New Mexico and Albuquerque-Bernalillo County, have adequate infrastructure needed to address CAA section 110(a)(2)(K).

(L) Permitting fees: The SIP must require each major stationary source to pay permitting fees to the permitting authority, as a condition of any permit required under CAA section 504, to cover the cost of reviewing and acting upon any application for such a permit, and, if the permit is issued, the costs of implementing and enforcing the terms of the permit. The fee requirement applies until a fee program established by the state pursuant to Title V of the CAA, relating to operating permits, is approved by the EPA.

For New Mexico, the AQCA authorizes the EIB to establish an emission fee schedule and a construction permit fee schedule to recover the reasonable costs of evaluating permit applications, and issuing and enforcing permits (NMSA 1978, section 74–2–7). Relevant New Mexico regulations that have been approved into the SIP include 20.2 NMAC Parts 75 and 71 (as it relates to Part 75), which cover construction and operating permit fees (77 FR 18923, March 29, 2012). For Albuquerque-Bernalillo County, the relevant regulations covering permit fees that have been approved by the EPA include 20.11 NMAC Parts 2 and 41 (77 FR 30900, May 24, 2012, and 82 FR 29421, June 29, 2017). In addition, see subsection E of this action, above, for the description of the mandatory collection of permitting fees outlined in the SIP for the entire state of New Mexico.

Based upon review of the infrastructure SIP submissions for the 2015 O_3 NAAQS, the EPA proposes that the requirements of CAA section 110(a)(2)(L) are met.

(M) Consultation/participation by affected local entities: CAA section 110(a)(2)(M) requires that the SIP must provide for consultation and participation by local political subdivisions affected by the SIP.

See subsection J (1) and (2) of this action for a discussion of the SIP's public participation process, the authority to advise and consult, and the PSD SIP's public participation requirements. For New Mexico, the AQCA requires initiation of cooperative action between local authorities and the NMED, between one local authority and another, or among any combination of local authorities and the NMED for control of air pollution in areas having related air pollution problems that overlap the boundaries of political subdivisions (NMSA 1978, section 74–2–5.2(B)). For, Albuquerque-Bernalillo County, the AQCA and implementing regulations provide for consultation with local political subdivisions affected by the Albuquerque-Bernalillo County elements of the New Mexico SIP.

The EPA is proposing to find that the Albuquerque-Bernalillo County and New Mexico submittals meet the requirements of CAA section 110(a)(2)(M) for the 2015 O_3 NAAQS.

III. The EPA's Evaluation of New Mexico's Total Suspended Particulate Standard Repeal

On November 16, 2018, New Mexico submitted a SIP revision that contains modifications to the NMAC for inclusion into the SIP. The modifications consist of a repeal of the NMAAQS for TSP contained in section 109 of 20.2.3 NMAC, *Ambient Air Quality Standards.* New Mexico demonstrates how the SIP revision will not negatively impact the attainment status of the state's particulate matter attainment areas or any other CAA requirement.[11]

The submittal indicates that the ambient air quality standards for TSP are no longer consistent with modern air quality regulations. The NMED's Air Quality Bureau has conducted a thorough analysis of the particulate standards in 20.2.3.109 NMAC and has concluded that the standards: (1) Can be repealed without a relaxation of emissions controls or an adverse effect on air quality, (2) are not necessary to maintain the NAAQS for particulate matter in New Mexico, and (3) will not impact the attainment status of the New Mexico's particulate matter attainment areas or any other CAA requirement. In the submittal, the NMED concluded that sufficient rules and procedures other than section 109 from 20.2.3 NMAC are in place to ensure compliance with the particulate matter NAAQS.

The TSP NAAQS were replaced in 1987 by PM_{10} standards, and PM_{10} and $PM_{2.5}$ are the current indicators for particulate matter. New Mexico has a fully approved SIP that meets CAA infrastructure requirements for the 2006 and 2012 $PM_{2.5}$ NAAQS that address health and welfare concerns for particulate matter (78 FR 4337, January 22, 2013 and 83 FR 12493, March 22, 2018). In the submittal, New Mexico also lists regulations that are still in place to address nuisance particulate matter. The NMED rules that limit and control emissions of particulate matter include enforceable emission limits, control measures, permits, fees, and compliance schedules and are found at 20.2 NMAC Parts 5, 7, 8, 10, 13–19, 22, 60–61, 65–66, 72–75, 79, and 99.

The repeal of the TSP NMAAQS will not affect ongoing efforts to reduce PM_{10} levels in the Anthony, New Mexico PM_{10} nonattainment area (Doña Ana County). As stated in the State's submittal, the NMED determined that all point and area sources of PM_{10}, in or affecting the area, to be de minimis, except for unpaved roads, unvegetated and sparsely vegetated areas, and range lands. The paving of roads was determined to be economically infeasible, the enhancement of ground cover in the region to be technologically infeasible, and emissions from range lands to be nonanthropogenic. The NMED is developing a dust mitigation plan for both Doña Ana County and Luna County, and is also developing a fugitive dust rule that will be applicable in areas of the State requiring a mitigation plan in accordance with 40 CFR 51.930.

After evaluating the State's submittal, the EPA agrees with the State's conclusion that the removal of the TSP NMAAQS from the New Mexico SIP will not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the CAA.

IV. Proposed Action

The EPA is proposing to approve the November 1, 2018, and September 24, 2018, submittals for New Mexico and Albuquerque-Bernalillo County pursuant to the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2015 O_3 NAAQS. Table 1 below outlines the specific actions the EPA is proposing to approve. The EPA is also proposing to approve revisions to the New Mexico SIP pertaining to the repeal of the TSP ambient air quality standard for the State of New Mexico.

TABLE 1—PROPOSED ACTION ON NEW MEXICO INFRASTRUCTURE SIP SUBMITTAL FOR VARIOUS NAAQS

Element	2015 O_3
(A): Emission limits and other control measures	A
(B): Ambient air quality monitoring and data system	A
(C)(i): Enforcement of SIP measures	A
(C)(ii): PSD program for major sources and major modifications	A
(C)(iii): Permitting program for minor sources and minor modifications	A
(D)(i)(I): Prohibit emissions to other states which will (1) significantly contribute to nonattainment of the NAAQS, (2) interfere with maintenance of the NAAQS	NS
(D)(i)(II): Prohibit emissions to other states which will (3) interfere with PSD requirements or (4) interfere with visibility protection	A
(D)(ii): Interstate and international pollution abatement	A
(E)(i): Adequate resources	A
(E)(ii): State boards	A
(E)(iii): Necessary assurances with respect to local agencies	A
(F): Stationary source monitoring system	A
(G): Emergency power	A
(H): Future SIP revisions	A
(I): Nonattainment area plan or plan revisions under part D	+
(J)(i): Consultation with government officials	A
(J)(ii): Public notification	A
(J)(iii): PSD	A
(J)(iv): Visibility protection	+
(K): Air quality modeling and data	A
(L): Permitting fees	A
(M): Consultation and participation by affected local entities	A

Key to Table:
A—Approve;
+—Not germane to infrastructure SIPs
NS—No submittal. EPA may take future action in a separate rulemaking action.

[11] See the State of New Mexico's November 16, 2018, submittal, Exhibit 6: Demonstration of Noninterference Under Federal Clean Air Act, Section 110(l), available in the docket for this action.

Based upon our review of these infrastructure SIP submissions and relevant statutory and regulatory authorities and provisions referenced in these submissions or referenced in the Albuquerque-Bernalillo County, New Mexico or New Mexico SIP, the EPA finds that New Mexico and Albuquerque-Bernalillo County have the infrastructure in place to address required elements of CAA sections 110(a)(1) and (2) to ensure that the 2015 O_3 NAAQS are implemented throughout the State of New Mexico, including Albuquerque-Bernalillo County.

We are also proposing to approve the submitted revisions to the New Mexico SIP that provide modifications to the NMAC and update the federally approved New Mexico SIP accordingly. The approved SIP revision will repeal the TSP NMAAQS from section 109 of 20.2.3 NMAC, as the EPA found that such a revision will not adversely affect the attainment of applicable CAA requirements.

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 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 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 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, Incorporation by reference, Intergovernmental relations, Ozone, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: April 10, 2019.

David Gray,

Acting Regional Administrator, Region 6.

[FR Doc. 2019–07582 Filed 4–17–19; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 180713631–9275–01]

RIN 0648–BI11

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic; Amendment 13

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

ACTION: Proposed rule; request for comments.

SUMMARY: The Gulf of Mexico (Gulf Council) and South Atlantic Fishery Management Councils (South Atlantic Council) (Councils) have submitted Amendment 13 to the Fishery Management Plan for Spiny Lobster in the Gulf of Mexico and South Atlantic (FMP), for review, approval, and implementation by NMFS. The purpose of Amendment 13 and this proposed rule is to align Federal regulations for spiny lobster that apply to the EEZ off Florida with Florida state regulations, re-establish a procedure for an enhanced cooperative management system, and update the regulations to aid law enforcement and the public.

DATES: Written comments must be received on or before May 20, 2019.

ADDRESSES: You may submit comments on the proposed rule identified by ''NOAA–NMFS–2018–0088'' by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0088,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Susan Gerhart, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.
- *Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Electronic copies of Amendment 13 may be obtained from the Southeast Regional Office website at *https://www.fisheries.noaa.gov/action/amendment-13-modifications-spiny-lobster-gear-requirements-and-cooperative-management.* Amendment 13 includes an environmental assessment, a fishery impact statement, a Regulatory Flexibility Act (RFA) analysis, and a regulatory impact review.

FOR FURTHER INFORMATION CONTACT: Susan Gerhart, Southeast Regional

Office, NMFS, telephone: 727–824–5305; email: *Susan.Gerhart@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS and the Councils manage the spiny lobster fishery under the FMP. The Councils prepared the FMP and NMFS implements the FMP through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801, *et seq.*).

Background

The Magnuson-Stevens Act requires NMFS and regional fishery management councils to prevent overfishing and achieve, on a continuing basis, the optimum yield from federally managed fish stocks. These mandates are intended to ensure that fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, while also protecting marine ecosystems. To further attain this goal, the Magnuson-Stevens Act requires fishery managers to consider, among other things, efficiency in the utilization of fishery resources.

In the Gulf and South Atlantic, spiny lobster are harvested primarily off the coast of Florida. The original FMP, implemented in 1982, largely complemented Florida's management measures and provided protection for the fishery throughout its range in the Gulf and the South Atlantic (47 FR 29202; July 2, 1982). However, it was difficult to keep Federal regulations consistent with changing state regulations because Florida can adjust its management measures more quickly than the Councils and NMFS can change Federal regulations. As a result, NMFS and the Councils developed Amendment 2 to the FMP (54 FR 48059; November 20, 1989), which established a procedure to allow Florida to directly propose to NMFS its state spiny lobster regulations for subsequent implementation in the EEZ off Florida. That procedure was developed to provide a more timely regulatory mechanism to implement compatible regulations and a more formal process for state and Federal coordination.

In 2017, representatives from the Florida Fish and Wildlife Conservation Commission contacted the NMFS Southeast Regional Office requesting that Federal regulations be aligned with Florida state regulations concerning requirements for spiny lobster bully net gear and for daily commercial possession limits of spiny lobster harvested by bully net or diving. However, NMFS determined that the cooperative management procedure that accompanied the spiny lobster protocol established in Amendment 2 was removed in Amendment 10 to the FMP (76 FR 75488; December 2, 2011). Consequently, there is no procedure to implement regulations proposed by Florida under the existing protocol without a plan amendment or framework to the FMP developed by the Councils. These more lengthy processes are inconsistent with promoting compatible regulations for the fishery off Florida.

Management Measures Contained in This Proposed Rule

This proposed rule would implement measures to modify the Federal regulations for the harvest of spiny lobster that apply in the EEZ off Florida to be compatible with Florida regulations concerning bully net gear requirements and commercial daily possession limits when using bully nets or diving. This rule would also clarify outdated language in the spiny lobster Federal regulations and update the incorporations by reference to the Florida regulations. In addition, Amendment 13 would re-establish a procedure for an enhanced cooperative management system to provide Florida a mechanism to propose spiny lobster regulations directly to NMFS for implementation, without the need to seek a full amendment or framework action to the FMP.

Florida Bully Net Permit and Gear Marking Requirements and Prohibitions

In 2017, Florida implemented a bully net permit, gear marking requirements, and gear prohibitions. There is limited information as to how much spiny lobster bully netting effort occurs in the Federal waters off Florida. However, stakeholders have expressed concerns that spiny lobster bully net vessels are used to disguise unlawful activities, and that there are growing conflicts between recreational bully netters and commercial bully netters. This proposed rule would align Federal and Florida bully net regulations to address these concerns. In addition, consistency between Florida and Federal regulations is expected to improve enforcement and reduce potential confusion among fishers.

The proposed rule would require commercial bully net vessels in the EEZ off Florida to have a bully net permit from Florida, require that the vessel be marked with the harvester's Florida bully net permit number using reflective paint or other reflective material, prohibit commercial bully net vessels from having trap pullers onboard, and prohibit the simultaneous possession of a bully net and any underwater breathing apparatus (not including dive masks or snorkels) onboard a vessel used to harvest or transport spiny lobster for commercial purposes.

Commercial Spiny Lobster Bully Net and Diving Trip Limits

The Federal regulations do not include an express commercial daily vessel harvest and possession limit for spiny lobster harvested by bully net or diving. However, current Federal regulations require commercial spiny lobster harvesters in the EEZ off Florida to have the licenses and certificates specified to be a ''commercial harvester,'' as defined in Florida's regulations as of 2008. The 2008 version of ''commercial harvester'' included a person holding the appropriate licenses and certificates for traps and dive gear.

This proposed rule would incorporate by reference the most recent Florida regulations, which define a commercial harvester as a person who holds a valid saltwater products license with a restricted species endorsement issued by the Florida Fish and Wildlife Conservation Commission (FWC) and (1) a valid crawfish license or trap number and lobster trap certificates, if traps are used to harvest spiny lobster; (2) a valid commercial dive permit if harvest is by diving; or (3) a valid bully net permit if harvest is by bully net. Under Florida's regulations, commercial harvesters are restricted to the commercial harvest limits when bully net gear or dive gear is used. Therefore, bully net and dive fishers would be restricted to the state bag limit regardless of where the spiny lobster are harvested. However, to make the requirements in the EEZ off Florida more clear, this proposed rule would modify Federal regulations to specifically state that the commercial vessel limit for spiny lobster harvested by bully net off all Florida counties, and harvested by diving off Broward, Dade, Monroe, Collier, and Lee Counties, Florida, is 250 spiny lobster per vessel per day.

Clarifications and Updates to Regulatory Language

This proposed rule would also revise and clarify language in the spiny lobster Federal regulations. The rule would update the phone numbers and websites referenced in 50 CFR 622.413, and correct a typographic mistake in 50 CFR 622.415 by changing ''forign'' to ''foreign.'' Last, this rule would remove the phrase ''during times other than the authorized fishing season'' from 50 CFR 622.402(c)(1), to clarify that unmarked traps are illegal gear, regardless of the time of year, and may be removed in accordance with Florida regulations.

Incorporation by Reference

The proposed rule would update the incorporation by reference in 50 CFR 622.400(a)(1)(i) which provides the definition of commercial harvester.

The proposed rule would also update the incorporation by reference of the Florida Administrative Code in 50 CFR 622.402(a)(1) and (2) to reflect the effective dates of the current Florida regulations, which mandate that vessel owners and/or operators who harvest spiny lobster by traps in the EEZ off Florida comply with Florida vessel and gear identification requirements. The proposed rule designates a new incorporation by reference which specifies vessel identification requirements for commercial spiny lobster harvesters who use bully nets to the paragraph added at 50 CFR 622.402(a)(3). It would similarly update the incorporation by reference of the Florida Administrative Code in 50 CFR 622.403(b)(3)(i) and 622.405(b)(2)(i) to reflect the effective dates of the current Florida regulations and address derelict spiny lobster traps as well as the requirements for lawful spiny lobster trap pulling, respectively. The proposed rule would add new incorporation by reference of the Florida Administrative Code, in 50 CFR 622.404(e) and 622.404(f), which address the alignment of management measures with Florida's regulations, including prohibiting the simultaneous possession of a bully net and any underwater breathing apparatus, and prohibiting the possession of trap pullers, respectively, as discussed above.

The Florida regulations are available at *http://www.flrules.org* and the Florida Division of Marine Fisheries Management, 620 South Meridian Street, Tallahassee, FL 32399 (telephone: 850–487–0554).

Measures in Amendment 13 Not Codified Through This Proposed Rule

In addition to the measures proposed in this rule, Amendment 13 would re-establish a procedure that is similar to the procedure established in Amendment 2, and combine it with the existing cooperative management protocol. The procedure established in Amendment 2 was removed in 2012 when Amendment 10 to the FMP established a new framework procedure. Without such a procedure, Florida cannot propose rules directly to NMFS, which, therefore, limits NMFS' ability to implement consistent Federal regulations in a timely manner.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with Amendment 13, the FMP, the Magnuson-Stevens Act, and other applicable laws, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination follows.

A description of this proposed rule, why it is being considered, and the objectives of this proposed rule are contained in the preamble. The Magnuson-Stevens Act provides the statutory basis for this proposed rule.

This proposed rule, if implemented, would apply to all commercial vessels that fish for or harvest spiny lobster in Federal waters off Florida. In the EEZ off Florida, anyone who possesses, sells, trades, or barters or attempts to sell, trade, or barter spiny lobster must have the appropriate licenses, permit, and certificates necessary to be a ''commercial harvester,'' as defined in the Florida Administrative Code. In the 2017/2018 fishing season, Florida issued 1,539 commercial spiny lobster licenses; this includes 261 commercial dive permits, and 445 commercial bully net permits. Data from the years of 2012 through 2016 were used in Amendment 13, and these data provided the basis for the Councils' decisions. Although this proposed rule would apply to all commercial spiny lobster license holders in Florida, it is expected that those with reported landings of spiny lobster would be the most likely to be affected. On average from 2012 through 2016, there were 788 individual vessels identified that harvested spiny lobster in Florida each year. During this time, these vessels earned an average annual revenue of approximately $74,400 (2017 dollars), and spiny lobster accounted for 69 percent of this revenue. It is important to note that some commercial fishing businesses own (or lease) and operate more than one vessel. On average, from 2012 through 2016, there were 770 commercial fishing businesses identified with reported landings of spiny lobster in Florida. During this time, these businesses earned an average annual revenue of approximately $82,000 (2017 dollars), and spiny lobster accounted for 67 percent of this revenue. The maximum annual revenue from all species reported by a single one of these commercial fishing businesses from 2012 through 2016 was approximately $1.88 million (2017 dollars).

For RFA purposes only, the NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide. All of the commercial fishing businesses directly regulated by this proposed rule are believed to be small entities based on the NMFS size standard. No other small entities that would be directly affected by this proposed rule have been identified.

This proposed rule would align Federal regulations to be more consistent with Florida regulations for spiny lobster harvesters. It would require that commercial bully net harvesters in the EEZ off Florida have a Florida bully net permit and properly mark their vessel with their bully net permit number using reflective paint or other reflective material. In addition, the proposed rule would prohibit commercial bully net vessels from having trap pullers on board. It would also prohibit the simultaneous possession of a bully net and underwater breathing apparatus (not including dive masks or snorkels) onboard a vessel used to harvest or transport spiny lobster for commercial purposes. These requirements would not be expected to alter the commercial harvest of spiny lobster and, therefore, no changes to ex-vessel revenue would be anticipated. The requirements would impose additional costs on bully net fishery participants if these participants only use the bully net gear in Federal waters; however, NMFS assumes there are few, if any, participants that fit this description. Because commercial spiny lobster harvesters fishing in the EEZ off Florida are already required to have both a Florida saltwater product license and spiny lobster license, and there is no additional cost for a bully net permit, this proposed rule would not be expected to increase permitting costs. The labor and supply costs associated with purchasing reflective paint or other reflective material and applying it to the vessel hull would be expected to be minimal, as well. Finally, the gear prohibitions would reduce the flexibility of commercial vessels to switch between bully nets and other gear while fishing for spiny lobster in Federal waters. However, commercial vessels must already comply with Florida gear regulations in order to transit through Florida state waters while in possession of spiny lobster. Overall, bully net gear is not useful for harvesting spiny lobster at depths typically found in the EEZ, and it is highly likely that fishery participants would also use the gear in state waters off Florida, and thus would already need to comply with state regulations. In summary, any direct negative economic effects associated with the proposed bully net permitting requirements, vessel marking requirements, or gear prohibitions would be negligible.

This proposed rule would also establish a commercial daily vessel harvest and possession limit of 250 per day per vessel for spiny lobsters harvested by bully net in or from the entire EEZ off Florida. This limit would be consistent with the harvest and possession limit for bully nets in Florida state waters. As discussed earlier, it is not likely that bully net gear is used to harvest spiny lobster in the EEZ off Florida, and most commercial bully netters would already be subject to state regulations. As such, the proposed harvest and possession limit would not be expected to alter the commercial harvest of spiny lobster, nor would it result in direct economic effects on any small entities.

This proposed rule would similarly establish a commercial daily vessel harvest and possession limit of 250 per day per vessel for spiny lobsters harvested by diving in or from the EEZ only off Broward, Dade, Monroe, Collier, and Lee Counties, Florida. This limit would be consistent with the harvest and possession limit for commercial dive gear in Florida state waters off of those counties. Under existing Federal regulations, vessels that harvest spiny lobster in the EEZ off Florida using dive gear must have a Florida commercial spiny lobster dive permit; thus, they are already subject to the state limit. Therefore, the proposed harvest and possession limit would not be expected to alter the commercial harvest of spiny lobster, nor would it result in direct economic effects on any small entities.

Finally, this proposed rule would establish an enhanced cooperative management procedure that allows Florida to request changes to the spiny lobster Federal regulations through NMFS rulemaking, and combine the procedure with the existing protocol as specified in Amendment 10 to the FMP. This would be expected to streamline the regulatory process and result in a more timely implementation of regulatory changes requested by Florida; however, it is an administrative change only, and, as such, it would not have any direct economic effects on any small entities.

The information provided above supports a determination that this proposed rule would not have a significant adverse economic impact on a substantial number of small entities. Because this rule, if implemented, is not expected to have a significant adverse economic impact on any small entities, an initial regulatory flexibility analysis is not required and none has been prepared.

No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting or record-keeping requirements are introduced by this proposed rule. Accordingly, the Paperwork Reduction Act does not apply to this proposed rule.

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

List of Subjects in 50 CFR Part 622

Bully nets, Fisheries, Fishing, Florida, Gear, Gulf, Incorporation by reference, South Atlantic, Spiny lobster.

Dated: April 4, 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 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.400, revise paragraph (a)(1)(i) to read as follows:

§ 622.400 Permits and fees.

(a) * * * (1) * * * (i) *EEZ off Florida and spiny lobster landed in Florida.* For a person to sell, trade, or barter, or attempt to sell, trade, or barter, a spiny lobster harvested or possessed in the EEZ off Florida, or harvested in the EEZ other than off Florida and landed from a fishing vessel in Florida, or for a person to be exempt from the daily bag and possession limit specified in § 622.408(b)(1) for such spiny lobster, such person must have the licenses and certificates specified to be a ''commercial harvester,'' as defined in Rule 68B–24.002(4), Florida Administrative Code, in effect as of May 1, 2017 (incorporated by reference, see § 622.413).

* * * * *

■ 3. In § 622.402, revise paragraphs (a) and (c)(1) to read as follows:

§ 622.402 Vessel and gear identification.

(a) *EEZ off Florida.* (1) An owner or operator of a vessel that is used to harvest spiny lobster by traps in the EEZ off Florida must comply with the vessel and gear identification requirements specified in Rule 68B–24.006(3), (4), and (5), Florida Administrative Code, in effect as of May 1, 2017 (incorporated by reference, see § 622.413).

(2) An owner or operator of a vessel that is used to harvest spiny lobster by diving in the EEZ off Florida must comply with the vessel identification requirements applicable to the harvesting of spiny lobsters by diving in Florida's waters in Rule 68B–24.006(6), Florida Administrative Code, in effect as of May 1, 2017 (incorporated by reference, see § 622.413).

(3) An owner or operator of a vessel that is used to harvest spiny lobster by bully net in the EEZ off Florida must comply with the vessel identification requirements applicable to the harvesting of spiny lobsters by bully net in Florida's waters in Rule 68B–24.006(7), Florida Administrative Code, in effect as of May 1, 2017 (incorporated by reference, see § 622.413).

* * * * *

(c) * * *

(1) *EEZ off Florida.* Such trap or buoy, and any connecting lines will be considered derelict and may be disposed of in accordance with Rules 68B–55.002 and 68B–55.004 of the Florida Administrative Code, in effect as of October 15, 2007 (incorporated by reference, see § 622.413). An owner of such trap or buoy remains subject to appropriate civil penalties.

* * * * *

■ 4. In § 622.403, revise paragraph (b)(3)(i) to read as follows:

§ 622.403 Seasons.

* * * * *

(b) * * *

(3) * * * (i) In the EEZ off Florida, the rules and regulations applicable to the possession of spiny lobster traps in Florida's waters in Rule 68B–24.005(3), (4), and (5), Florida Administrative Code, in effect as of November 1, 2018 (incorporated by reference, see § 622.413), apply in their entirety to the

possession of spiny lobster traps in the EEZ off Florida. A spiny lobster trap, buoy, or rope in the EEZ off Florida, during periods not authorized will be considered derelict and may be disposed of in accordance with Rules 68B–55.002 and 68B–55.004 of the Florida Administrative Code, in effect as of October 15, 2007 (incorporated by reference, see § 622.413). An owner of such trap, buoy, or rope remains subject to appropriate civil penalties.

* * * * *

■ 5. In § 622.404, add paragraphs (e) and (f) to read as follows:

§ 622.404 Prohibited gear and methods.

* * * * *

(e) In the EEZ off Florida, simultaneous possession of a bully net and any underwater breathing apparatus, not including dive masks or snorkels, onboard a vessel used to harvest or transport spiny lobster for commercial purposes is prohibited in accordance with Rule 68B–24.007(5), Florida Administrative Code, in effect as of May 1, 2017 (incorporated by reference, see § 622.413). For the purpose of this paragraph, an ''underwater breathing apparatus'' is any apparatus, whether self-contained or connected to a distant source of air or other gas, whereby a person wholly or partially submerged in water is able to obtain or reuse air or any other gas or gasses for breathing without returning to the surface of the water.

(f) In the EEZ off Florida, vessels that are or are required to be marked with or have identification associated with a bully net permit for the harvest of spiny lobster are prohibited from having trap pullers aboard, in accordance with Rule 68B–24.006(8), the Florida Administrative Code, in effect as of May 1, 2017 (incorporated by reference, see § 622.413).

■ 6. In § 622.405, revise paragraph (b)(2)(i) to read as follows:

§ 622.405 Trap construction specifications and tending restrictions.

* * * * *

(b) * * *

(2) * * *

(i) For traps in the EEZ off Florida, by the Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission, in accordance with the procedures in Rule 68B–24.006(9), Florida Administrative Code, in effect as of May 1, 2017 (incorporated by reference, see § 622.413).

* * * * *

■ 7. Revise § 622.408(b) to read as follows:

§ 622.408 Bag/possession limits.

(a) * * *

(b) *EEZ off Florida and off the Gulf states, other than Florida*—(1) *Commercial and recreational fishing season.* Except as specified in paragraphs (b)(3) and (b)(4) of this section, during the commercial and recreational fishing season specified in § 622.403(b)(1), the daily bag or possession limit of spiny lobster in or from the EEZ off Florida and off the Gulf states, other than Florida, is six per person.

(2) *Special recreational fishing seasons.* During the special recreational fishing seasons specified in § 622.403(b)(2), the daily bag or possession limit of spiny lobster—

(i) In or from the EEZ off the Gulf states, other than Florida, is six per person;

(ii) In or from the EEZ off Florida other than off Monroe County, Florida, is twelve per person; and

(iii) In or from the EEZ off Monroe County, Florida, is six per person.

(3) *Exemption from the bag/possession limit.* During the commercial and recreational fishing season specified in § 622.403(b)(1), a person is exempt from the bag and possession limit specified in paragraph (b)(1) of this section, provided—

(i) The harvest of spiny lobsters is by diving, or by the use of a bully net, hoop net, or spiny lobster trap; and

(ii) The vessel from which the person is operating has on board the required licenses, certificates, or permits, as specified in § 622.400(a)(1).

(4) *Harvest by net or trawl.* During the commercial and recreational fishing season specified in § 622.403(b)(1), aboard a vessel with the required licenses, certificates, or permits specified in § 622.400(a)(1) that harvests spiny lobster by net or trawl or has on board a net or trawl, the possession of spiny lobster in or from the EEZ off Florida and off the Gulf states, other than Florida, may not exceed at any time 5 percent, whole weight, of the total whole weight of all fish lawfully in possession on board such vessel. If such vessel lawfully possesses a separated spiny lobster tail, the possession of spiny lobster in or from the EEZ may not exceed at any time 1.6 percent, by weight of the spiny lobster or parts thereof, of the total whole weight of all fish lawfully in possession on board such vessel. For the purposes of this paragraph (b)(4), the term ''net or trawl'' does not include a hand-held net, a loading or dip net, a bully net, or a hoop net.

(5) *Harvest by diving.* (i) The commercial daily harvest and possession limit of spiny lobster harvested by diving in or from the EEZ off Broward, Miami-Dade, Monroe, Collier, and Lee Counties, Florida, is 250 spiny lobster per vessel.

(ii) *Diving at night.* The provisions of paragraph (b)(3) of this section notwithstanding, a person who harvests spiny lobster in the EEZ by diving at night, that is, from 1 hour after official sunset to 1 hour before official sunrise, is limited to the bag limit specified in paragraph (b)(1) of this section, whether or not a Federal vessel permit specified in § 622.400(a)(1) has been issued to and is on board the vessel from which the diver is operating.

(6) *Harvest by bully nets in the EEZ off Florida.* The commercial daily harvest and possession limit of spiny lobster harvested by bully net in the EEZ off Florida is 250 spiny lobsters per vessel.

* * * * *

■ 8. Revise § 622.412 introductory text to read as follows:

§ 622.412 Adjustment of management measures.

In accordance with the framework procedures of the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic, the RA may establish or modify the following items:

* * * * *

■ 9. Amend § 622.413 by:

■ a. Revising paragraph (b) introductory text;

■ b. Revising paragraphs (b)(2) through (b)(4);

■ c. Redesignating paragraphs (b)(5) through (7) as (b)(6) through (8);

■ d. Adding new paragraph (b)(5); and

■ e. Revising paragraph (c) introductory text.

The revisions and addition read as follows:

§ 622.413 Incorporation by reference (IBR).

* * * * *

(b) Florida Administrative Code (F.A.C.): Florida Division of Marine Fisheries Management, 620 South Meridian Street, Tallahassee, FL 32399; telephone: 850–487–0554; *http://www.flrules.org.*

* * * * *

(2) F.A.C., Chapter 68B–24: Spiny lobster (crawfish) and slipper lobster, Rule 68B–24.002: Definitions, in effect as of May 1, 2017, IBR approved for § 622.400(a).

(3) F.A.C., Chapter 68B–24: Spiny lobster (crawfish) and slipper lobster, Rule 68B–24.005: Seasons, in effect as of November 1, 2018, IBR approved for § 622.403(b).

(4) F.A.C., Chapter 68B–24: Spiny lobster (crawfish) and slipper lobster, Rule 68B–24.006: Gear: Traps, Buoys, Identification Requirements, Prohibited Devices, in effect as of May 1, 2017, IBR approved for § 622.402(a), § 622.404(f), and § 622.405(b).

(5) F.A.C., Chapter 68B–24: Spiny lobster (crawfish) and slipper lobster, Rule 68B–24.007: Other Prohibitions, in effect as of May 1, 2017, IBR approved for § 622.404(e).

* * * * *

(c) Florida Statute: Florida Division of Marine Fisheries Management, 620 South Meridian Street, Tallahassee, FL 32399; telephone: 850–487–0554; *http://www.leg.state.fl.us/statutes/.*

* * * * *

■ 10. Amend § 622.415 by revising paragraph (a) and reserving paragraph (b) to read as follows:

§ 622.415 Limited exemption regarding harvest in waters of a foreign nation.

(a) An owner or operator of a vessel that has legally harvested spiny lobsters in the waters of a foreign nation and possesses spiny lobster, or separated tails, in the EEZ incidental to such foreign harvesting is exempt from the requirements of this subpart, except for § 622.409 with which such an owner or operator must comply, provided proof of lawful harvest in the waters of a foreign nation accompanies such lobsters or tails.

(b) [Reserved]

[FR Doc. 2019–07110 Filed 4–17–19; 8:45 am]

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Notices

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Thursday, April 18, 2019

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This collection is an extension, without change, of a currently approved collection to collect qualitative customer and stakeholder feedback in an efficient and timely manner. The Food and Nutrition Service created this generic information collection in 2016 as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery.

DATES: Written comments must be received on or before June 17, 2019.

ADDRESSES: Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the Agency's functions, including whether the information will have practical utility; (2) the accuracy of the Agency's estimate of the proposed information collection burden, 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 use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Kelly Stewart, Planning & Regulatory Affairs Office, Office of Policy Support, 3101 Park Center Drive, Alexandria, VA 22302. Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will also become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Kelly Stewart, Planning & Regulatory Affairs Office, Office of Policy Support, 3101 Park Center Drive, Alexandria, VA 22302; 703–305–2425.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (Fast Track).

OMB Number: 0584–0611.

Expiration Date: September 30, 2019.

Type of Request: Extension, without change, of a currently approved information collection.

Abstract: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient and timely manner. By ''qualitative feedback,'' we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys yielding quantitative results that can be generalized to the population. This feedback will continue to, (1) provide insights into customer or stakeholder perceptions, experiences and expectations, (2) provide an early warning of issues with service and, (3) focus attention on areas where communication, training or changes in operations might improve delivery of products or services. This collection allows for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It also allows feedback to contribute directly to the improvement of program management.

The solicitation of feedback targets areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses are assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

The Agency will continue to only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data usage require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results. As a general matter, information collections do not result in any new system of records containing privacy information and does not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

A variety of instruments and platforms are used to collect information from respondents. The annual burden hours requested (30,000) are based on the number of collections we expect to conduct over the requested period for this clearance.

ESTIMATED ANNUAL REPORTING BURDEN

Type of collection	Number of respondents	Annual frequency per response	Hours per response	Total hours
Customer Feedback Surveys	15,000	1	1	15,000
Comment Cards	7,500	1	1	7,500
Focus Groups	7,500	1	1	7,500
Total	30,000	1	1	30,000

Annual Reporting Burden Estimates

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Estimated Number of Respondents: 30,000.

Estimated Number of Responses per Respondent: 1.

Estimated Annual responses: 30,000.

Estimated time per response: 60 minutes.

Burden hours: 30,000.

Dated: March 29, 2019.

Brandon Lipps,

Administrator, Food and Nutrition Service.

[FR Doc. 2019–07811 Filed 4–17–19; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Medicine Bow-Routt National Forests and Thunder Basin National Grassland; WY; Thunder Basin National Grassland Plan Amendment

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Thunder Basin National Grassland (Grassland) will prepare an environmental impact statement (EIS) for the 2020 Thunder Basin National Grassland Plan Amendment. The Grassland proposes to amend prairie dog management direction in the Land and Resource Management Plan, including changes to management area boundaries and changes to grassland-wide, geographic area, and management area plan components that pertain to prairie dogs, short-stature prairie habitat, and associated species management.

DATES: Comments concerning the scope of the analysis must be received by May 20, 2019. The Draft EIS is expected in October 2019, and the Final EIS is expected May 2020.

ADDRESSES: Please submit comments via one of the following methods:

1. *Public participation portal (preferred): https://cara.ecosystem-management.org/Public//CommentInput?Project=55479.*

2. *Mail:* Thunder Basin Plan Amendment Comments, Thunder Basin National Grassland Supervisor's Office, 2468 Jackson St., Laramie, WY 82070.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection.

FOR FURTHER INFORMATION CONTACT: Monique Nelson at 307–275–0956 or email *monique.nelson@usda.gov.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Forest Service proposes to amend the Thunder Basin National Grassland Land and Resource Management Plan. Substantive requirements of the 2012 Planning Rule (36 CFR 219) that are likely to be directly related and therefore applicable to the amendment are 219.8(a) and (b), ecological and social and economic sustainability; 219.9, diversity of plant and animal communities; and 219.10(a), integrated resource management for ecosystem services and multiple use.

Purpose and Need for Action

The purpose of this project is to amend the Thunder Basin National Grassland Land and Resource Management Plan to better balance prairie dog colony conservation and control with other Grassland uses. Specifically, an amendment is needed to:

- Refocus management in Management Area 3.63, ''Black-footed ferret reintroduction Habitat,'' to emphasize rangelands with short-stature vegetation that provide for multiple uses, including providing habitat for prairie dogs and associated species and providing livestock forage.
- Delineate more logical boundaries for Management Area 3.63, for example by strategically using natural topographic and hydrologic barriers and incorporating boundary management zones.
- Increase the availability of management options for prairie dog colony conservation and control, including allowing lethal prairie dog control within Management Area 3.63.
- More effectively manage prairie dog colony encroachment from the National Grassland onto private and state land. Encroachment concerns include public health, agricultural production, and land values.
- Align with the Wyoming Game and Fish Department ''Wyoming Black-footed Ferret Management Plan'' (2018).
- Ensure management direction identifies habitat requirements needed to support viable populations of prairie dogs and associated species, such as mountain plover, burrowing owl, and swift fox, and that management would not preclude future reintroduction of black-footed ferret.

• Enhance engagement with partners for collaborative implementation of new plan direction.

Proposed Action

A collaborative stakeholder group led by the Wyoming Department of Agriculture worked for several months in 2018 to develop recommendations for a proposed action. To meet the needs identified above and based on the recommendations of the collaborative workgroup, the Thunder Basin National Grassland proposes the following:

1. Change the existing Thunder Basin National Grassland Management Area 3.63, ''Black-footed Ferret Reintroduction Habitat,'' to a new Management Area 3.67, ''Rangelands with Short-stature Vegetation Emphasis.''

2. Draw the boundaries for Management Area 3.67 to strategically use natural barriers to prairie dog movement such as the Cheyenne River and Rochelle Hills and to reduce conflicts in prairie dog management.

3. Eliminate use of the Black-tailed Prairie Dog Conservation Assessment and Management Strategy for the Thunder Basin National Grassland (2009, 2015), and amend the Thunder Basin National Grassland Land and Resource Management Plan to include all necessary direction for prairie dog management.

4. Establish a minimum ¼ mile boundary management zone in Management Area 3.67 where the Grassland shares a border with private or State property, and allow landowners to request up to a ¾ mile boundary management zone for special circumstances. Within boundary management zones, lethal control of prairie dogs in cooperation with other landowners will be the priority.

5. Where possible, adopt use of the Natural Resources Conservation Service's Ecological Site Descriptions in Management Area 3.67 as the basis to describe plant communities, evaluate current and desired conditions, and maintain or improve native vegetation and wildlife habitat.

6. Within Management Area 3.67, manage active prairie dog colonies toward a target of 10,000 acres to support viable populations of associated species such as mountain plover, burrowing owl, and swift fox. Colonies would be distributed across the landscape and vary in size up to approximately 1,000 acres with an emphasis on colonies of 100 to 400 acres. At least one complex in Management Area 3.67 would be managed for at least 1,500 acres of active prairie dog colonies.

7. Allow use of a suite of tools for prairie dog management throughout Management Area 3.67, including but not limited to translocation, application of Deltamethrin (*i.e.,* ''Delta dust'' or equivalent), fences, vegetative barriers, and rodenticides. Do not allow use of anticoagulant rodenticides.

8. Allow recreational shooting in Management Area 3.67 with seasonal restrictions in place when necessary.

9. Consider recommendations for prairie dog management from a third-party collaborative stakeholder group.

Lead and Cooperating Agencies

The Forest Service will be the lead agency. The Wyoming Department of Agriculture, Wyoming Game and Fish Department, Campbell County, Converse County, and Weston County have been identified as formal cooperating agencies at this time. Other federal, State, and local agencies; tribes; and other stakeholders that are interested in or affected by the proposed action are invited to participate in the scoping process. If eligible, they may request or be asked by the Forest Service to participate in the environmental analysis process as a cooperating agency.

Responsible Official

Medicine Bow-Routt National Forests and Thunder Basin National Grassland Supervisor Russell Bacon.

Nature of Decision To Be Made

The responsible official will decide: (1) Whether or not to implement the plan amendment as described in the proposed action, (2) whether or not to implement the plan amendment as described in a future alternative analyzed in detail, (3) whether or not to implement a combination of alternatives analyzed in detail, (4) whether or not to adopt amended grassland-wide, geographic area, and management area direction consistent with the selected alternative(s), and (5) whether to take no action.

Scoping Process

This Notice of Intent initiates the scoping process, which guides the development of the environmental impact statement. The Forest Service is seeking information, comments, and assistance from Tribal Governments; Federal, State, and local agencies; and individuals and organizations interested in or affected. During the weeks of May 6 or May 13, 2019, the Forest Service will host one public meeting in Douglas, WY and one online publc webinar. Information about public meetings is posted online with a scoping document that includes detailed information on the proposed action, maps, and proposed amended plan direction (*e.g.,* desired conditions, objectives, standards, and guidelines) at: *http://www.fs.fed.us/nepa/nepa_project_exp.php?project=55479.* Individuals may also provide comments and sign up to be on the electronic mailing list at that site.

Comments that address specific environmental impacts that are of concern or modifications to the proposal will be most useful in the development of the environmental impact statement and plan amendment. Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action.

The decision on this proposed plan amendment will be subject to the objection process for the planning process (36 CFR part 219, subpart B). Only those individuals and entities who submit substantive formal comments related to this proposed plan amendment during the opportunities for public comment as provided in 36 CFR part 219, subpart A may file an objection. The burden is on the objector to demonstrate compliance with requirements for objection (36 CFR 219.53).

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered, however.

Dated: March 22, 2019.

Allen Rowley,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2019–07809 Filed 4–17–19; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the United States Department of Agriculture's (USDA) Rural Utilities Service (RUS) invites comments on this information collection for which the Agency intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by June 17, 2019.

FOR FURTHER INFORMATION CONTACT: Thomas Dickson, Rural Development Innovation Center—Regulatory Team, U.S. Department of Agriculture, 1400 Independence Avenue SW, STOP 1522, Washington, DC 20250, Telephone: 202–690–4492, email: *thomas.dickson@usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB as a revision to an existing collection. Comments are invited on: (a) 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; (b) 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; (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 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. Comments may be sent to: Thomas Dickson, Rural Development Innovation Center—Regulatory Team, U.S. Department of Agriculture, 1400 Independence Avenue SW, STOP 1522, Washington, DC 20250, Telephone: 202–690–4492, email: *thomas.dickson@usda.gov.*

Title: Operating Reports for Telecommunications and Broadband Borrowers.

OMB Control Number: 0572–0031.

Type of Request: Extension of a currently approved collection.

Abstract: Rural Utilities Service (RUS), an agency delivering the U.S. Department of Agriculture (USDA) utilities programs, is a credit agency. RUS makes mortgage loans and loan guarantees to finance electric, broadband, telecommunications, and water and waste facilities in rural areas. In addition to providing loans and loan guarantees, one of the Agency's main objectives is to safeguard loan security until the loan is repaid. This collection of information covers the Telecommunications Operating Report, the Broadband Operating Report, and RUS Form 674, ''Certificate of Authority to Submit or Grant Access to Data.'' The data collected via the Telecommunications Operating Report is collected through the USDA Data Collection System. The data collected via the Broadband Operating Report is collected through the USDA Broadband Collection and Analysis System. The data collected via the Telecommunication and Broadband Operating reports is required by the loan contract and provides Rural Development with vital financial information necessary to ensure the maintenance of the security for the Government's loans, and statistical data to enable the Agency to ensure the provision of quality telecommunications and broadband services as mandated by the Rural Electrification Act (RE Act) of 1936. The data collected through the operating reports provides financial information to ensure loan security consistent with due diligence and is essential to protect loan security. The data collected via RUS Form 674 provides information to the Agency to allow Rural Development Electric, Telecommunications and Broadband program Borrowers to file electronic Operating Reports with the Agency using the USDA Data Collection System. RUS Form 674, accompanied by a Board Resolution, identifies the name and USDA eAuthentication ID for a certifier and security administrator who will have access to the USDA Data Collection System for purposes of filing electronic Operating Reports. The information collected on the RUS Form 674 is submitted in hard copy by Borrowers only when revisions are required or, in the case of a first time Borrower, when initially submitting the data.

Estimate of Burden: Public reporting for this collection of information is estimated to average 4.7 hours per response.

Respondents: Business or other for-profits and not-for-profit Institutions.

Estimated Number of Respondents: 580.

Estimated Number of Responses per Respondent: 2.26.

Estimated Total Annual Burden on Respondents: 6296 hours.

Copies of this information collection can be obtained from MaryPat Daskal, Rural Development Innovation Center—Regulations Team, Telephone: (202) 720–7853, Email: *MaryPat.Daskal@usda.gov.* All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Chad Rupe,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2019–07806 Filed 4–17–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by June 17, 2019.

FOR FURTHER INFORMATION CONTACT: Thomas Dickson, Rural Development Innovation Center—Regulatory Team, U.S. Department of Agriculture, 1400 Independence Avenue SW, STOP 1522, Washington, DC 20250, Telephone: 202–690–4492, email: *thomas.dickson@usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for extension.

Comments are invited on: (a) 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; (b) 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; (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 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. Comments may be sent to: Thomas Dickson, Rural Development Innovation Center—Regulatory Team, U.S. Department of Agriculture, 1400 Independence Avenue SW, STOP 1522, Washington, DC 20250, Telephone: 202–690–4492, email: *thomas.dickson@usda.gov.*

Title: Seismic Safety of New Building Construction.

OMB Control Number: 0572–0099.

Type of Request: Extension of a currently approved information collection.

Abstract: The Earthquake Hazards Reduction Act of 1977 was enacted to reduce risks to life and property through the National Earthquake Hazards Reduction Program (NEHRP). The Federal Emergency Management Agency (FEMA) is designated as the agency with the primary responsibility to plan and coordinate the NEHRP. This program includes the development and implementation of feasible design and construction methods to make structures earthquake resistant. Executive Order 12699 of January 5, 1990, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction, requires that measures to assure seismic safety be imposed on federally assisted new building construction.

Title 7 Part 1792, Subpart C, Seismic Safety of Federally assisted New Building Construction, identifies acceptable seismic standards which must be employed in new building construction funded by loans, grants, or guarantees made by RUS or the Rural Telephone Bank (RTB) or through lien accommodations or subordinations approved by RUS or RTB. This subpart implements and explains the provisions of the loan contract utilized by the RUS for both electric and telecommunications borrowers and by the RTB for its telecommunications borrowers requiring construction certifications affirming compliance with the standards.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .75 hours per response.

Respondents: Small business or organizations.

Estimated Number of Respondents: 192.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 144.

Copies of this information collection can be obtained from Diane M. Berger, Rural Development Innovation Center—Regulatory Team, (715) 619–3124.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Chad Rupe,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2019–07813 Filed 4–17–19; 8:45 am]

BILLING CODE 3410–15–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on a Commercial Availability Request Under the U.S.-Morocco Free Trade Agreement

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Request for public comments concerning a request for modification of the U.S.-Morocco Free Trade Agreement (USMFTA) rules of origin for women's or girls' swimwear made from certain knit fabric.

SUMMARY: The Government of the United States received a request from the Government of Morocco dated March 14, 2019, on behalf of GOTTEX SWIMWEAR BRANDS LTD to initiate consultations under Article 4.3.3 of the USMFTA. The Government of Morocco is requesting that the United States and Morocco (''the Parties'') consider revising the rules of origin for women's or girls' swimwear to address availability of supply of certain knit fabric in the territories of the Parties. The President of the United States may proclaim a modification to the USMFTA rules of origin for textile and apparel products after the United States reaches an agreement with the Government of Morocco on a modification under Article 4.3.6 of the USMFTA to address issues of availability of supply of fibers, yarns, or fabrics in the territories of the Parties. CITA hereby solicits public comments on this request, in particular with regard to whether certain knit fabric can be supplied by the U.S. domestic industry in commercial quantities in a timely manner.

DATES: Comments must be submitted by May 20, 2019 to the Chairman, Committee for the Implementation of Textile Agreements, Room 30003, United States Department of Commerce, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Linda Martinich, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3588.

SUPPLEMENTARY INFORMATION:

Authority: Section 203 (j)(2)(B)(i) of the United States—Morocco Free Trade Agreement Implementation Act (19 U.S.C. 3805 note) (USMFTA Implementation Act); Executive Order 11651 of March 3, 1972, as amended.

Background: Article 4.3.3 of the USMFTA provides that, on the request of either Party, the Parties shall consult to consider whether the rules of origin applicable to a particular textile or apparel good should be revised to address issues of availability of supply of fibers, yarns, or fabrics in the territories of the Parties. In the consultations, pursuant to Article 4.3.4 of the USMFTA, each Party shall consider all data presented by the other Party that demonstrate substantial production in its territory of a particular fiber, yarn, or fabric. The Parties shall consider that there is substantial production if a Party demonstrates that its domestic producers are capable of supplying commercial quantities of the fiber, yarn, or fabric in a timely manner.

The USMFTA Implementation Act provides the President with the authority to proclaim as part of the HTSUS, modifications to the USMFTA rules of origin set out in Annex 4–A of the USMFTA as are necessary to implement an agreement with Morocco under Article 4.3.6 of the USMFTA, subject to the consultation and layover requirements of Section 104 of the USMFTA Implementation Act. *See* Section 203(j)(2)(B)(i) of the USMFTA Implementation Act. Executive Order 11651 established CITA to supervise the implementation of textile trade agreements and authorizes the Chairman of CITA to take actions or recommend that appropriate officials or agencies of the United States take actions necessary to implement textile trade agreements. 37 FR 4699 (March 4, 1972).

The Government of the United States received a request from the Government of Morocco dated March 14, 2019, on behalf of GOTTEX SWIMWEAR BRANDS LTD, requesting that the United States consider whether the USMFTA rule of origin for women's or girls' swimwear classified under HTSUS 6112.41 should be modified to allow the use of printed and piece-dyed warp knit fabrics of polyester or nylon fibers, containing between 6% and 41% elastomeric yarns classified under subheading 6004.10 of the HTSUS that is not originating under the USMFTA.

CITA is soliciting public comments regarding this request, particularly with respect to whether the fabric described above can be supplied by the U.S. domestic industry in commercial quantities in a timely manner.

Comments must be received no later than May 20, 2019. Interested persons are invited to submit such comments or information electronically to *OTEXA_MoroccoFTA@trade.gov,* and/or in hard copy to: Chairman, Committee for the Implementation of Textile Agreements, Room 30003, U.S. Department of Commerce, 14th and Constitution Avenue NW, Washington, DC 20230.

If comments include business confidential information, commenters must submit a business confidential version in hard copy to the Chairman of CITA, and also provide a public version, either in hard copy or electronically. CITA will protect any information that is marked business confidential from disclosure to the full extent permitted by law. All public versions of the comments will be posted on OTEXA's website for Commercial Availability proceedings under the USMFTA: *http://otexa.trade.gov/Morocco_CA.htm.*

Lloyd Wood,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 2019–07778 Filed 4–17–19; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–21–2019]

Approval of Subzone Expansion; Swagelok Company Ravenna, Ohio

On February 19, 2019, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Cleveland Cuyahoga County Port Authority, grantee of FTZ 40, requesting an expansion of Subzone 40I subject to the existing activation limit of FTZ 40, on behalf of Swagelok Company, in Ravenna, Ohio.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (84 FR 6129, February 16, 2019). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR Sec. 400.36(f)), the application to expand Subzone 40I was approved on April 15, 2019, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 40's 2,000-acre activation limit.

Dated: April 15, 2019.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2019–07799 Filed 4–17–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–27–2019]

Foreign-Trade Zone 124—Gramercy, Louisiana; Application for Subzone, Offshore Energy Services, Inc.; Broussard, Louisiana

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Port of South Louisiana, grantee of FTZ 124, requesting subzone status for the facility of Offshore Energy Services, Inc., located in Broussard, Louisiana. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on April 15, 2019.

The proposed subzone (58.2 acres) is located at 5900 Highway 90 in Broussard (Lafayette Parish), Louisiana. A notification of proposed production activity has been submitted and is being processed under 15 CFR 400.37 (Doc. B–14–2019).

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is May 28, 2019. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to June 12, 2019.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: April 15, 2019.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2019–07803 Filed 4–17–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–26–2019]

Foreign-Trade Zone (FTZ) 167—Green Bay, Wisconsin; Notification of Proposed Production Activity ProAmpac Holdings, Inc.; (Flexible Packaging Applications) Neenah and Appleton, Wisconsin

ProAmpac Holdings, Inc. (ProAmpac) submitted a notification of proposed production activity to the FTZ Board for its facilities in Neenah and Appleton, Wisconsin. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on April 5, 2019.

The applicant indicates that it will be submitting a separate application for FTZ designation at ProAmpac's facilities under FTZ 167. The facilities are used for the production of flexible packaging for food, medical, pharmaceutical, and other consumer and industrial applications. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status material/component and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt ProAmpac from customs duty payments on the foreign-status material/component used in export production (estimated 5% percent of production). On its domestic sales, for the foreign-status material/component noted below, ProAmpac would be able to choose the duty rates during customs entry procedures that apply to plastic pouch stock, paper can liner and pouch stock, and aluminum laminated packaging stock (duty rate ranges from duty-free to 4.2%). ProAmpac would be able to avoid duty on foreign-status material which becomes scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The material/component sourced from abroad is aluminum foil (with gauges not exceeding 0.051mm) (duty rate ranges from 5.3 to 5.8%). The request indicates that aluminum foil is subject to an antidumping/countervailing duty (AD/CVD) order if imported from China. The FTZ Board's regulations (15 CFR 400.14(e)) require that merchandise subject to AD/CVD orders, or items which would be otherwise subject to suspension of liquidation under AD/CVD procedures if they entered U.S. customs territory, be admitted to FTZs in privileged foreign status (19 CFR 146.41). The request also indicates that aluminum foil is subject to special duties under Section 232 of the Trade Expansion Act of 1962 (Section 232) depending on the country of origin. The applicable Section 232 decisions require subject merchandise to be admitted to FTZs in privileged foreign status.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 28, 2019.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Christopher Wedderburn at *Chris.Wedderburn@trade.gov* or (202) 482–1963.

Dated: April 15, 2019.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2019–07802 Filed 4–17–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–25–2019]

Foreign-Trade Zone (FTZ) 80—San Antonio, Texas; Notification of Proposed Production Activity, CGT U.S., Ltd. (Polyvinyl Chloride (PVC) Coated Upholstery Fabric Cover Stock); New Braunfels, Texas

CGT U.S., Ltd. (CGT) submitted a notification of proposed production activity to the FTZ Board for its facility in New Braunfels, Texas. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on April 10, 2019.

CGT already has authority to produce PVC coated upholstery fabric cover stock within Subzone 80E. The current request would add foreign status materials/components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt CGT from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components noted below, CGT would be able to choose the duty rate during customs entry procedures that applies to PVC coated upholstery fabric cover stock (duty free). CGT would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials/components sourced from abroad include polyester knit woven dyed fabric and PVC plasticizer (duty rates are 14.9% and 6.5%, respectively). The request indicates that the polyester knit woven dyed fabric will be admitted to the zone in privileged foreign status (19 CFR 146.41), thereby precluding inverted tariff benefits on such items. The request also indicates that certain materials/components are subject to special duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 28, 2019.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Diane Finver at *Diane.Finver@trade.gov* or (202) 482–1367.

Dated: April 15, 2019.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2019–07800 Filed 4–17–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–928]

Uncovered Innerspring Units From the People's Republic of China: Final Results of the Antidumping Duty Administrative Review; 2017–2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that, of the two companies subject to this review, one had no shipments and the other continues to be a part of the China-wide entity.

FOR FURTHER INFORMATION CONTACT: Christian Llinas, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4877.

SUPPLEMENTARY INFORMATION:

Background

On October 29, 2019, Commerce published the preliminary results of the ninth administrative review of the antidumping duty order on uncovered innerspring units (innersprings) from the People's Republic of China (China) for the period of review (POR), February 1, 2017, through January 31, 2018.[1] We gave interested parties an opportunity to comment on the *Preliminary Results.* We received no comments. Hence, these final results are unchanged from the *Preliminary Results.*

Scope of the Order

The merchandise subject to the order is uncovered innerspring units composed of a series of individual metal springs joined together in sizes corresponding to the sizes of adult mattresses (*e.g.,* twin, twin long, full, full long, queen, California king, and king) and units used in smaller constructions, such as crib and youth mattresses. The product is currently classified under subheading 9404.29.9010 and has also been classified under subheadings 9404.10.0000, 9404.29.9005, 9404.29.9011, 7326.20.0070, 7326.20.0090, 7320.20.5010, 7320.90.5010, or 7326.20.0071 of the Harmonized Tariff Schedule of the

[1] *See Preliminary Results of the Ninth Administrative Review of the Antidumping Duty Order on Uncovered Innerspring Units from the People's Republic of China, 2017–2018,* 83 FR 55144 (November 2, 2018) and accompanying Preliminary Decision Memorandum (PDM) (collectively, *Preliminary Results*).

United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of the order is dispositive.[2]

Final Determination of No Shipments

Commerce preliminarily found that Comfort Coil Technology Sdn. Bhd. (Comfort Coil), did not have any shipments of subject merchandise during the POR.[3] Commerce also found that Foshan Nanhai Jolyspring (Foshan Nanhai) did not demonstrate it is entitled to a separate rate and, thus, we consider Foshan Nanhai to be part of the China wide-wide entity.[4] After the *Preliminary Results,* we received no comments or additional information with respect to these two companies. Therefore, for the final results, we continue to find that Comfort Coil did not have any shipments of subject merchandise during the POR, and that Foshan Nanhai continues to be a part of the China-wide entity. Consistent with our practice, we will issue appropriate instructions to U.S. Customs and Border Protection (CBP) based on our final results.

Analysis of Comments Received

As noted above, we received no comments on the *Preliminary Results.*

Changes Since the Preliminary Results

As no parties submitted comments on the *Preliminary Results,* Commerce has not modified its analysis from that presented in the *Preliminary Results,* and no decision memorandum accompanies this **Federal Register** notice.

Assessment Rates

We have not calculated any assessment rates in this administrative review. Pursuant to Commerce's assessment practice, because we have determined that Comfort Coil had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the China-wide entity rate.[5] We will instruct CBP to liquidate entries from the PRC-wide entity (including Foshan Nanhai) at the current rate for the PRC-wide entity (*i.e.,* 234.51 percent). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the publication date of the final results of this administrative review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice, as provided by section 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed Chinese and non-Chinese exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate published for the most recently completed period; (2) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, *i.e.,* Foshan Nanhai, the cash deposit rate will be the China-wide rate of 234.51 percent; and (3) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also 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 review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Orders

This notice also serves as the only 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). 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. These final results of administrative and new shipper reviews are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5).

Dated: April 10, 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.

[FR Doc. 2019–07805 Filed 4–17–19; 8:45 am]

BILLING CODE 3510–DS–P

[2] *See* PDM at "Scope of the Order."

[3] *Id* at 3.

[4] *Id* at 4–5.

[5] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–879]

Polyvinyl Alcohol From the People's Republic of China: Notice of Final Results of Antidumping Duty Changed Circumstances Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On March 4, 2019, the Department of Commerce (Commerce) initiated, and published the preliminary results of, the changed circumstances review of the antidumping duty order on polyvinyl alcohol (PVA) from the People's Republic of China (China). For these final results, Commerce continues to find that Sinopec Chongqing SVW Chemical Co., Ltd. (SVW) is the successor-in-interest to Sinopec Sichuan Vinylon Works (Sichuan SVW).

DATES: Effective April 18, 2019.

FOR FURTHER INFORMATION CONTACT: Charles Doss, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–4474.

SUPPLEMENTARY INFORMATION:

Background

On October 1, 2003, Commerce published in the **Federal Register** an antidumping duty order on PVA from China.[1] On December 7, 2018, SVW, a foreign producer and exporter of PVA from China, and Wego Chemical and Mineral Corp. (Wego), an importer of PVA from China (collectively, SVW and Wego) requested that, pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.216(b), Commerce conduct an expedited changed circumstances review of the *Order* to confirm that SVW is the successor-in-interest to Sichuan SVW and, accordingly, to assign SVW

[1] *See Antidumping Duty Order: Polyvinyl Alcohol from the People's Republic of China,* 68 FR 56620 (October 1, 2003) (the *Order*).

the cash deposit rate of Sichuan SVW.[2] In its submission, SVW and Wego explain that Sinopec Sichuan Vinylon Works (*i.e.,* Sichuan SVW) has changed its name to Sinopec Chongqing SVW Chemical Co., Ltd. (*i.e.,* SVW), and aver that no substantive changes other than this change of name have otherwise occurred.[3]

On March 4, 2019, we initiated this changed circumstances review and published the notice of preliminary results, determining that SVW is the successor-in-interest to Sichuan SVW.[4] In the *Initiation and Preliminary Results,* we provided all interested parties with an opportunity to comment and request a public hearing regarding our preliminary finding.[5] We received no comments or requests for a public hearing from interested parties within the time period set forth in the *Initiation and Preliminary Results.* The current deadline for issuance of these final results of antidumping duty change circumstances review is April 12, 2019.

Scope of the Order

The merchandise covered by the order is PVA. This product consists of all PVA hydrolyzed in excess of 80 percent, whether or not mixed or diluted with commercial levels of defoamer or boric acid.[6]

Final Results of Changed Circumstances Review

For the reasons stated in the *Initiation and Preliminary Results,* and because we received no comments from interested parties to the contrary, Commerce continues to find that SVW is the successor-in-interest to Sichuan SVW.[7] As a result of this determination and consistent with established practice, we find that SVW should receive the cash deposit rate previously assigned to Sichuan SVW in the most recently-completed segment of the *Order* in which Sichuan SVW was under review.[8] As the rate calculated for Sichuan SVW in that review was *de minimis* (0.00 percent), Commerce will instruct U.S. Customs and Border Protection that no cash deposit shall be required for subject merchandise exported by SVW and entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the **Federal Register**. This cash deposit requirement shall remain in effect until further notice.

Notification to Interested Parties

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing this determination and publishing these final results and notice in accordance with sections 751(b)(1) and 777(i)(1) and (2) of the Act, and 19 CFR 351.216 and 351.221(c)(3).

Dated: April 2, 2019.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–07804 Filed 4–17–19; 8:45 am]

BILLING CODE 3510–DS–P

[2] *See* SVW and Wego's letter, ''Polyvinyl Alcohol from China: Request for Changed Circumstances Review,'' dated December 12, 2018.

[3] *Id.* at 1–4.

[4] *See Polyvinyl Alcohol From the People's Republic of China: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review,* 84 FR 7337 (March 4, 2019) (*Initiation and Preliminary Results*).

[5] *Id.,* 84 FR at 7339.

[6] For a complete description of the scope of the antidumping duty order, *see* the ''Scope of the Order'' section of the *Initiation and Preliminary Results,* 84 FR at 7337–7338.

[7] *Id.* at 7338–7339.

[8] *See Polyvinyl Alcohol from the People's Republic of China; Final Results of Antidumping Duty Administrative Review,* 71 FR 62086 (October 23, 2006).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG987

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold a meeting that includes its Committee and Advisory Panel for the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan.

DATES: The meeting will be held on Thursday, May 2, 2019, beginning at 12:30 p.m. and conclude by 4:30 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held via webinar with a telephone-only audio connection: *http://mafmc.adobeconnect.com/illex-wg/.* Telephone instructions are provided upon connecting, or the public can call direct: 800–832–0736, Rm: *7833942#.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331 or on their website at *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Council is forming a workgroup to explore improved *Illex* squid assessment and management. This meeting will help develop the objectives and Terms of Reference (TORs) of the workgroup.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to any meeting date.

Dated: April 15, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–07817 Filed 4–17–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Research and Engineering, 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 Defense Science Board (DSB) will take place.

DATES:

Day 1—Closed to the public Tuesday, May 14, 2019 from 8:00 a.m. to 5:00 p.m.

Day 2—Closed to the public Wednesday, May 15, 2019 from 8:00 a.m. to 3:00 p.m.

ADDRESSES: The address of the closed meeting is the Executive Conference Center, 4075 Wilson Blvd., Floor 3, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Doxey, (703) 571–0081 (Voice),

(703) 697–1860 (Facsimile), *kevin.a.doxey.civ@mail.mil* (Email). Mailing address is Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301–3140. Website: *http://www.acq.osd.mil/dsb/.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (Title 5 United States Code (U.S.C.), Appendix), the Government in the Sunshine Act (Title 5 U.S.C., Section 552b), and Title 41 Code of Federal Regulations (CFR), Sections 102–3.140 and 102–3.150.

Purpose of the Meeting: The mission of the DSB is to provide independent advice and recommendations on matters relating to the DoD's scientific and technical enterprise. The objective of the meeting is to obtain, review, and evaluate classified information related to the DSB's mission. DSB membership will meet to discuss the 2019 DSB Summer Study on the Future of U.S Military Superiority (''the DSB Summer Study'').

Agenda: The DSB Summer Study meeting will begin on May 14, 2019 at 8:00 a.m. with opening remarks by Mr. Kevin Doxey, the Designated Federal Officer (DFO), and Dr. Craig Fields, DSB Chairman. Next, the DSB members will meet in small groups to discuss classified ways in which the DoD can secure U.S. interests, manage escalation, and deter and counter adversary aggression, given a renewed great power competition. Finally, the members of the study will meet in a plenary session to discuss classified ways in which the DoD can secure U.S interests, manage escalation, and deter and counter adversary aggression, given a renewed great power competition. The meeting will adjourn at 5:00 p.m.

On May 15, 2019, the members of the study will meet in small groups beginning at 8:00 a.m. to discuss classified ways in which the DoD can secure U.S. interests, manage escalation, and deter and counter adversary aggression, given a renewed great power competition. Next, the members of the study will meet in a plenary session to discuss classified ways in which the DoD can secure U.S. interests, manage escalation, and deter and counter adversary aggression, given a renewed great power competition. The meeting will adjourn at 3:00 p.m.

Meeting Accessibility: In accordance with Section 10(d) of the FACA and 41 CFR 102–3.155, the DoD has determined that the DSB meeting will be closed to the public. Specifically, the Under Secretary of Defense (Research and Engineering), in consultation with the DoD Office of General Counsel, has determined in writing that the meeting will be closed to the public because it will consider matters covered by 5 U.S.C. 552b(c)(1). The determination is based on the consideration that it is expected that discussions throughout will involve classified matters of national security concern. Such classified material is so intertwined with the unclassified material that it cannot reasonably be segregated into separate discussions without defeating the effectiveness and meaning of the overall meetings. To permit the meeting to be open to the public would preclude discussion of such matters and would greatly diminish the ultimate utility of the DSB's findings and recommendations to the Secretary of Defense and to the Under Secretary of Defense (Research and Engineering).

Written Statements: In accordance with Section 10(a)(3) of the FACA and 41 CFR 102–3.105(j) and 102–3.140, interested persons may submit a written statement for consideration by the DSB at any time regarding its mission or in response to the stated agenda of a planned meeting. Individuals submitting a written statement must submit their statement to the DSB DFO provided in the **FOR FURTHER INFORMATION CONTACT** section at any point; however, if a written statement is not received at least three calendar days prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the DSB until a later date.

Dated: April 12, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–07753 Filed 4–17–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Research and Engineering, 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 Defense Science Board (DSB) will take place.

DATES: Day 1—Closed to the public Wednesday, June 12, 2019 from 8:00 a.m. to 5:00 p.m. Day 2—Closed to the public Thursday, June 13, 2019 from 8:00 a.m. to 3:00 p.m.

ADDRESSES: The address of the closed meeting is the Executive Conference Center, 4075 Wilson Blvd., Floor 3, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Doxey, (703) 571–0081 (Voice), (703) 697–1860 (Facsimile), *kevin.a.doxey.civ@mail.mil* (Email). Mailing address is Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301–3140. Website: *http://www.acq.osd.mil/dsb/.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (Title 5 United States Code (U.S.C), Appendix), the Government in the Sunshine Act (Title 5 U.S.C., Section 552b), and Title 41 Code of Federal Regulations (CFR), Sections 102–3.140 and 102–3.150.

Purpose of the Meeting: The mission of the DSB is to provide independent advice and recommendations on matters relating to the DoD's scientific and technical enterprise. The objective of the meeting is to obtain, review, and evaluate classified information related to the DSB's mission. DSB membership will meet to discuss the 2019 DSB Summer Study on the Future of U.S Military Superiority (''the DSB Summer Study'').

Agenda: The DSB Summer Study meeting will begin on June 12, 2019 at 8:00 a.m. with opening remarks by Kevin Doxey, the Designated Federal Officer (DFO), and Dr. Craig Fields, DSB Chairman. Next, the DSB members will meet in small groups to discuss classified ways in which the DoD can secure U.S. interests, manage escalation, and deter and counter adversary aggression, given a renewed great power competition. Finally, the members of the study will meet in a plenary session to discuss classified ways in which the DoD can secure U.S interests, manage escalation, and deter and counter adversary aggression, given a renewed great power competition. The meeting will adjourn at 5:00 p.m.

On June 13, 2019, the members of the study will meet in small groups beginning at 8:00 a.m. to discuss classified ways in which the DoD can secure U.S. interests, manage escalation, and deter and counter adversary aggression, given a renewed great power competition. Next, the members of the study will meet in a plenary session to discuss classified ways in which the DoD can secure U.S. interests, manage escalation, and deter and counter adversary aggression, given a renewed great power competition. The meeting will adjourn at 3:00 p.m.

Meeting Accessibility: In accordance with Section 10(d) of the FACA and 41 CFR 102–3.155, the DoD has determined that the DSB meeting will be closed to the public. Specifically, the Under Secretary of Defense (Research and Engineering), in consultation with the DoD Office of General Counsel, has determined in writing that the meeting will be closed to the public because it will consider matters covered by 5 U.S.C. 552b(c)(1). The determination is based on the consideration that it is expected that discussions throughout will involve classified matters of national security concern. Such classified material is so intertwined with the unclassified material that it cannot reasonably be segregated into separate discussions without defeating the effectiveness and meaning of the overall meetings. To permit the meeting to be open to the public would preclude discussion of such matters and would greatly diminish the ultimate utility of the DSB's findings and recommendations to the Secretary of Defense and to the Under Secretary of Defense (Research and Engineering).

Written Statements: In accordance with Section 10(a)(3) of the FACA and 41 CFR 102–3.105(j) and 102–3.140, interested persons may submit a written statement for consideration by the DSB at any time regarding its mission or in response to the stated agenda of a planned meeting. Individuals submitting a written statement must submit their statement to the DSB DFO provided in the **FOR FURTHER INFORMATION CONTACT** section at any point; however, if a written statement is not received at least three calendar days prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the DSB until a later date.

Dated: April 12, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–07754 Filed 4–17–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Research and Engineering, 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 Defense Science Board (DSB) will take place.

DATES:

Day 1—Closed to the public Wednesday, July 10, 2019 from 8:00 a.m. to 5:00 p.m.

Day 2—Closed to the public Thursday, July 11, 2019 from 8:00 a.m. to 3:00 p.m.

ADDRESSES: The address of the closed meeting is the Executive Conference Center, 4075 Wilson Blvd., Floor 3, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Doxey, (703) 571–0081 (Voice), (703) 697–1860 (Facsimile), *kevin.a.doxey.civ@mail.mil* (Email). Mailing address is Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301–3140. Website: *http://www.acq.osd.mil/dsb/*. The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (Title 5 United States Code (U.S.C.), Appendix), the Government in the Sunshine Act (Title 5 U.S.C., Section 552b), and Title 41 Code of Federal Regulations (CFR), Sections 102–3.140 and 102–3.150.

Purpose of the Meeting: The mission of the DSB is to provide independent advice and recommendations on matters relating to the DoD's scientific and technical enterprise. The objective of the meeting is to obtain, review, and evaluate classified information related to the DSB's mission. DSB membership will meet to discuss the 2019 DSB Summer Study on the Future of U.S Military Superiority (''the DSB Summer Study'').

Agenda: The DSB Summer Study meeting will begin on July 10, 2019 at 8:00 a.m. with opening remarks by Mr. Kevin Doxey, the Designated Federal Officer (DFO), and Dr. Craig Fields, DSB Chairman. Next, the DSB members will meet in small groups to discuss classified ways in which the DoD can secure U.S. interests, manage escalation, and deter and counter adversary aggression, given a renewed great power competition. Finally, the members of the study will meet in a plenary session to discuss classified ways in which the DoD can secure U.S interests, manage escalation, and deter and counter adversary aggression, given a renewed great power competition. The meeting will adjourn at 5:00 p.m.

On July 11, 2019, the members of the study will meet in small groups beginning at 8:00 a.m. to discuss classified ways in which the DoD can secure U.S. interests, manage escalation, and deter and counter adversary aggression, given a renewed great power competition. Next, the members of the study will meet in a plenary session to discuss classified ways in which the DoD can secure U.S. interests, manage escalation, and deter and counter adversary aggression, given a renewed great power competition. The meeting will adjourn at 3:00 p.m.

Meeting Accessibility: In accordance with Section 10(d) of the FACA and 41 CFR 102–3.155, the DoD has determined that the DSB meeting will be closed to the public. Specifically, the Under Secretary of Defense (Research and Engineering), in consultation with the DoD Office of General Counsel, has determined in writing that the meeting will be closed to the public because it will consider matters covered by 5 U.S.C. 552b(c)(1). The determination is based on the consideration that it is expected that discussions throughout will involve classified matters of national security concern. Such classified material is so intertwined with the unclassified material that it cannot reasonably be segregated into separate discussions without defeating the effectiveness and meaning of the overall meetings. To permit the meeting to be open to the public would preclude discussion of such matters and would greatly diminish the ultimate utility of the DSB's findings and recommendations to the Secretary of Defense and to the Under Secretary of Defense (Research and Engineering).

Written Statements: In accordance with Section 10(a)(3) of the FACA and 41 CFR 102–3.105(j) and 102–3.140, interested persons may submit a written statement for consideration by the DSB at any time regarding its mission or in response to the stated agenda of a planned meeting. Individuals submitting a written statement must submit their statement to the DSB DFO provided in the **FOR FURTHER INFORMATION CONTACT** section at any point; however, if a written statement is not received at least three calendar days prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the DSB until a later date.

Dated: April 12, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–07755 Filed 4–17–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Extension of Public Comment Period for the Draft Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement for Northwest Training and Testing

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: A notice of public meetings was published in the **Federal Register** by the Department of the Navy on March 29, 2019 for the Draft Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) for the Northwest Training and Testing (NWTT) Study Area.

DATES: This notice announces a 15-day extension of the public comment period from May 28, 2019, to June 12, 2019.

ADDRESSES: Comments may be mailed to Naval Facilities Engineering Command Northwest, Attention: NWTT Supplemental EIS/OEIS Project Manager, 3730 N. Charles Porter Avenue, Building 385, Oak Harbor, WA 98278–3500, or electronically via the project website at *www.NWTTEIS.com.* All comments submitted during the public comment period will become part of the public record and substantive comments will be addressed in the Final Supplemental EIS/OEIS. All comments must be postmarked or received online by June 12, 2019, Pacific Standard Time, for consideration in the Final Supplemental EIS/OEIS.

Naval Facilities Engineering Command Northwest, Attention: NWTT Supplemental EIS/OEIS Project Manager, 3730 N. Charles Porter Avenue, Building 385, Oak Harbor, WA 98278–3500.

SUPPLEMENTARY INFORMATION: The Draft Supplemental EIS/OEIS was distributed to federal agencies and federally recognized tribes, with which the DoN consulted. Copies of the Draft Supplemental EIS/OEIS are available for public review at the following public locations:

1. Everett Main Library, 2702 Hoyt Avenue, Everett, WA 98201–3506.
2. Gig Harbor Library, 4424 Point Fosdick Drive NW, Gig Harbor, WA 98335–1700.
3. Jefferson County Library, Port Hadlock, 620 Cedar Avenue, Port Hadlock, WA 98339–5001.
4. Kitsap Regional Library, Poulsbo, 700 NE Lincoln Road, Poulsbo, WA 98370–7688.
5. Kitsap Regional Library, Sylvan Way (Bremerton), 1301 Sylvan Way, Bremerton, WA 98310–3466.
6. North Olympic Library System, Forks Branch, 171 S. Forks Avenue, Forks, WA 98331–9023.
7. Lopez Island Library, 2225 Fisherman Bay Road, Lopez Island, WA 98261–8676.
8. Oak Harbor Public Library, 1000 SE Regatta Drive, Oak Harbor, WA 98277–3091.
9. Port Angeles Main Library, 2210 S. Peabody Street, Port Angeles, WA 98362–6536.
10. Port Townsend Public Library, 1220 Lawrence Street, Port Townsend, WA 98368–6527.
11. San Juan Island Library, 1010 Guard Street, Friday Harbor, WA 98250–9240.
12. Timberland Regional Library, Aberdeen, 121 E. Market Street, Aberdeen, WA 98520–5216.
13. Timberland Regional Library, Hoquiam, 420 Seventh Street, Hoquiam, WA 98550–3616.
14. Astoria Public Library, 450 10th Street, Astoria, OR 97103–4602.
15. Driftwood Public Library, 801 SW Highway 101 #201, Lincoln City, OR 97367–2720.
16. Newport Public Library, 35 NW Nye Street, Newport, OR 97365–3714.
17. Oregon State University, Guin Library Hatfield Marine Science Center, 2030 SE Marine Science Drive, Newport, OR 97365–5300.
18. Tillamook Main Library, 1716 Third Street, Tillamook, OR 97141–2124.
19. Fort Bragg Branch Library, 499 Laurel Street, Fort Bragg, CA 95437–3511.
20. Humboldt County Public Library, Arcata Branch Library, 500 Seventh Street, Arcata, CA 95521–6315.
21. Humboldt County Public Library, Eureka Main Library, 1313 Third Street, Eureka, CA 95501–0546.
22. Redwood Coast Senior Center, 490 N. Harold Street, Fort Bragg, CA 95437–3331.
23. Juneau Public Library, Downtown Branch, 292 Marine Way, Juneau, AK 99801–1361.
24. Ketchikan Public Library, 1110 Copper Ridge Lane, Ketchikan, AK 99901–6250.

Dated: April 15, 2019.

M.S. Werner,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2019–07815 Filed 4–17–19; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3451–001]

Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process: Beaver Falls Municipal District

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 3451–001

c. *Date Filed:* February 12, 2019

d. *Submitted By:* Beaver Falls Municipal District

e. *Name of Project:* Townsend Water Power Project

f. *Location:* On the Beaver River, in the Borough of New Brighton, Beaver County, Pennsylvania. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Applicant Contacts:* Roy Stintzi, Beaver Falls Municipal District, P.O. Box 400, Beaver Falls, Pennsylvania, 15010; Laura Cowan, Project Manager, Kleinschmidt Associates, 2 Thornton Hill, Ossining, New York, 10562, (717) 983–4056, *Laura.Cowan@kleinschmidtgroup.com.*

i. *FERC Contact:* Emily Carter at (202) 502–6512; or email at *emily.carter@ferc.gov.*

j. Beaver Falls Municipal District filed its request to use the Traditional Licensing Process on February 12, 2019. Beaver Falls Municipal District provided public notice of its request on February 11, 2019. In a letter dated April 11, 2019, the Director of the Division of Hydropower Licensing approved Beaver Falls Municipal District's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, part 402. We also are initiating consultation with the Pennsylvania

State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Beaver Falls Municipal District as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. Beaver Falls Municipal District filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website (*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 at *ferconlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. 3451. Pursuant to 18 CFR 16.8, 16.9, and 16.10, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by July 31, 2022.

p. 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.

Dated: April 11, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–07743 Filed 4–17–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14983–000]

Tomlin Energy LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 19, 2019, Tomlin Energy LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Closed Loop Pumped Storage Project (project) to be located on the Kiamichi River, in Pushmataha County, Oklahoma. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A 2,050-foot-long, 200-foot-high earth embankment upper dam; (2) an upper reservoir with a surface area of 100 acres and a storage capacity of 10,000 acre-feet; (3) a 8,200-foot-long, 32-foot-diameter tunnel connecting the upper and lower reservoirs with a; (4) a pumping station/powerhouse containing four pump/generating units with a total capacity of 1,200 megawatts; (5) a 7,600-foot-long, 40-foot-high earth embankment lower dam with a 300-foot-wide emergency spillway and channel to the impoundment pond; (6) a lower reservoir with a surface area of 200 acres, and a storage capacity of 28,000 acre-feet; (7) two 1,000-foot-long pipes, with a pump station structure, from the lower reservoir to an impoundment pond; (8) an impoundment pond with a surface area of 30 acres, and a storage capacity of 1,800 acre-feet, which will fill with periodic overflow from the Kiamichi River; and (9) a 46-mile-long transmission line to the Tenaska Kiamichi Generation Station, then an 85-mile-long transmission line to the Luminant Valley Power Plant.

The proposed project would have an estimated average annual generation of 4,200,000 megawatt-hours.

Applicant Contact: Mr. Daniel O. Tomlin III, 4265 Kellway Circle Addison, Texas 75001; phone: (972) 239–0707.

FERC Contact: Michael Spencer, (202) 502–6093, *michael.spencer@ferc.gov.*

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 Days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications 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–14983–000.

More information about this project, including a copy of the application, can be viewed or printed on the eLibrary link of Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14983) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: April 12, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–07747 Filed 4–17–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–2118–001; ER10–1846–009; ER10–1849–015; ER10–1852–021; ER10–1855–009; ER10–1887–015; ER10–1920–017; ER10–1928–017; ER10–1952–015; ER10–1961–015; ER10–1994–009; ER10–1995–010; ER10–2551–010; ER10–2720–017; ER11–2642–010; ER11–4428–017; ER11–4462–030; ER12–1228–017; ER12–1880–016; ER12–2227–015; ER12–569–016; ER12–895–015; ER13–2474–011; ER13–712–017; ER14–2707–012; ER14–2708–013;

ER14–2709–012; ER14–2710–012; ER15–1925–009; ER15–2676–008; ER15–30–010; ER15–58–010; ER16–1440–006; ER16–1672–006; ER16–2190–005; ER16–2191–005; ER16–2240–006; ER16–2241–005; ER16–2275–005; ER16–2276–005; ER16–2297–005; ER16–2453–006; ER17–2152–002; ER17–838–005; ER18–1981–001; ER18–2003–001; ER18–2032–001; ER18–2066–001; ER18–2067–002; ER18–2182–001; ER18–2314–002; ER18–882–001.

Applicants: Armadillo Flats Wind Project, LLC, Baldwin Wind, LLC, Blackwell Wind, LLC, Brady Interconnection, LLC, Brady Wind, LLC, Brady Wind II, LLC, Breckinridge Wind Project, LLC, Cedar Bluff Wind, LLC, Chaves County Solar, LLC, Cimarron Wind Energy, LLC, Cottonwood Wind Project, LLC, Day County Wind, LLC, Elk City Wind, LLC, Elk City Renewables II, LLC, Ensign Wind, LLC, Florida Power & Light Company, FPL Energy Burleigh County Wind, LLC, FPL Energy Cowboy Wind, LLC, FPL Energy Oklahoma Wind, LLC, FPL Energy Sooner Wind, LLC, FPL Energy South Dakota Wind, LLC, Gray County Wind Energy, LLC, High Majestic Wind Energy Center, LLC, High Majestic Wind II, LLC, Kingman Wind Energy I, LLC, Kingman Wind Energy II, LLC, Lorenzo Wind, LLC, Mammoth Plains Wind Project, LLC, Minco Wind, LLC, Minco Wind II, LLC, Minco Wind III, LLC, Minco Wind Interconnection Services, LLC, Minco Wind IV, LLC, Minco IV & V Interconnection, LLC, Minco Wind V, LLC, Ninnescah Wind Energy, LLC, Osborn Wind Energy, LLC, Palo Duro Wind Energy, LLC, Palo Duro Wind Interconnection Services, LLC, Pratt Wind, LLC, Roswell Solar, LLC, Rush Springs Wind Energy, LLC, Seiling Wind, LLC, Seiling Wind II, LLC, Seiling Wind Interconnection Services, LLC, Sholes Wind Energy, LLC, Steele Flats Wind Project, LLC, Wessington Wind Energy Center, LLC, Wildcat Ranch Wind Project, LLC, Wilton Wind II, LLC, NEPM II, LLC, NextEra Energy Marketing, LLC.

Description: Amendment to December 28, 2018 Triennial Market Power Update for the Southwest Power Pool, Inc. Region of the NextEra Companies.

Filed Date: 4/12/19.

Accession Number: 20190412–5082.

Comments Due: 5 p.m. ET 5/3/19.

Docket Numbers: ER18–2337–003.

Applicants: Blackstone Wind Farm, LLC.

Description: Compliance filing: Compliance filing from April Order to be effective 10/28/2018.

Filed Date: 4/12/19.

Accession Number: 20190412–5008.

Comments Due: 5 p.m. ET 5/3/19.

Docket Numbers: ER19–605–003.

Applicants: Republic Transmission, LLC.

Description: Tariff Amendment: Republic Transmission, LLC Deficiency Filing ER19–605 to be effective 2/26/2019.

Filed Date: 4/12/19.

Accession Number: 20190412–5142.

Comments Due: 5 p.m. ET 5/3/19.

Docket Numbers: ER19–1561–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2019–04–11 RDRR Dispatch Clarification Amendment to be effective 6/11/2019.

Filed Date: 4/11/19.

Accession Number: 20190411–5142.

Comments Due: 5 p.m. ET 5/2/19.

Docket Numbers: ER19–1562–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2019–04–11 RAAIM Exempted Outages Amendment to be effective 6/17/2019.

Filed Date: 4/11/19.

Accession Number: 20190411–5149.

Comments Due: 5 p.m. ET 5/2/19.

Docket Numbers: ER19–1563–000.

Applicants: Consolidated Edison Company of New York, Inc.

Description: § 205(d) Rate Filing: Energy Storage Filing 4–11–2019 to be effective 4/24/2019.

Filed Date: 4/12/19.

Accession Number: 20190412–5001.

Comments Due: 5 p.m. ET 5/3/19.

Docket Numbers: ER19–1564–000.

Applicants: Spruance Genco, LLC.

Description: Petition for Limited Waiver of Tariff Deadlines, et al. of Spruance Genco, LLC.

Filed Date: 4/11/19.

Accession Number: 20190411–5163.

Comments Due: 5 p.m. ET 5/2/19.

Docket Numbers: ER19–1565–000.

Applicants: Duke Energy Carolinas, LLC.

Description: Notice of Cancellation of Conforming Service Agreements (AEP SA Nos. 17 and 162) of Duke Energy Carolinas, LLC.

Filed Date: 4/12/19.

Accession Number: 20190412–5047.

Comments Due: 5 p.m. ET 5/3/19.

Docket Numbers: ER19–1566–000.

Applicants: Duke Energy Florida, LLC.

Description: Notice of Cancellation of Conforming Service Agreement (SA No. 999C) of Duke Energy Florida, LLC.

Filed Date: 4/12/19.

Accession Number: 20190412–5048.

Comments Due: 5 p.m. ET 5/3/19.

Docket Numbers: ER19–1567–000.

Applicants: Duke Energy Beckjord, LLC.

Description: Tariff Cancellation: Duke Energy Beckjord Tariff Cancellation to be effective 6/12/2019.

Filed Date: 4/12/19.

Accession Number: 20190412–5190.

Comments Due: 5 p.m. ET 5/3/19.

Docket Numbers: ER19–1568–000.

Applicants: Duke Energy SAM, LLC.

Description: Tariff Cancellation: Cancellation of Tariff ID to be effective 6/12/2019.

Filed Date: 4/12/19.

Accession Number: 20190412–5193.

Comments Due: 5 p.m. ET 5/3/19.

Docket Numbers: ER19–1569–000.

Applicants: Virginia Electric and Power Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Dominion submits revisions to OATT, Att. H–16A re: M&S Inventory Component to be effective 6/15/2019.

Filed Date: 4/12/19.

Accession Number: 20190412–5198.

Comments Due: 5 p.m. ET 5/3/19.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES19–20–000.

Applicants: Monongahela Power Company.

Description: Application under Section 204 of the Federal Power Act for Authorization to Issue or Borrow Securities, et al. of Monongahela Power Company.

Filed Date: 4/11/19.

Accession Number: 20190411–5161.

Comments Due: 5 p.m. ET 5/2/19.

Docket Numbers: ES19–21–000.

Applicants: DTE Electric Company.

Description: Application under Section 204 of the Federal Power Act for Authorization to Issue Securities of DTE Electric Company.

Filed Date: 4/12/19.

Accession Number: 20190412–5094.

Comments Due: 5 p.m. ET 5/3/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 12, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–07756 Filed 4–17–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12726–002]

Notice of Application Tendered for Filing With the Commission and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments: Warm Springs Hydro, LLC

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Minor license.

b. *Project No.:* 12726–002.

c. *Date filed:* April 1, 2019.

d. *Applicant:* Warm Springs Hydro, LLC.

e. *Name of Project:* Rock Creek Hydroelectric Project.

f. *Location:* The Rock Creek Hydroelectric Project is located on Rock Creek in Haines County, Oregon. The project would occupy 1.8 acres of the Wallowa Whitman National Forest, which is administered by the US Forest Service.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Nicholas E. Josten, GeoSense, 2742 Saint Charles Avenue, Idaho Falls, ID 43404, (208) 528–6152.

i. *FERC Contact:* Kelly Wolcott, (202) 502–6480, *kelly.wolcott@ferc.gov*.

j. The application is not ready for environmental analysis at this time.

k. The proposed project would consist of: (1) A new diversion and fish screen on Rock Creek; (2) a new 8,300-foot-long, 18–24 inch-diameter low-pressure penstock, to be buried in an existing flume right-of-way and ending at the top of the ridge above the powerhouse site; (3) a new 3,100-foot-long, 20 to 24-inch-diameter high-pressure penstock, extending from the end of the low-pressure penstock to the new powerhouse; (4) a new approximately 20-foot-long, 15-foot-wide powerhouse, located adjacent to Rock Creek just above the existing Wilcox Ditch diversion, containing a single 0.85-megawatt (MW) Pelton turbine; (5) a new 500-foot-long 12.5-kV transmission line to deliver energy from the powerhouse to an Oregon Trail Electric Consumers Cooperative distribution line; and (6) appurtenant facilities. The estimated average annual generation would be 3,900-megawatt hours (MWh).

l. A copy of the application 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.

m. 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. Procedural schedule:

The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target Date
Notice of Acceptance/Notice of Ready for Environmental Analysis	July 2019.
Filing of recommendations, preliminary terms and conditions, and fishway prescriptions	September 2019.
Commission issues Non-Draft Environmental Assessment (EA)	March 2020.
Comments on EA	April 2020.
Modified terms and conditions	June 2020.

o. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: April 12, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–07746 Filed 4–17–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP19–125–000]

Gulf South Pipeline Company, LP; Notice of Application

Take notice that on March 29, 2019, 2018, Gulf South Pipeline Company, LP (Gulf South) 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, filed in Docket No. CP19–125–000, an application pursuant to section 7(c) and 7(e) of the Natural Gas Act and Part 157 of the Commission's regulations to construct and maintain the 99 Expansion Project, a new pipeline and auxiliary facilities, located in San Augustine and Sabine Counties, Texas, and Bienville Parish, Louisiana. Specifically, Gulf South proposes to construct (i) approximately 22 miles of 30-inch diameter natural gas pipeline in San Augustine and Sabine Counties, Texas and (ii) other auxiliary appurtenant facilities at both the existing Hall Summit Compressor Station in Bienville Parish, Louisiana and the Magasco Compressor Station in Sabine County, Texas. The proposed project will allow Gulf South to provide up to 500,000 dekatherm per day of new natural gas supply from the Shelby Trough in east Texas to existing interconnects, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the web 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 at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Juan Eligio Jr., Supervisor Regulatory Affairs, Gulf South Pipeline Company, LP, 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, by telephone (713) 479–3480, or by email *juan.eligio@bwpmplp.com* or Payton Barrientos, Senior Regulatory Analyst, Gulf South Pipeline Company, LP, 9 Greenway Plaza, Suite 2800, Houston, Texas

77046, by telephone (713) 479–8157, or by email *payton.barrientos@bwpmplp.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 3 copies of filings made with the Commission and must provide a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list and will be notified of any meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

As of the February 27, 2018 date of the Commission's order in Docket No. CP16- 4–001, the Commission will apply its revised practice concerning out-of-time motions to intervene in any new Natural Gas Act section 3 or section 7 proceeding.[1] Persons desiring to become a party to a certificate proceeding are to intervene in a timely manner. If seeking to intervene out-of-time, the movant is required to show good cause why the time limitation should be waived, and should provide justification by reference to factors set forth in Rule 214(d)(1) of the Commission's Rules and Regulations.[2]

The Commission strongly encourages electronic filings of comments, 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 3 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on May 3, 2019.

Dated: April 12, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–07745 Filed 4–17–19; 8:45 am]

BILLING CODE 6717–01–P

[1] *Tennessee Gas Pipeline Company, L.L.C.,* 162 FERC ¶ 61,167 at ¶ 50 (2018).

[2] 18 CFR 385.214(d)(1).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–41–000]

Notice of Availability of the Final Environmental Impact Statement for the Eagle LNG Partners Jacksonville, LLC Proposed Jacksonville Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a final environmental impact statement (EIS) for the Jacksonville Project, proposed by Eagle LNG Partners Jacksonville, LLC (Eagle LNG) in the above-referenced docket. Eagle LNG requests authorization to construct and operate a liquefied natural gas (LNG) facility on the north bank of the St. Johns River in Jacksonville, Florida. Eagle LNG's Jacksonville Project would consist of an LNG terminal on about 81.1 acres of a 193.4-acre parcel of land and would produce a nominal capacity of about 1.0 million (metric) tonnes per annum (MTPA) of LNG. The LNG terminal would receive natural gas from a new 120-foot-long non-jurisdictional natural gas pipeline constructed by Peoples Gas' (a subsidiary of TECO Energy, Inc.), connected to its existing local gas distribution transmission pipeline, which is immediately adjacent to the proposed terminal site.

The final EIS assesses the potential environmental effects of the construction and operation of the Jacksonville Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the Jacksonville Project would result in some limited adverse environmental impacts; however, these impacts would be reduced to less-than-significant levels with the implementation of Eagle LNG's proposed mitigation and the additional measures recommended in the EIS.

The U.S. Department of Energy, U.S. Coast Guard, U.S. Army Corps of Engineers, and U.S. Department of Transportation participated as cooperating agencies in the preparation of the 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. Although the cooperating agencies provided input to the conclusions and recommendations presented in the EIS, the agencies will present their own conclusions and recommendations in their respective Records of Decision or determinations for the project.

The final EIS addresses the potential environmental effects of the construction and operation of the following project facilities:

- Three LNG trains, each with a nominal capacity of 0.33 MTPA of LNG for export, resulting in a total nominal capacity of 1.0 MTPA;
- One LNG storage tank with a net capacity of 45,000 m^3;
- Marine facilities with a concrete access trestle and loading platform, and two liquid loading arms capable of docking and mooring a range of LNG vessels with an LNG cargo capacity of up to 45,000 m^3;
- LNG truck loading facilities with a dual bay capable of loading 260 to 520 LNG trucks per year;
- A boil-off gas compression system;
- On-site refrigerant storage;
- Ground flare and cold vent systems; and
- Utilities and support facilities (*e.g.,* administration, control, and workshop buildings; roads and parking areas; power and communications; water, air, septic, and stormwater systems).

The Commission mailed a copy of the *Notice of Availability* to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. The 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 final 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.,* CP17–41). 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.

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 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: April 12, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–07749 Filed 4–17–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2835–009.
Applicants: Google Energy LLC.
Description: Erratum to December 18, 2018 Triennial Market Power Analysis for the SPP Region of Google Energy LLC.
Filed Date: 4/9/19.
Accession Number: 20190409–5161.
Comments Due: 5 p.m. ET 4/30/19.

Docket Numbers: ER16–120–008.
Applicants: New York Independent System Operator, Inc.
Description: Compliance filing: Compliance: physical withholding determinations—generator deactivation process to be effective 7/23/2018.
Filed Date: 4/10/19.
Accession Number: 20190410–5143.
Comments Due: 5 p.m. ET 5/1/19.

Docket Numbers: ER19–1541–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Supplement to April 9, 2019 Pre-Arranged/Pre-Agreed (Stipulation and Offer of Settlement) Filing, et al. of the Midcontinent Independent System Operator, Inc., et al.
Filed Date: 4/10/19.
Accession Number: 20190410–5088.
Comments Due: 5 p.m. ET 5/1/19.

Docket Numbers: ER19–1542–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2019–04–09 Bid Generation Exemption Amendment—Request Expedited Treatment to be effective 4/1/2019.
Filed Date: 4/9/19.
Accession Number: 20190409–5125.
Comments Due: 5 p.m. ET 4/23/19.

Docket Numbers: ER19–1543–000.
Applicants: Virginia Electric and Power Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Dominion submits revisions to OATT, Att. H–16C re: 2018 Actual OPEB Expenses to be effective 6/15/2019.
Filed Date: 4/10/19.
Accession Number: 20190410–5028.
Comments Due: 5 p.m. ET 5/1/19.

Docket Numbers: ER19–1544–000.
Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: MAIT submits an ECSA, Service Agreement No. 5270 with PPL Electric to be effective 6/9/2019.
Filed Date: 4/10/19.
Accession Number: 20190410–5051.
Comments Due: 5 p.m. ET 5/1/19.

Docket Numbers: ER19–1545–000.
Applicants: American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: ATSI submits Revised Interconnection Agreement (IA) SA No. 3994 to be effective 6/9/2019.
Filed Date: 4/10/19.
Accession Number: 20190410–5054.
Comments Due: 5 p.m. ET 5/1/19.

Docket Numbers: ER19–1546–000.
Applicants: PJM Interconnection, L.L.C., American Transmission Systems, Incorporated.
Description: § 205(d) Rate Filing: ATSI submits an ECSA, Service Agreement No. 5277 with Cleveland Electric to be effective 6/9/2019.
Filed Date: 4/10/19.
Accession Number: 20190410–5101.
Comments Due: 5 p.m. ET 5/1/19.

Docket Numbers: ER19–1547–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: IFA & DSA Rincon Project SA Nos. 1077 and 1078 to be effective 6/10/2019.
Filed Date: 4/10/19.
Accession Number: 20190410–5110.
Comments Due: 5 p.m. ET 5/1/19.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH19–9–000.
Applicants: KeyCorp.
Description: FERC 65–B Notice of Material Change in Facts of Waiver Notification.
Filed Date: 4/10/19.
Accession Number: 20190410–5076.
Comments Due: 5 p.m. ET 5/1/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 10, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–07772 Filed 4–17–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–118–000]

Notice of Application: Trans-Foreland Pipeline Company LLC

Take notice that on March 29, 2019, Trans-Foreland Pipeline Company LLC (Trans-Foreland), 539 South Main Street, Findlay, Ohio 45840 filed an application in Docket No. CP19–118–000 pursuant to section 3(a) of the Natural Gas Act (NGA) and Part 153 of the Commission's regulations requesting authorization to construct and install modifications to the existing Kenai LNG Plant located in Kenai, Alaska. Trans-Foreland proposes to make facility modifications to bring parts of Kenai LNG Plant out of its current warm idle status and add a 1,000 horsepower electric-driven boil-off gas compressor unit. Trans-Foreland avers that Kenai LNG Plant facilities will not be used to render any transportation service, as more fully described in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web 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 at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Martin J. Marz, Tariff Manager, Tesoro Logistics GP LLC, 19100 Ridgewood Parkway, San Antonio, Texas 78259, by telephone at (210) 626–6517, by facsimile at (205) 623–2396, or by email at *martin.j.marz@andeavor.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 3 copies of filings made in the proceeding with the Commission and must provide a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, and will be notified of any meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

As of the February 27, 2018 date of the Commission's order in Docket No. CP16–4–001, the Commission will apply its revised practice concerning out-of-time motions to intervene in any new NGA section 3 or section 7 proceeding.[1] Persons desiring to become a party to a certificate proceeding are to intervene in a timely manner. If seeking to intervene out-of-time, the movant is required to show good cause why the time limitation should be waived, and should provide justification by reference to factors set forth in Rule 214(d)(1) of the Commission's Rules and Regulations.[2]

The Commission strongly encourages electronic filings of comments, 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 3 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comment Date: May 3, 2019.

Dated: April 12, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–07744 Filed 4–17–19; 8:45 am]

BILLING CODE 6717–01–P

[1] *Tennessee Gas Pipeline Company, L.L.C.,* 162 FERC 61,167 at 50 (2018).

[2] 18 CFR 385.214(d)(1).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP19–1116–000.

Applicants: Enable Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate Filing- April 9 2019 Encana 1011022 to be effective 4/9/2019.

Filed Date: 4/9/19.

Accession Number: 20190409–5153.

Comments Due: 5 p.m. ET 4/22/19.

Docket Numbers: RP19–843–001.

Applicants: Southern LNG Company, L.L.C.

Description: Compliance filing Ship Loading Service Correction Filing to be effective 12/31/9998.

Filed Date: 4/9/19.

Accession Number: 20190409–5003.

Comments Due: 5 p.m. ET 4/16/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 10, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–07773 Filed 4–17–19; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2012–0533; FRL–9991–89–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Phosphate Fertilizer (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Phosphate Fertilizer Industry (EPA ICR Number 1061.14, OMB Control Number 2060–0037), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through April 30, 2019. Public comments were previously requested, via the **Federal Register**, on May 30, 2018 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before May 20, 2019.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2012–0533, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

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: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the 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.*

Abstract: The New Source Performance Standards (NSPS), for Phosphate Fertilizer Industry (40 CFR part 60, subparts T, U, V, W, and X) were proposed on October 22, 1974, promulgated on August 6, 1975, and amended on August 19, 2015. These regulations apply to both existing facilities and new facilities that engage in the manufacture of phosphate fertilizers (wet-process phosphoric acid plants, super-phosphoric acid plants, diammonium phosphate plants, and triple superphosphate plants), and have a design capacity of more than 15 tons of equivalent phosphorous pentoxide (P_2O_5) feed per calendar day. These standards also apply to new and existing facilities that store granular triple superphosphate. These same standards establish fluoride emission limitations as a measure of phosphorus-bearing feed material at affected facilities. The affected facilities may include a combination of reactors, filters, evaporators, hot wells, acid sumps, cooling tanks, granulators, dryers, coolers, screens, mills, mixers, curing belts (dens), coolers, and facilities which store run-of-pile triple superphosphate, depending on the type of plant. New facilities include those that commenced construction, modification or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 60, subpart T, U, V, W, and X.

In general, all NSPS standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NSPS.

Form Numbers: None.

Respondents/affected entities: New and existing facilities that engage in the manufacture of phosphate fertilizers and have a design capacity of more than 15 tons of equivalent phosphorous pentoxide (P_2O_5) feed per calendar day.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subparts T, U, V, W, and X).

Estimated number of respondents: 13 (total).

Frequency of response: Initially, occasionally and semiannually.

Total estimated burden: 1,390 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $478,000 (per year), which includes $320,000 in annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: There is no change in the labor hours or cost in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the industry is very low, negative or non-existent, so there is no significant change in the overall burden.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2019–07724 Filed 4–17–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2012–0525; FRL–9992–07–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Chemical Manufacturing Area Sources (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Chemical Manufacturing Area Sources (EPA ICR Number 2323.07, OMB Control Number 2060–0621), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through April 30, 2019. Public comments were previously requested, via the **Federal Register**, on May 30, 2018 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before May 20, 2019.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2012–0525, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

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: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the 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.*

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Chemical Manufacturing Area Sources were proposed on October 6, 2008, promulgated on October 29, 2009, and most recently-amended on December 21, 2012. The most recent amendment to the standard clarifies applicability and compliance issues to improve implementation. There are nine area source categories in the chemical manufacturing sector: Agricultural Chemicals and Pesticides Manufacturing, Cyclic Crude and Intermediate Production, Industrial Inorganic Chemical Manufacturing, Industrial Organic Chemical Manufacturing, Inorganic Pigments Manufacturing, Miscellaneous Organic Chemical Manufacturing, Plastic Materials and Resins Manufacturing, Pharmaceutical Production, and Synthetic Rubber Manufacturing. These regulations apply process vents, storage tanks, equipment leaks, wastewater systems, transfer operations, and heat exchange systems at affected sources in each area source category and are combined in one subpart. New facilities include those that commenced construction or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 63, subpart VVVVVV.

In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP.

Form Numbers: None.

Respondents/affected entities: Chemical manufacturing area source facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart VVVVVV).

Estimated number of respondents: 528 (total).

Frequency of response: Initially and semiannually.

Total estimated burden: 10,200 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $2,650,000 (per year), which includes $1,490,000 in annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: The increase in burden from the most recently-approved ICR is due to an adjustment. The adjustment is due to an increase in the number of new or modified sources based on continued growth in the industry. The increase in new or modified sources is also reflected in an increase in responses and in capital and O&M costs.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2019–07727 Filed 4–17–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R08–OW–2015–0346; FRL–9992–34-Region 8]

Proposed Issuance of National Pollutant Discharge Elimination System General Permit for Wastewater Discharges Associated With Drinking Water Production Located in the EPA Region 8 Indian Country

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability for comment.

SUMMARY: The Environmental Protection Agency (EPA) Region 8 is requesting comments on the draft 2019 National Pollutant Discharge Elimination System (NPDES) drinking water general permit (DWGP) for wastewater discharges associated with drinking water treatment plants. The DWGP will authorize wastewater discharges from drinking water facilities located in Indian country in the EPA Region 8 in accordance with the terms and conditions described therein. This is the first issuance of the DWGP. EPA proposes to issue the permit for five (5) years and is seeking comment on the draft permit.

DATES: Comments must be received, in writing, on or before 30 days after the date of this publication.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OW–2015–0346, by the following method: *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Once submitted, comments cannot be edited or removed from *www.regulations.gov.* The EPA may publish any comment received. Do not submit 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.*

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 Wastewater 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: Paul Garrison, Wastewater Program, U.S. Environmental Protection Agency, Region 8, Mailcode 8WP–CWW, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6016, *garrison.paul@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Drinking Water General Permit (DWGP) contains requirements similar to an individual permit and will authorize the discharge of process wastewater in accordance with the terms and conditions described therein. The fact sheet for the permit is provided for download concurrently with the permit and provides detailed information on the methodology used to develop effluent limitations, the specific geographic areas covered by the permits, monitoring schedules, inspection requirements, and other regulatory decisions or requirements in the permit.

II. Summary of Permit Coverage

The DWGP (DWG589XXX) provides coverage for drinking water treatment facilities in EPA Region 8 that discharge process wastewater to waters of the United States in Indian Country within the meaning of 18 U.S.C. 1151. A full description of the geographic scope of coverage is included in the public notice version of the permit.

The DWGP provides coverage for discharges of treated wastewater from drinking water treatment processes. Process flows contributing to the discharge include: Filter backwash, filter to waste, decanted lime sludge dewatering, influent screen backwash and/or miscellaneous wastewater sources associated with drinking water facility operation. Miscellaneous wastewater sources may include, but are not limited to: Processed potable water, disinfection of treatment plant pipelines and tanks, and overflow from holding tanks of treated water.

The EPA has identified drinking water treatment processes methods that do not qualify for coverage under the DWGP. The processes wastewaters not included in this general permit include: Batch regenerated potassium permanganate iron removal, sodium zeolite softening, nano filtration and reverse osmosis.

The DWGP contains two sets of effluent limitations: Primary effluent limitations that apply to all discharges, and supplemental effluent limitations that will apply to discharges on an individual basis as necessary to protect water quality. The effluent limitations were derived from technology based and water quality based effluent limitations as described in the fact sheet. The EPA will review a facility's Notice of Intent (NOI) to be covered under the DWGP and determine the need for implementation of the supplemental effluent limitations and corresponding self-monitoring requirements. The permittee will be notified of the applicable effluent limitations and monitoring requirements in the notification of coverage.

The following Tribes in EPA Region 8 have Clean Water Act § 401(a)(1) certification authority: The Assiniboine & Sioux Tribes, the Confederated Salish & Kootenai Tribes, the Northern Cheyenne Tribe, the Ute Mountain Ute Tribe, and the Southern Ute Indian Tribe. The EPA has requested certification from each of these Tribes that the DWGP complies with the applicable provisions of the Clean Water Act and their respective tribal water quality standards.

III. Other Legal Requirements

Economic Impact (Executive Order 12866): The EPA Office of Policy has determined that the issuance of these general permits is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735 (October 4, 1993)) and is therefore not subject to formal Office of Management and Budget (OMB) review prior to proposal.

Paperwork Reduction Act: EPA has reviewed the requirements imposed on regulated facilities in these proposed general permits under the Paperwork Reduction Act of 1980, 44 U.S.C. 501, *et seq.* The information collection requirements of these permits have already been approved by the OMB in submissions made for the NPDES permit program under the provisions of the Clean Water Act.

Unfunded Mandates Reform Act: Section 201 of the Unfunded Mandates Reform Act (UMRA), Public Law 104–4, generally requires federal agencies to assess the effects of their ''regulatory actions'' defined to be the same as ''rules'' subject to the Regulatory Flexibility Act (RFA) on tribal, state, local governments and the private sector. Since the permit proposed is an adjudication, it is not subject to the RFA and is therefore not subject to the requirements of the UMRA.

Authority: Clean Water Act, 33 U.S.C. 1251, *et seq.*

Dated: April 12, 2019.

Darcy O'Connor,

Assistant Regional Administrator, Office of Water Protection.

[FR Doc. 2019–07796 Filed 4–17–19; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX, OMB 3060–0179, OMB 3060–0537 and OMB 3060–1185]

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communication Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before May 20, 2019. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0179.

Title: Section 73.1590, Equipment Performance Measurements.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit institutions.

Number of Respondents and Responses: 13,049 respondents and 13,049 responses.

Estimated Time per Response: 0.5–18 hours.

Frequency of Response: Recordkeeping requirement.

Total Annual Burden: 12,335 hours.

Total Annual Cost: None.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Section 154(i) of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment: No impact(s).

Needs and Uses: The information collection requirements contained in 47 CFR 73.1590(d) require licensees of AM, FM and TV stations to make audio and video equipment performance measurements for each main transmitter. These measurements and a description of the equipment and procedures used in making the measurements must be kept on file at the transmitter or remote control point for two years. In addition, this information must be made available to the FCC upon request.

OMB Control Number: 3060–0537.

Title: Sections 13.9(c), 13.13(c), 13.17(b), 13.211(e) and 13.217, Commercial Operator License Examination Managers (COLEM) Records.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 659 respondents; 659 responses.

Estimated Time per Response: .44 hours to 30 hours.

Frequency of Response: Recordkeeping requirement and on occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154 and 303 of the Communications Act of 1934.

Total Annual Burden: 14,796 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The Commission will submit this expiring information *3168 collection after this comment period to obtain the full, three year clearance from the Office of Management and Budget (OMB). The Commission is requesting approval for a three year extension. The rule sections approved under this collections are 47 CFR 13.9, 13.13, 13.17 13.211 and

13.217. If the information collection requirements were not kept or fulfilled it is conceivable that examinees could be overcharged and that fraud and deceit could be used for unjust enrichment of the examiners.

OMB Control Number: 3060–1185.

Title: Annual Report for Mobility Fund Phase I Support, FCC Form 690 and Record Retention Requirements.

Form Number: FCC Form 690.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local or tribal governments.

Number of Respondents and Responses: 34 respondents and 880 responses.

Time per Response: 1–18 hours.

Frequency of Response: Annual and on occasion reporting requirement; recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection 47 U.S.C. 154, 254 and 303(r) of the Communications Act of 1934, as amended.

Estimated Total Annual Burden: 15,874 hours.

Total Annual Costs: No cost.

Nature and Extent of Confidentiality: There is no need for confidentiality. The information collected on FCC Form 690 will be made available for public inspection. To the extent that an applicant seeks to have information collected on FCC Form 690 withheld from public inspection, the applicant may request confidential treatment pursuant to 47 CFR 0.459.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: A request for extension of this information collection (no change in requirements) will be submitted to the Office of Management and Budget (OMB) after this 60-day comment period in order to obtain the full three year clearance from OMB. The Commission uses the information contained in this collection to ensure that each winning bidder is meeting its obligations for receiving Mobility Fund Phase I (MF–I) support. In its November 2011 USF/ICC Transformation Order (FCC 11–161), the Commission comprehensively reformed and modernized the high-cost program within the universal service fund and, among other things, established the Mobility Fund. The Commission adopted rules in the USF/ICC Transformation Order for MF–I, which provided up to $300 million in one-time universal service support payments to immediately accelerate deployment of mobile broadband services in unserved areas, including annual reporting and record retention requirements for MF–I support recipients. The Commission also established a separate and complementary one-time Tribal Mobility Fund Phase I (TMF–I) to award up to $50 million in additional universal service funding to Tribal Areas, including Alaska, to accelerate mobile broadband availability in these remote and underserved areas. In its May 2012 Third Order on Reconsideration (FCC 12–52), the Commission revised certain rules adopted in the USF/ICC Transformation Order, including the deadline by which MF–I and TMF–I support recipients must file their annual reports pursuant to 47 CFR 54.1009(a). The information being collected under this information collection will be used by the Commission to ensure that each MF–I support recipient is meeting the public interest obligations associated with receiving such support.

OMB Control Number: 3060–XXXX.

Title: Incumbent 39 GHz Licensee Short-Form Application.

Form Number: FCC Form 175–A.

Type of Review: New information collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local or tribal governments.

Estimated Number of Respondents and Responses: 16 respondents and 16 responses.

Estimated Time per Response: 30 minutes.

Frequency of Response: One-time reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for the currently approved information collection is contained in sections 154, 254, and 303(r) of the Communications Act, as amended, 47 U.S.C. 4, 254, 303(r).

Estimated Total Annual Burden: 8 hours.

Total Annual Costs: None.

Nature and Extent of Confidentiality: Information collected pursuant this information collection will be made available for public inspection, and the Commission is not requesting that respondents submit confidential information in response to this information collection. To the extent a respondent seeks to have information collected pursuant to this information collection withheld from public inspection, the respondent may request confidential treatment of such information pursuant to section 0.459 of the Commission's rules, 47 CFR 0.459.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: A request for approval of this new information collection will be submitted is being submitted to the Office of Management and Budget (OMB) to obtain the full three-year clearance from OMB.

In its 2016 Spectrum Frontiers Report and Order (FCC 16–89), the Commission adopted Upper Microwave Flexible Use Service (UMFUS) rules for the 28 GHz, Upper 37 GHz, and 39 GHz bands to make available millimeter wave spectrum for 5G. In its 2017 Spectrum Frontiers Second Report and Order (FCC 17–152), the Commission expanded the UMFUS rules to cover the 24 GHz and 47 GHz bands. In its December 2018 Fourth Report and Order (FCC 18–180), the Commission established an incentive auction that promotes the flexible-use wireless service rules that the Commission has adopted for the Upper 37 GHz, 39 GHz, and 47 GHz bands and, among other things, adopted modified band plans for these bands.

There are currently a number of existing licenses in the 39 GHz band that do not fit geographically into the Commission's new 39 GHz band plan, resulting in ''encumbered'' licenses in this band. The Commission will use the incentive auction process to resolve the difficulties presented by these encumbrances and the need for existing 39 GHz licenses to be transitioned efficiently to the new band plan and possibly to new service areas. Pursuant to the reconfiguration process adopted in the Fourth Report and Order, prior to the incentive auction, the Commission will offer each incumbent 39 GHz licensee a reconfiguration of its existing 39 GHz licenses that conforms more closely with the Commission's new band plan and service areas. Each incumbent can then choose to commit to (1) have its existing 39 GHz licenses modified based on the Commission's reconfiguration proposal; or (2) have its licenses modified based on an alternative reconfiguration proposed by the incumbent (provided it satisfies certain specified conditions); or (3) relinquish its existing spectrum usage rights in exchange for an incentive payment. An incumbent 39 GHz licensee will submit contact and related information and certifications on FCC Form 175–A which will be used by the Commission to enable the incumbent licensee to make its commitment to either accept modification of its 39 GHz spectrum holdings (either as proposed by the Commission or an acceptable alternate) or to relinquish its existing spectrum usage rights in exchange for an incentive payment.

Federal Communications Commission.

Cecilia Sigmund,

Federal Register Liaison.

[FR Doc. 2019–07759 Filed 4–17–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

TIME AND DATE: Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 11:04 a.m. on Tuesday, April 16, 2019, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters related to the Corporation's supervision, corporate, and resolution activities.

PLACE: The meeting was held in the Board Room located on the sixth floor of the FDIC Building located at 550 17th Street NW, Washington, DC.

STATUS: The meeting was closed to the public.

MATTERS TO BE CONSIDERED: In calling the meeting, the Board determined, on motion of Director Joseph M. Otting (Comptroller of the Currency), seconded by Director Martin J. Gruenberg, and concurred in by Director Kathleen L. Kraninger (Director, Consumer Financial Protection Bureau), and Chairman Jelena McWilliams, that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

CONTACT PERSON FOR MORE INFORMATION: Requests for further information concerning the meeting may be directed to Robert E. Feldman, Executive Secretary of the Corporation, at 202–898–7043.

Dated at Washington, DC, on April 16, 2019.

Federal Deposit Insurance Corporation.

Robert E. Feldman.

Executive Secretary.

[FR Doc. 2019–07938 Filed 4–16–19; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Tuesday, April 23, 2019 at 10:00 a.m.

PLACE: 1050 First Street NE, Washington, DC.

STATUS: This Meeting Will Be Closed to the Public.

MATTERS TO BE CONSIDERED: Compliance matters pursuant to 52 U.S.C. 30109.

Matters concerning participation in civil actions or proceedings or arbitration.

* * * * *

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer; Telephone: (202) 694–1220.

Laura E. Sinram,

Deputy Secretary of the Commission.

[FR Doc. 2019–07973 Filed 4–16–19; 4:15 pm]

BILLING CODE 6715–01–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.

20190269	G	FAA Jr. Family Trust; AirCo Aviation Services LLC; FAA Jr. Family Trust.
20190361	G	Crestview Partners II, L.P.; United Services Automobile Association; Crestview Partners II, L.P.
20190373	G	Sun Capital Partners VI, LP.; Natural Resource Partners L.P.; Sun Capital Partners VI, LP.
20190381	G	TowerBrook Investors IV (Onshore), L.P.; Gryphon Partners 3.5, L.P.; TowerBrook Investors IV (Onshore), L.P.
12/04/2018		
20190272	G	Carl Zeiss Stiftung; Iantech, Inc.; Carl Zeiss Stiftung.
20190397	G	Lamb Weston Holdings, Inc.; Ochoa Ag Unlimited Foods, Inc.; Lamb Weston Holdings, Inc.
20190402	G	Mercuria Energy Group Holding Limited; Aegean Marine Petroleum Network Inc.; Mercuria Energy Group Holding Limited.
12/06/2018		
20190231	G	Hoya Corporation; Kai Chen; Hoya Corporation.
20190372	G	Edenred S.A.; Keith J. Stone; Edenred S.A.
20190374	G	The Resolute Fund IV, L.P.; Marlin Heritage, L.P.; The Resolute Fund IV, L.P.
20190403	G	KKR Americas Fund XII, L.P.; CAI Capital Partners and Company IV, L.P.; KKR Americas Fund XII, L.P.
20190089	G	Permira VI L.P. 1; XO Group Inc.; Permira VI L.P. 1.
20190301	G	Ferguson plc.; Mr. Robert Mannheimer; Ferguson plc.
20190319	G	Agrosuper S.A.; Empresas AquaChile S.A.; Agrosuper S.A.
20190369	G	Pershing Square International, Ltd.; Lowe's Companies, Inc.; Pershing Square International, Ltd.
20190391	G	Gryphon Partners V, L.P.; FCP-RegEd Holdings, LLC; Gryphon Partners V, L.P.

20190395	G	The Veritas Capital Fund VI, L.P.; athenahealth, Inc.; The Veritas Capital Fund VI, L.P.
20190404	G	FS Equity Partners VII, L.P.; MSouth Equity Partners III, L.P.; FS Equity Partners VII, L.P.
20190408	G	New Wolfpack Parent, LLC; Oak Hill Capital Partners III, L.P.; New Wolfpack Parent, LLC.
20190409	G	Pioneer Natural Resources Company; ProPetro Holding Corp.; Pioneer Natural Resources Company.
20190410	G	ProPetro Holding Corp.; Pioneer Natural Resources Company; ProPetro Holding Corp.
20190411	G	GTCR Fund XII/B LP; TA XI NS–A Feeder, L.P.; GTCR Fund XII/B LP.
20190413	G	Vistria Fund II, LP; BHG Investments, LLC; Vistria Fund II, LP.
20190415	G	Sterling Investment Partners III, L.P.; Mar-Cone Appliance Parts Co.; Sterling Investment Partners III, L.P.
20190416	G	SoftBank Vision Fund (AIV M2) L.P.; Kabbage Inc.; SoftBank Vision Fund (AIV M2) L.P.
20190418	G	Sunoco LP; American Midstream Partners, LP; Sunoco LP.
20190432	G	American Securities Partners VII, L.P.; TPG Partners VI, LP; American Securities Partners VII, L.P.
20190437	G	Jeffery D. Hildebrand; General Electric Company; Jeffery D. Hildebrand.
20190439	G	BW AIV IV Direct Feeder, LP; Timothy Fox; BW AIV IV Direct Feeder, LP.
20190446	G	Cushman & Wakefield plc; Gridiron Capital Fund II, LP; Cushman & Wakefield plc.
20190452	G	Carlyle U.S. Equity Opportunity Fund II, L.P.; William Marsh Rice University; Carlyle U.S. Equity Opportunity Fund II, L.P.
20190454	G	Kerry Group plc; G & L Holdings, Inc.; Kerry Group plc.
		12/11/2018
20190365	G	Spectrum Brands Holdings, Inc.; Energizer Holdings, Inc.; Spectrum Brands Holdings, Inc.
20190366	G	Energizer Holdings, Inc.; Spectrum Brands Holdings, Inc.; Energizer Holdings, Inc.
20190378	G	Cable One, Inc.; SCP Clearwave FO LLC; Cable One, Inc.
20190394	G	Mary Ann Walters; Slakey Brothers, Inc.; Mary Ann Walters.
20190436	G	Compass Group PLC; VGM Group, Inc.; Compass Group PLC.
20190456	G	NHIP II Bison Holdings, LLC; The Williams Companies, Inc.; NHIP II Bison Holdings, LLC.
20190459	G	MH JV Holdings, LP; Clearview Risk Holdings, LLC; MH JV Holdings, LP.
20190461	G	Paychex, Inc.; Oasis Outsourcing Group Holdings, L.P.; Paychex, Inc.
20190462	G	Five Point Energy Fund I LP; Concho Resources Inc.; Five Point Energy Fund I LP.
20190467	G	Palladium Equity Partners V, LP; Guillermo Quirch Jr; Palladium Equity Partners V, LP.
20190349	G	Autodesk, Inc.; PlanGrid, Inc.; Autodesk, Inc.
20190406	G	BlackBerry Limited; Cylance Inc.; BlackBerry Limited.
20190407	G	JFL Equity Investors IV, L.P.; Strength Capital Partners II LP; JFL Equity Investors IV, L.P.
20190412	G	Delta Dental of California; Oregon Dental Service; Delta Dental of California.
20190427	G	Thoma Bravo Discover Fund II, L.P.; PEC Premier Safety LLC; Thoma Bravo Discover Fund II, L.P.
20190450	G	Irrevocable Trust for Grandchildren; Marvin M. Schwan 1992 Great Great Grandchildren's Trust; Irrevocable Trust for Grandchildren.
20190451	G	State Farm Mutual Automobile Ins. Co.; RenaissanceRe Holdings Ltd.; State Farm Mutual Automobile Ins. Co.
20190469	G	Acrisure Investors FO, LLC; Charles J. Nielson; Acrisure Investors FO, LLC.
20190475	G	Forrester Research, Inc.; SiriusDecisions, Inc.; Forrester Research, Inc.
		12/13/2018
20190318	G	Gryphon Partners V, L.P.; NTG Holdings, LLC; Gryphon Partners V, L.P.
		12/14/2018
20190362	G	SVB Financial Group; Leerink Holdings LLC; SVB Financial Group.
20190417	G	Leeds Equity Partners VI, L.P.; Dov Seidman; Leeds Equity Partners VI, L.P.
20190433	G	U.S. Bancorp; Jorge and Mercedes Fernandez; U.S. Bancorp.
20190440	G	Schell & Kampeter, Inc.; Diamond Pet Food Processors of Ripon, LLC; Schell & Kampeter, Inc.
20190441	G	Schell & Kampeter, Inc.; Diamond Pet Food Processors of South Carolina LLC; Schell & Kampeter, Inc.
20190442	G	Schell & Kampeter, Inc.; DPFP Management Company, LLC; Schell & Kampeter, Inc.
20190463	G	Sempra Energy; InfraREIT, Inc.; Sempra Energy.
20190464	G	Loyal Trust No. 1; InfraREIT, Inc.; Loyal Trust No. 1.
20190468	G	Sempra Energy; Loyal Trust No.1; Sempra Energy.
20190472	G	HollyFrontier Corporation; LCP VIII (AIV I), L.P.; HollyFrontier Corporation.
20190495	G	Alphabet, Inc.; DexCom, Inc.; Alphabet, Inc.
20190497	G	Sanofi; DexCom, Inc.; Sanofi.
20190460	G	Carlyle Partners VII, L.P.; CommScope Holding Company, Inc.; Carlyle Partners VII, L.P.
20190466	G	GI Partners Fund V LP; Genossenschaft Constanter; GI Partners Fund V, LP.
20190471	G	Brookfield Capital Partners V L.P.; Johnson Controls International plc; Brookfield Capital Partners V, L.P.
20190476	G	BlackRock, Inc.; Envestnet, Inc.; BlackRock, Inc.
20190478	G	Hexcel Corporation; Daniel P. Healey III; Hexcel Corporation.
20190479	G	Colfax Corporation; Blackstone Capital Partners V L.P.; Colfax Corporation.
20190481	G	The Kraft Heinz Company; Mr. Mark Sisson; The Kraft Heinz Company.
20190484	G	Ardian Americans Infrastructure Fund IV S.C.S SICAV–RAIF; New Jersey Resources Corporation; Americans Infrastructure Fund IV S.C.S SICAV–RAIF Ardian.
20190485	G	Sun Capital Partners VI, LP.; Regal Beloit Corporation; Sun Capital Partners VI, LP.
20190487	G	Montagu V LP; Eastman Kodak Company; Montagu V, LP.
20190491	G	Xcel Energy Inc.; The Southern Company; Xcel Energy Inc.
20190492	G	Aqua America, Inc.; SteelRiver Infrastructure Fund North America LP; Aqua America, Inc.
20190494	G	Kentucky Racing Holdco, LLC; Kentucky Downs Partners, LLC; Kentucky Racing Holdco, LLC.
20190496	G	Jeffrey Broin; POET Biorefining, LLC; Jeffrey Broin.
20190500	G	NextEra Energy, Inc.; TBAIV II Feeder LLC; NextEra Energy, Inc.
20190501	G	Permira VI L.P. 1; Pinstripe Holdings, LLC; Permira VI, L.P. 1.
20190502	G	WEC Energy Group, Inc.; Iberdrola, S.A.; WEC Energy Group, Inc.

20190507	G	Warren A. Hood, Jr.; Gary West; Warren A. Hood, Jr.
20190512	G	Gryphon Partners V, L.P.; Johnson & Johnson; Gryphon Partners V, L.P.
		12/18/2018
20181467	G	Daimler AG; Bayerische Motoren Werke Aktiengesellschaft; Daimler AG.
20181468	G	Bayerische Motoren Werke Aktiengesellschaft; Daimler AG; Bayerische Motoren Werke Aktiengesellschaft.
20190490	G	Cerebus Institutional Partners VI, L.P.; Navistar International Corporation; Cerebus Institutional Partners VI, L.P.
		12/19/2018
20190428	G	Cressey & Company Fund VI LP; McCarthy Capital Fund V, L.P.; Cressey & Company Fund VI, L.P.
20190509	G	Merit Corporation SAL; CEVA Logistics AG; Merit Corporation SAL.
20181670	G	Gray Television, Inc.; Raycom Media, Inc.; Gray Television, Inc.
20190414	G	Odyssey Investment Partners Fund V, LP; Cortec Group Fund V, L.P.; Odyssey Investment Partners Fund V, LP.
20190420	G	Insight Venture Partners X, L.P.; Veeam Software Holding Limited; Insight Venture Partners X, L.P.
20190449	G	Insight Venture Partners (Cayman) X, L.P.; Veeam Software Holding Limited; Insight Venture Partners (Cayman) X, L.P.
20190473	G	Bessemer Securities LLC; Twilio Inc.; Bessemer Securities LLC.
20190474	G	Bessemer Venture Partners VIII Institutional L.P.; Twilio Inc.; Bessemer Venture Partners VIII Institutional L.P.
20190504	G	ArcLight Energy Partners Fund VI, L.P.; TransMontaigne Partners L.P.; ArcLight Energy Partners Fund VI, L.P.
20190511	G	Rond Point Immobilier SAS; IQMS; Rond Point Immobilier SAS.
20190517	G	E-Mart Inc.; Endeavour Capital Fund V, L.P.; E-Mart Inc.
		12/21/2018
20180794	G	Mr. Aloke Lohia and Mrs. Suchitra Lohia; M&G Resins USA, LLC; Mr. Aloke Lohia and Mrs. Suchitra Lohia.
20180795	G	Alfa, S.A.B. de C.V.; M&G Resins USA, LLC; Alfa, S.A.B. de C.V.
20190400	G	SAP SE; Grandview Holdings LLC; SAP SE.
20190438	G	Vista Foundation Fund III, L.P.; Wrike, Inc.; Vista Foundation Fund III, L.P.
20190515	G	Cimarex Energy Co.; Resolute Energy Corporation; Cimarex Energy Co.
20190518	G	Par Pacific Holdings, Inc.; Riverstone Global Energy and Power Fund V (FT), L.P.; Par Pacific Holdings, Inc.
20190519	G	Riverstone Global Energy and Power Fund V (FT), L.P.; Par Pacific Holdings, Inc.; Riverstone Global Energy and Power Fund V (FT), L.P.
20190522	G	Vector Capital V, L.P.; Host Analytics, Inc.; Vector Capital V, L.P.
20190530	G	New Mountain Partners V, L.P.; Remedy Founders LLC; New Mountain Partners V, L.P.
20190534	G	RenaissanceRe Holdings Ltd.; Tokio Marine Holdings, Inc.; RenaissanceRe Holdings Ltd.
20190538	G	Pentagon Federal Credit Union; Progressive Credit Union; Pentagon Federal Credit Union.
20190540	G	ResMed Inc.; Reciprocal Labs Corporation; ResMed Inc.
20190545	G	Arthur J. Gallagher & Co.; Inversion Holding Company, LLC; Arthur J. Gallagher & Co.
20190548	G	Arsenal Capital Partners IV LP; Accretive III, L.P.; Arsenal Capital Partners IV LP.
		12/26/2018
20190186	G	Baylor Scott & White Holdings; Providence St. Joseph Health; Baylor Scott & White Holdings.
20190539	G	ArcLight Energy Partners Fund VII, L.P.; Thorntons Inc.; ArcLight Energy Partners Fund VII, L.P.
20190549	G	EQT VIII (No. 1) SCSp; Centerstage Investments, L.L.C.; EQT VIII (No. 1) SCSp.
20180129	G	Michael J. Angelakis; WME Entertainment Parent, LLC; Michael J. Angelakis.
20190521	G	Kadant Inc.; Levine Leichtman Capital Partners Private Capital Solutions; Kadant Inc.
20190523	G	Carlisle Companies Incorporated; Michael F. Petersen; Carlisle Companies Incorporated.
20190529	G	David and Tessie Ganzsarto; Beaumont Health; David and Tessie Ganzsarto.
20190558	G	Denbury Resources Inc.; Penn Virginia Corporation; Denbury Resources Inc.

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 Tabor,

Acting Secretary.

[FR Doc. 2019–07737 Filed 4–17–19; 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.

		01/28/2019
20181405	G	Sycamore Partners II, L.P.; Essendant Inc.; Sycamore Partners II, L.P.
		01/31/2019
20190587	G	Tivity Health, Inc.; Nutri System Inc; Tivity Health, Inc.
20190588	G	Akamai Technologies, Inc.; HighBar Partners III, L.P.; Akamai Technologies, Inc.
20190600	G	Siris Partners IV (Cayman) Main, L.P.; Travelport Worldwide Limited; Siris Partners IV (Cayman) Main, L.P.
20190634	G	Vista Equity Partners Fund VI, L.P.; MINDBODY, Inc.; Vista Equity Partners Fund VI, L.P.
20190637	G	VanEck Vectors ETF Trust; Compania de Minas Buenaventura S.A.A.; VanEck Vectors ETF Trust.
20190639	G	Centerbridge Capital Partners III, L.P.; Civitas Solutions, Inc.; Centerbridge Capital Partners III, L.P.
20190642	G	Five Point Energy Fund I LP; NGL Energy Partners LP; Five Point Energy Fund I LP.
20190644	G	EQT Infrastructure III (No. 1) SCSp; Kodiak Gas Services, LLC; EQT Infrastructure III (No. 1) SCSp.
20190645	G	Greif, Inc.; H.I.G. Bayside Debt & LBO Fund II, L.P.; Greif, Inc.
20190646	G	Ullico Infrastructure Tax-Exempt Fund, L.P.; Southern Star Acquisition Corporation; Ullico Infrastructure Tax-Exempt Fund, L.P.
20190655	G	ArcLight Energy Partners Fund VI, L.P.; Sempra Energy; ArcLight Energy Partners Fund VI, L.P.
20190658	G	GIP II Blue Holding Partnership, L.P.; Hess Corporation; GIP II Blue Holding Partnership, L.P.
20190661	G	Sierra Income Corporation; Medley Capital Corporation; Sierra Income Corporation.
20190665	G	NGP Natural Resources X, L.P.; Chesapeake Energy Corporation; NGP Natural Resources X, L.P.
20190666	G	NGP Natural Resources XI, L.P.; Chesapeake Energy Corporation; NGP Natural Resources XI, L.P.
20190668	G	SoftBank Vision Fund (AIV M2) L.P.; Cambridge Mobile Telematics, Inc.; SoftBank Vision Fund (AIV M2) L.P.
20190669	G	Genstar Capital Partners VI, L.P.; GC Lighthouse Holdings, Inc.; Genstar Capital Partners VI, L.P.
20190670	G	GC Lighthouse Holdings, Inc.; Genstar Capital Partners VI, L.P.; GC Lighthouse Holdings, Inc.
20190672	G	Waste Management Inc.; Tailwater Energy Fund II LP; Waste Management Inc.
20190678	G	Macquarie Infrastructure Partners III, L.P.; Nippon Yusen Kabushiki Kaisha Ltd.; Macquarie Infrastructure Partners III, L.P.
20190680	G	RTC Holdings, L.L.C.; EATELCORP, L.L.C.; RTC Holdings, L.L.C.
20190684	G	Elliott International Limited; Roadrunner Transportation Systems, Inc.; Elliott International Limited.
20190687	G	CHS Inc.; WCI Holdings Co.; CHS Inc.
20190692	G	HAL Trust; Fletcher Building Limited; HAL Trust.
20190693	G	William C. Adams; Robert A. Jeffreys; William C. Adams.
20190697	G	Think and Learn Private Limited; Tangible Play, Inc.; Think and Learn Private Limited.
20190699	G	Kelso Investment Associates IX, L.P.; Neil C. Krauter, Jr. Trust and The Christian Krauter Trust; Kelso Investment Associates IX, L.P.
20190702	G	Investindustrial VI L.P.; Jupiter Holding I Corp.; Investindustrial VI L.P.
20190708	G	Globetrotter Topco, Inc.; Welsh, Carson Anderson & Stowe XII, L.P.; Globetrotter Topco, Inc.
20190710	G	Kyocera Corporation; Renovis Surgical Technologies, Inc.; Kyocera Corporation.
20190711	G	Accel-KKR Capital Partners III, LP; The Sage Group plc; Accel-KKR Capital Partners III, LP.
20190716	G	DXC Technology Company; IBS Group Holding Limited; DXC Technology Company.
20190726	G	Zix Corporation; Marlin Equity IV AIV, L.P.; Zix Corporation.
20190728	G	Vista Foundation Fund III, L.P.; Four Winds Interactive LLC; Vista Foundation Fund III, L.P.
20190729	G	Paul J. Sarvadi; Insperity, Inc.; Paul J. Sarvadi.
20190733	G	Shantanu Narayen; Adobe Inc.; Shantanu Narayen.
20190734	G	Insight Holdings (DE), LP; reInvention Holdings, LLC; Insight Holdings (DE), LP.
20190735	G	Gregory C. Case; Aon plc; Gregory C. Case.
20190736	G	Canada Pension Plan Investment Board; Bloom Energy Corporation; Canada Pension Plan Investment Board.
20190740	G	Novacap TMT IV, L.P.; Freudenberg & Co. Kommanditgesellschaft; Novacap TMT IV, 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 Tabor,

Acting Secretary.

[FR Doc. 2019–07736 Filed 4–17–19; 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**.

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20182104	G	Walgreens Boots Alliance, Inc.; Fred's, Inc.; Walgreens Boots Alliance, Inc.
20190080	G	Bharti Overseas Private Limited (India); Triton International Limited; Bharti Overseas Private Limited (India).

11/02/2018		
20181993	G	Willdan Group, Inc.; Lime Energy Co.; Willdan Group, Inc.
20190048	G	Agilent Technologies, Inc.; Acea Biosciences, Inc.; Agilent Technologies, Inc.
20190073	G	Husky Energy Inc.; MEG Energy Corp.; Husky Energy Inc.
20190130	G	SoftBank Vision Fund (AIV M1) L.P.; View, Inc.; SoftBank Vision Fund (AIV M1) L.P.
20190135	G	BEP Diamond Topco L.P.; American Securities Partners VII, L.P.; BEP Diamond Topco L.P.
20190137	G	Mr. Zhiqiang Lu; Genworth Financial, Inc.; Mr. Zhiqiang Lu.
20190139	G	Brown & Brown, Inc.; The Hays Group, Inc.; Brown & Brown, Inc.
20190142	G	ITE Rail Fund L.P.; Carl C. Icahn; ITE Rail Fund L.P.
20190147	G	Golden Gate Capital Opportunity Fund, L.P.; Merit Mezzanine Fund IV, L.P.; Golden Gate Capital Opportunity Fund, L.P.
20190149	G	Golden Gate Capital Opportunity Fund, L.P.; Providence Equity Partners VII Vector Learning L.P.; Golden Gate Capital Opportunity Fund, L.P.
20190162	G	AP VIII Prime Security Services Holdings, L.P.; Comvest Investment Partners IV, L.P.; AP VIII Prime Security Services Holdings, L.P.
20190163	G	Clearlake Capital Partners V, L.P.; Riverside Capital Appreciation Fund V, L.P.; Clearlake Capital Partners V, L.P.
20190164	G	The Veritas Capital Fund VI, L.P.; ICG Strategic Secondaries Fund II LP; The Veritas Capital Fund VI, L.P.
20190173	G	Carlyle International Energy Partners, L.P.; Lime Rock Partners V, L.P.; Carlyle International Energy Partners, L.P.
11/05/2018		
20190036	G	Saban Capital Acquisition Corp.; Panavision Inc.; Saban Capital Acquisition Corp.
11/06/2018		
20182074	G	TMX Holdings, LLLP; Aramark; TMX Holdings, LLLP.
20190049	G	DG Urban-C LP; Urban Compass, Inc.; DG Urban-C LP.
20190107	G	Crestview Partners II, L.P.; Harvest Volatility Management, LLC; Crestview Partners II, L.P.
20190172	G	Vedihold S.A.; Riverside Fund V, L.P.; Vedihold S.A.
20190185	G	Bain Capital Fund XII, L.P.; Lindsay Goldberg III AIV DT (Direct) L.P.; Bain Capital Fund XII, L.P.
11/07/2018		
20182026	G	Stryker Corporation; K2M Group Holdings, Inc.; Stryker Corporation.
20190168	G	Tata Steel Limited; thyssenkrupp Netherlands Project B.V.; Tata Steel Limited.
20190170	G	thyssenkrupp AG; thyssenkrupp Netherlands Project B.V.; thyssenkrupp AG.
20190115	G	Atlas Copco AB; Brooks Automation, Inc.; Atlas Copco AB.
20190152	G	Thoma Bravo Fund XIII, L.P.; Imperva, Inc.; Thoma Bravo Fund XIII, L.P.
20190160	G	2003 TIL Settlement; Thomas D. Barnes and Sharon J. Barnes (Husband & Wife); 2003 TIL Settlement.
11/09/2018		
20190157	G	Temasek Holdings (Private) Limited; General Electric Company; Temasek Holdings (Private) Limited.
20190179	G	KKR Americas Fund XII, L.P.; Epic Games, Inc.; KKR Americas Fund XII, L.P.
20190182	G	Ensign Energy Services Inc.; Trinidad Drilling Ltd.; Ensign Energy Services Inc.
20190183	G	CIP Capital Fund II, L.P.; Falfurrias Capital Partners II, LP; CIP Capital Fund II, L.P.
20190198	G	WH Smith PLC; InMotion Entertainment Holdings LLC; WH Smith PLC.
20190199	G	Trident VII, L.P. c/o Stone Point Capital LLC; Lennar Corporation; Trident VII, L.P. c/o Stone Point Capital LLC.
20190203	G	Saputo Inc.; Jeffrey B. Terranova; Saputo Inc.
20190209	G	EnerSys; Fred Kaiser; EnerSys.
20190211	G	MKS Instruments, Inc.; Electro Scientific Industries, Inc.; MKS Instruments, Inc.
20190215	G	Sovos Brands Limited Partnership; Noosa Holdco, L.P.; Sovos Brands Limited Partnership.
20190216	G	TPG Growth IV DE AIV II, L.P.; Q-Centrix Holdings, LLC; TPG Growth IV DE AIV II, L.P.
20190220	G	Kerry Group plc; Green Plains, Inc.; Kerry Group plc.
20190228	G	NCR Corporation; Flexpoint Fund II, L.P.; NCR Corporation.
20190235	G	Platinum Equity Capital Partners IV. L.P.; Lonza Group Ltd; Platinum Equity Capital Partners IV. L.P.
11/14/2018		
20190132	G	Trian Partners, L.P.; PPG Industries Inc; Trian Partners, L.P.
20190133	G	Trian Star Trust; PPG Industres, Inc.; Trian Star Trust.
20190134	G	Trian Partners Co-Investment Opportunities Fund, LLC; PPG Industries Inc.; Trian Partners Co-Investment Opportunities Fund, LLC.
20190155	G	Welsh Carson Anderson & Stowe XII, L.P.; SIG Growth Equity Funds Limited Partnership, LLLP; Welsh Carson Anderson & Stowe XII, L.P.
20190166	G	Clearlake Capital Partners V, L.P.; VCS Holdco, LLC; Clearlake Capital Partners V, L.P.
20190195	G	Ross Aviation Investment, LLC; Thomas J. Russell; Ross Aviation Investment, LLC.
20190219	G	Osaka Gas Co., Ltd; GIP II CPV Holdings Partnership, L.P.; Osaka Gas Co., Ltd.
20190226	G	George D. Yancopoulos, M.D., PH.D; Regeneron Pharmaceuticals, Inc; George D. Yancopoulos, M.D., PH.D.
20190240	G	GIP III Stetson II, L.P.; EnLink Midstream Partners, LP; GIP III Stetson II, L.P.
20181104	S	K. Rupert Murdoch; The Walt Disney Company; K. Rupert Murdoch.
20190189	G	The Resolute Fund III, LP; The Resolute Fund II, LP; The Resolute Fund III, LP.
20190197	G	Benchmark Capital Partners VII, L.P.; Cloudera, Inc.; Benchmark Capital Partners VII, L.P.
20190205	G	Eagle Parent Holdings, LLC; INTTRA Inc.; Eagle Parent Holdings, LLC.
20190207	G	Invesco Ltd.; Massachusetts Mutual Life Insurance Company; Invesco Ltd.
20190246	G	Massachusetts Mutual Life Insurance Company; Invesco Ltd.; Massachusetts Mutual Life Insurance Company.

11/19/2018		
20190104	G	Carlyle Holdings I L.P.; Robert G. Korn; Carlyle Holdings I L.P.
20190105	G	Carlyle Holdings I L.P.; William D. Hoffman; Carlyle Holdings I L.P.
20190112	G	Mercer International Inc.; Marubeni Corporation; Mercer International Inc.
20190113	G	Mercer International Inc.; Nippon Paper Industries Co., Ltd.; Mercer International Inc.
20190116	G	Cloudera, Inc.; Hortonworks, Inc.; Cloudera, Inc.
20190237	G	Cornell Capital Partners LP; Novacap Industries IV, L.P.; Cornell Capital Partners LP.
20190244	G	Arch Capital Group Ltd.; Daniel F. McNeil; Arch Capital Group Ltd.
20190247	G	Mr. Paul Rady; Antero Midstream Corporation; Mr. Paul Rady.
20190248	G	Antero Midstream Corporation; Antero Midstream Partners LP; Antero Midstream Corporation.
20190249	G	Mr. Glen C. Warren, Jr.; Antero Midstream Corporation; Mr. Glen C. Warren, Jr.
20190250	G	Antero Resources Corporation; Antero Midstream Corporation; Antero Resources Corporation.
20190251	G	IPG Photonics Corporation; Genesis Systems Group, LLC; IPG Photonics Corporation.
20190252	G	Robert Kraft; Resolute Forest Products Inc.; Robert Kraft.
20190254	G	Schwarz Partners, L.P.; Resolute Forest Products Inc.; Schwarz Partners, L.P.
20190258	G	Trade Supplies Holdings, LLC; Steven Supowitz; Trade Supplies Holdings, LLC.
20190261	G	Avista Capital Partners IV, L.P.; G&W Laboratories,Inc.; Avista Capital Partners IV, L.P.
20190262	G	FR XIII Charlie AIV, L.P.; Dominion Energy, Inc.; FR XIII Charlie AIV, L.P.
20190263	G	Hub Group, Inc.; CaseStack, Inc.; Hub Group, Inc.
20190264	G	Asahi Kasei Corporation; Atlas Capital Resources (A5) LP; Asahi Kasei Corporation.
20190265	G	Churchill Downs Incorporated; High Plaines Gaming, LLC; Churchill Downs Incorporated.
20190267	G	PPG Industries, Inc.; Marilyn J. Scranton; PPG Industries, Inc.
20190268	G	The Marcus Corporation; VSS IV SPV LP; The Marcus Corporation.
20190270	G	Sanofi; Denali Therapeutics Inc.; Sanofi.
20190274	G	BBH Capital Partners V, L.P.; Jeremy Finkelstein, M.D.; BBH Capital Partners V, L.P.
20190286	G	ABRY Partners VIII, L.P.; U.S. Legal Support, Inc.; ABRY Partners VIII, L.P.
20190287	G	Leonard S. Schleifer, M.D., Ph.D.; Regeneron Pharmaceuticals, Inc.; Leonard S. Schleifer, M.D., Ph.D.
20190303	G	Aquiline Financial Services Fund III L.P.; Ronald O. Perelman; Aquiline Financial Services Fund III L.P.
20190144	G	Ensco Plc; Rowan Companies Plc; Ensco Plc.
20190180	G	Twilio Inc.; SendGrid, Inc.; Twilio Inc.
20190221	G	Pershing Square International, Ltd.; Hilton Worldwide Holdings, Inc.; Pershing Square International, Ltd.
20190222	G	PS Holdings Independent Trust; Hilton Worldwide Holdings, Inc.; PS Holdings Independent Trust.
20190223	G	PS Holdings Independent Trust; Starbucks Corporation; PS Holdings Independent Trust.
20190224	G	Pershing Square International, Ltd.; Starbucks Corporation; Pershing Square International, Ltd.
20190225	G	Pershing Square International, Ltd.; United Technologies Corporation; Pershing Square International, Ltd.
20190292	G	Thoma Bravo Fund XIII, L.P.; Broadcom Inc.; Thoma Bravo Fund XIII, L.P.
20190297	G	Letterone Investment Holdings S.A.; Wynnchurch Capital Partners IV, L.P.; Letterone Investment Holdings S.A.
11/21/2018		
20190191	G	Farallon Capital Partners, L.P.; Dell Technologies Inc.; Farallon Capital Partners, L.P.
20190192	G	Farallon Capital Offshore Investors II, L.P.; Dell Technologies Inc.; Farallon Capital Offshore Investors II, L.P.
20190193	G	Farallon Capital Institutional Partners, L.P.; Dell Technologies Inc.; Farallon Capital Institutional Partners, L.P.
20190210	G	Mitsubishi UFJ Lease & Finance Company Limited; Aquiline Financial Services Fund II L.P.; Mitsubishi UFJ Lease & Finance Company Limited.
20190283	G	WndrCo, LLC; Intersections Inc.; WndrCo, LLC.
20190290	G	Walker Holdings, LLC; Advent-Bojangles Acquisition Limited Partnership; Walker Holdings, LLC.
20190302	G	Wind Point Partners, VIII–A, L.P.; The Kleinfelder Group, Inc.; Wind Point Partners, VIII–A, L.P.
20190317	G	Encana Corporation; Newfield Exploration Company; Encana Corporation.
11/23/2018		
20190018	G	Thor Industries, Inc.; Erwin Hymer Group SE; Thor Industries, Inc.
20190293	G	Bears Holding Sub, Inc.; PS Spine Holdco, LLC; Bears Holding Sub, Inc.
20190299	G	MidOcean Partners V, L.P.; Oaktree Capital Group Holdings, L.P.; MidOcean Partners V, L.P.
20190300	G	Nestle S.A.; Aimmune Therapeutics, Inc.; Nestle S.A.
20190304	G	Yafu Qiu; Koch Industries, Inc.; Yafu Qiu.
20190305	G	Hubbard Broadcasting, Inc.; Alpha Media Holdings LLC; Hubbard Broadcasting, Inc.
20190309	G	Five Point Energy Fund I LP; Halcon Resources Corporation; Five Point Energy Fund I LP.
20190310	G	Michael F. Neidorff; Centene Corporation; Michael F. Neidorff.
20190315	G	InstarAGF Essential Infrastructure LP; Buckeye Partners L.P.; InstarAGF Essential Infrastructure LP.
20190321	G	Flowers Foods, Inc.; Josh Skow; Flowers Foods, Inc.
20190323	G	GTCR Fund XII/B LP; Ultimus Holdings, LLC; GTCR Fund XII/B LP.
20190324	G	Vantage Energy Acquisition Corp.; QEP Resources, Inc.; Vantage Energy Acquisition Corp.
20190325	G	Mr. Vincent Viola; Investment Technology Group, Inc.; Mr. Vincent Viola.
20190328	G	GATX Corporation; ECN Capital Corp.; GATX Corporation.
20190333	G	GHO Capital Fund I, L.P.; Brian Healy; GHO Capital Fund I, L.P.
20190334	G	Platinum Equity Capital Partners IV, L.P.; Newell Brands Inc.; Platinum Equity Capital Partners IV, L.P.
20190341	G	Incline Equity Partners IV, L.P.; Carousel Capital Partners IV, L.P.; Incline Equity Partners IV, L.P.
11/27/2018		
20181203	G	Endo International plc; Veerappan Subramanian; Endo International plc.
20190229	G	NeoGenomics, Inc.; Genesis Acquisition Holdings Corp.; NeoGenomics, Inc.
20190331	G	Bristow Group Inc.; Nancy C. Lematta; Bristow Group Inc.
20190337	G	Tallgrass Energy, LP; NGL Energy Partners LP; Tallgrass Energy, LP.

20190338	G	Greenbriar Equity Fund IV, L.P.; BDP International, Inc.; Greenbriar Equity Fund IV, L.P.
20190360	G	Altair Engineering Inc.; Datawatch Corporation; Altair Engineering Inc.
11/28/2018		
20190296	G	KK GP; Agnaten SE; KK GP.
20190327	G	William Goldring; Diageo plc; William Goldring.
20190329	G	Vista Equity Partners Fund VI, L.P.; Apptio, Inc.; Vista Equity Partners Fund VI, L.P.
11/29/2018		
20190311	G	IFM Global Infrastructure Fund; Vitol Holding B.V.; IFM Global Infrastructure Fund.
20190312	G	Vitol Investment Partnership II Limited; VJVCo; Vitol Investment Partnership II Limited.
20190336	G	Hexagon Composites ASA; AFS Holdco, LLC; Hexagon Composites ASA.
20190339	G	Arcosa, Inc.; H.I.G. Capital Partners IV, L.P.; Arcosa, Inc.
20190345	G	Audax Private Equity Fund V–A, L.P.; 3RC/Phoenix Investment, LLC; Audax Private Equity Fund V–A, L.P.
20190212	G	Golden Gate Capital Opportunity Fund. L.P.; VeriSign, Inc.; Golden Gate Capital Opportunity Fund. L.P.
20190332	G	Richard A. Robinson & Betti G. Robinson; O'Neal Industries, Inc.; Richard A. Robinson & Betti G. Robinson.
20190347	G	China National Chemical Corporation; Bonide Products, Inc.; China National Chemical Corporation.
20190350	G	AIA Oratam Sidecar LLC; Hudson Transmission Partners, LLC; AIA Oratam Sidecar LLC.
20190351	G	Mr. Cooper Group Inc.; Evan M. Stone; Mr. Cooper Group Inc.
20190352	G	Sun Capital Partners VI, LP.; Southfield Tier One Investment LP; Sun Capital Partners VI, LP.
20190353	G	Chesapeake Energy Corporation; WildHorse Resource Development Corporation; Chesapeake Energy Corporation.
20190355	G	Leggett & Platt Incorporated; Elite Comfort Solutions LP; Leggett & Platt Incorporated.
20190357	G	Sentinel Capital Partners VI, L.P.; Irving Place Capital Partners III SPV, L.P.; Sentinel Capital Partners VI, L.P.
20190359	G	Linden Capital Partners IV–A LP; Arlington Capital Partners III, L.P.; Linden Capital Partners IV–A LP.
20190367	G	Sycamore Partners III, L.P.; Newell Brands Inc.; Sycamore Partners III, L.P.
20190375	G	Klaus-Michael Kuhne; The Resolute Fund III, L.P.; Klaus-Michael Kuhne.
20190377	G	Chatchaval Jiaravanon; Meredith Corporation; Chatchaval Jiaravanon.
20190388	G	AIPCF VI Indirect Investor AIV LP; Armstrong Flooring, Inc.; AIPCF VI Indirect Investor AIV LP.
20190389	G	American Industrial Partners Capital Fund V, L.P.; Elkay Manufacturing Company; American Industrial Partners Capital Fund V, L.P.
20190390	G	Open Text Corporation; LiaisonTechnologies, Inc.; Open Text Corporation.
20190396	G	Prime Communications, L.P.; GameStop Corp.; Prime Communications, 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. 2019–07735 Filed 4–17–19; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0070; Docket No. 2019–0003; Sequence No. 18]

Information Collection; Payments

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations, the FAR Council invites the public to comment upon a renewal regarding advanced payments.

DATES: *Submit comments on or before:* June 17, 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. Mandell/IC 9000–0070, Payments.

Instructions: Please submit comments only and cite Information Collection 9000–0070, Payments, in all correspondence related to this collection. 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.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Funk, Procurement Analyst, at telephone 202–357–5805, or via email at *kevin.funk@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

Firms performing under Federal contracts must provide adequate documentation to support requests for payment under these contracts. The documentation may range from a simple invoice to detailed cost data. The information is usually submitted once, at the end of the contract period or upon delivery of the supplies or services, but could be submitted more often depending on the payment schedule established under the contract (see Federal Acquisition Regulation (FAR) 52.232–1 through FAR 52.232–4, FAR 52.232–6, 52.232–7, and 52.232–10).

C. Annual Reporting Burden

Respondents: 1,724,163.
Responses per Respondent: 6.
Annual Responses: 10,344,978.
Hours per Response: 0.25.
Total Burden Hours: 2,586,245.
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, at 202–501–4755. Please cite OMB Control No. 9000–0070, Payments, in all correspondence.

Dated: April 15, 2019.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2019–07816 Filed 4–17–19; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–1020]

Aurolife Pharma, LLC, et al.; Withdrawal of Approval of 31 Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is withdrawing approval of 31 abbreviated new drug applications (ANDAs) from multiple applicants. The applicants notified the Agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

DATES: Approval is withdrawn as of May 20, 2019.

FOR FURTHER INFORMATION CONTACT: Trang Tran, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1671, Silver Spring, MD 20993–0002, 240–402–7945, *Trang.Tran@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: The applicants listed in the table have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications under the process described in § 314.150(c) (21 CFR 314.150(c)). The applicants have also, by their requests, waived their opportunity for a hearing. Withdrawal of approval of an application or abbreviated application under § 314.150(c) is without prejudice to refiling.

Application No.	Drug	Applicant
ANDA 070470	Disopyramide Phosphate Capsules USP, Equivalent to (EQ) 100 milligrams (mg) base.	Aurolife Pharma, LLC, 279 Princeton Hightstown Rd., East Windsor, NJ 08520.
ANDA 070471	Disopyramide Phosphate Capsules USP, EQ 150 mg base	Do.
ANDA 070531	Clofibrate Capsules USP, 500 mg	Upsher-Smith Laboratories, LLC, 301 South Cherokee St., Denver, CO 80223.
ANDA 070797	Chlorpheniramine Maleate Extended-Release Capsules USP, 12 mg	Aurolife Pharma, LLC.
ANDA 070956	Diazepam Tablets USP, 10 mg	Halsey Drug Co., Inc., 1827 Pacific St., Brooklyn, NY 11233.
ANDA 071128	Haloperidol Tablets USP, 0.5 mg	Cycle Pharmaceuticals, Ltd., c/o Mapi USA, Inc., 2343 Alexandria Dr., Suite 100, Lexington, KY 40504.
ANDA 071129	Haloperidol Tablets USP, 1 mg	Do.
ANDA 071133	Haloperidol Tablets USP, 20 mg	Do.
ANDA 072394	Fenoprofen Calcium Capsules USP, EQ 200 mg base	Aurolife Pharma, LLC.
ANDA 072395	Fenoprofen Calcium Capsules USP, EQ 300 mg base	Do.
ANDA 072396	Fenoprofen Calcium Tablets USP, EQ 600 mg base	Do.
ANDA 072484	Trazodone Hydrochloride (HCl) Tablets USP, 50 mg	Do.
ANDA 074024	Ketoprofen Capsules, 50 mg and 75 mg	Do.
ANDA 074448	Flurbiprofen Tablets USP, 50 mg and 100 mg	Do.
ANDA 078300	Pamidronate Disodium for Injection USP, 30 mg/vial and 90 mg/vial	Mustafa Nevzat Ilac San. A.S. (MN Pharmaceuticals), c/o Sagent Pharmaceuticals, Inc., 1901 North Roselle Rd., suite 450, Schaumburg, IL 60195.
ANDA 080655	Meprobamate Tablets USP, 400 mg	Aurolife Pharma, LLC.
ANDA 083234	Glutethimide Tablets, 500 mg	Upsher-Smith Laboratories, LLC, 6701 Evenstad Dr. North, Maple Grove, MN 55369.
ANDA 084156	Pentobarbital Sodium Capsules, 100 mg	Warner-Lambert Company, 201 Tabor Rd., Morris Plains, NJ 07950.
ANDA 084674	Aminophylline Tables USP, 100 mg	Halsey Drug Co., Inc.
ANDA 085628	Sulfisoxazole Tablets USP, 500 mg	Aurolife Pharma, LLC.
ANDA 085813	Prednisone Tablets USP, 20 mg	Do.
ANDA 085844	Sulfamethoxazole Tablets USP, 500 mg	Do.
ANDA 085925	Amitriptyline HCl Tablets USP, 50 mg	Halsey Drug Co., Inc.
ANDA 085926	Amitriptyline HCl Tablets USP, 75 mg	Do.
ANDA 085927	Amitriptyline HCl Tablets USP, 100 mg	Do.
ANDA 089057	Cyproheptadine HCl Tablets USP, 4 mg	Do.
ANDA 089117	Hydroxyzine HCl Tablets USP, 25 mg	Do.
ANDA 089894	Quinidine Gluconate Extended-Release Tablets USP, 324 mg	Aurolife Pharma, LLC.
ANDA 089983	Prednisone Tablets USP, 10 mg	Do.

Application No.	Drug	Applicant
ANDA 089984	Prednisone Tablets USP, 50 mg	Do.
ANDA 208991	Piroxicam Capsules USP, 10 mg and 20 mg	Breckenridge Pharmaceutical, Inc., 15 Massirio Dr., suite 201, Berlin, CT 06037.

Therefore, approval of the applications listed in the table, and all amendments and supplements thereto, is hereby withdrawn as of May 20, 2019. Approval of each entire application is withdrawn, including any strengths or products missing from the table. Introduction or delivery for introduction into interstate commerce of products without approved new drug applications violates section 301(a) and (d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(a) and (d)). Drug products that are listed in the table that are in inventory on May 20, 2019 may continue to be dispensed until the inventories have been depleted or the drug products have reached their expiration dates or otherwise become violative, whichever occurs first.

Dated: April 15, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–07833 Filed 4–17–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–1517]

Agency Information Collection Activities; Proposed Collection; Comment Request; Abbreviated New Animal Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of abbreviated new animal drug applications.

DATES: Submit either electronic or written comments on the collection of information by June 17, 2019.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before June 17, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of June 17, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2019–N–1517 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Abbreviated New Animal Drug Applications. '' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the

''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Abbreviated New Animal Drug Applications—Sections 512(b)(2) and (n)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(b)(2) and (n)(1))

OMB Control Number 0910–0669—Extension

Under section 512(b)(2) of the Federal Food, Drug, and Cosmetic Act (FD&C Act), any person may file an abbreviated new animal drug application (ANADA) seeking approval of a generic copy of an approved new animal drug. The information required to be submitted as part of an ANADA is described in section 512(n)(1) of the FD&C Act. Among other things, an ANADA is required to contain information to show that the proposed generic drug is bioequivalent to, and has the same labeling as, the approved new animal drug. We allow applicants to submit a complete ANADA or to submit information in support of an ANADA for phased review. Applicants may submit Form FDA 356v with a complete ANADA or a phased- review submission to ensure efficient and accurate processing of information. We use the information submitted, among other things, to assess bioequivalence to the originally approved drug and thus, the safety and effectiveness of the generic new animal drug.

We believe the demonstration of bioequivalence required by the statute does not need to be established on the basis of in vivo studies (blood level bioequivalence or clinical endpoint bioequivalence) for soluble powder oral dosage form products and certain Type A medicated articles. We are adding to this information collection applicant requests to waive the requirement to establish bioequivalence through in vivo studies (biowaiver requests) for soluble powder oral dosage form products or certain Type A medicated articles based upon either of two methods. We will consider granting a biowaiver request if it can be shown that the generic soluble powder oral dosage form product or Type A medicated article contains the same active and inactive ingredient(s) and is produced using the same manufacturing processes as the approved comparator product or article. Alternatively, we will consider granting a biowaiver request without direct comparison to the pioneer product's formulation and manufacturing process if it can be shown that the active pharmaceutical ingredient(s) (API) is the same as the pioneer product, is soluble, and that there are no ingredients in the formulation likely to cause adverse pharmacologic effects. We use the information submitted by applicants in the biowaiver request as the basis for our decision whether to grant the request.

Additionally, we have found that various uses of veterinary master files have increased the efficiency of the drug development and drug review processes for both us and the animal pharmaceutical industry. A veterinary master file is a repository for submission to FDA's Center for Veterinary Medicine of confidential detailed information about facilities, processes, or articles used in the manufacturing, processing, packaging, and storing of one or more veterinary drugs. Veterinary master files are used by the animal pharmaceutical industry in support of information being submitted for new animal drug applications (NADAs), ANADAs, investigational new animal drug (INAD) files, and generic investigational new animal drug (JINAD) files. In previous information collection requests, we included the time necessary to compile and submit such information to veterinary master files within the burden estimates provided for applications and amended applications (for NADAs and INAD files) and abbreviated applications and amended abbreviated applications (for ANADAs and JINAD files), respectively. We recently combined the time necessary to compile and submit such information to veterinary master files within the burden estimates provided in the collection of information supporting new animal drug applications (OMB control number 0910–0032).

The reporting associated with ANADAs and related submissions is necessary to ensure that new animal drugs are in compliance with section 512(b)(2) of the FD&C Act. As noted, we use the information submitted, among other things, to assess bioequivalence to the originally approved drug and thus, the safety and effectiveness of the generic new animal drug.

Description of Respondents: The respondents for this collection of information are veterinary pharmaceutical manufacturers.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	FDA Form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
ANADA	356v	18	1	18	159	2,862
Phased Review with Administrative ANADA	356v	3	5	15	31.8	477
Biowaiver request for soluble powder oral dosage form product, using same formulation/manufacturing process approach	N/A	1	1	1	5	5
Biowaiver request for soluble powder oral dosage form product, using same API/solubility approach	N/A	5	5	5	10	50
Biowaiver request for Type A medicated article, using same formulation/manufacturing process approach	N/A	2	2	2	5	10
Biowaiver request for Type A medicated article, using same API/solubility approach	N/A	10	10	10	20	200
Total				51		3,604

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We base our estimates on our records of generic drug applications. We estimate that we will receive 21 ANADA submissions per year over the next 3 years and that three of those submissions will request phased review. We estimate that each applicant that uses the phased review process will have approximately five phased reviews per application. We estimate that an applicant will take approximately 159 hours to prepare either an ANADA or the estimated five ANADA phased review submissions and the administrative ANADA. Our estimates of the burden of biowaiver requests for generic soluble powder oral dosage form products and Type A medicated articles differ based on the type of product and the basis for the request, as shown in table 1. We estimate that an applicant will take between 5 and 20 hours to prepare a biowaiver request.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our previous estimate of the number of respondents submitting generic drug applications. However, as discussed, the burden for this information collection was increased by 265 hours and 18 responses since the last OMB approval. This is due to adding to this collection burden hours and responses for biowaiver requests.

Dated: April 12, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–07764 Filed 4–17–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–D–0725]

The Declaration of Allulose and Calories From Allulose on Nutrition and Supplement Facts Labels: Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a draft guidance for industry entitled ''The Declaration of Allulose and Calories from Allulose on Nutrition and Supplement Facts Labels.'' The draft guidance, when finalized, will provide guidance on the declaration of allulose on Nutrition Facts and Supplement Facts labels as well as on the caloric content of allulose. The draft guidance, when finalized, also would advise manufacturers of our intent to exercise enforcement discretion for the exclusion of allulose from the amount of Total Sugars and Added Sugars declared on the Nutrition Facts and Supplement Facts label and use of a general factor of 0.4 calories per gram (kcal/g) for allulose.

DATES: Submit either electronic or written comments on the draft guidance by June 17, 2019 to ensure that FDA considers your comment on the draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2019–D–0725 for ''The Declaration of Allulose and Calories from Allulose on Nutrition and Supplement Facts Labels.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' We will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Office of Nutrition and Food Labeling, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance.

FOR FURTHER INFORMATION CONTACT: Blakeley Fitzpatrick, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1450.

SUPPLEMENTARY INFORMATION:

I. Background

We are announcing the availability of a draft guidance for industry entitled ''The Declaration of Allulose and Calories from Allulose on Nutrition and Supplement Facts Labels.'' We are issuing the draft guidance consistent with our good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternate approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

The draft guidance is intended to provide guidance on the declaration of allulose on Nutrition Facts and Supplement Facts labels as well as on the caloric content of allulose. The draft guidance also would advise manufacturers of our intent to exercise enforcement discretion for the exclusion of allulose from the amount of Total Sugars and Added Sugars declared on the label and use of a general factor of 0.4 kcal/g for allulose pending review of the issues in a rulemaking.

II. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/FoodGuidances* or *https://www.regulations.gov.* Use the FDA website listed in the previous sentence to find the most current version of the guidance.

Dated: April 12, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–07763 Filed 4–17–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–P–3949]

Determination That TRISENOX (Arsenic Trioxide) Injection, 1 Milligram/Milliliter, Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that TRISENOX (arsenic trioxide) injection, 1 milligram (mg)/milliliter (mL), was not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) that refer to this drug product, and it will allow FDA to continue to approve ANDAs that refer to the product as long as they meet relevant legal and regulatory requirements.

FOR FURTHER INFORMATION CONTACT: Stacy Kane, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6236, Silver Spring, MD 20993–0002, 301–796–8363.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

TRISENOX (arsenic trioxide) injection, 1 mg/mL, is the subject of NDA 021248, held by Cephalon, Inc., and initially approved on September 25, 2000. TRISENOX is indicated in combination with tretinoin for treatment of adults with newly diagnosed low-risk acute promyelocytic leukemia (APL) whose APL is characterized by the presence of the t(15;17) translocation or PML/RAR-alpha gene expression; and for induction of remission and consolidation in patients with APL who are refractory to, or have relapsed from, retinoid and anthracycline chemotherapy, and whose APL is characterized by the presence of the t(15;17) translocation or PML/RAR-alpha gene expression.

In a letter dated February 21, 2018, the sponsor notified FDA that TRISENOX (arsenic trioxide) injection, 1 mg/mL, was being discontinued, and FDA moved the drug product to the ''Discontinued Drug Product List'' section of the Orange Book.

Lachman Consultant Services, Inc., submitted a citizen petition dated October 17, 2018 (Docket No. FDA–2018–P–3949), under 21 CFR 10.30, requesting that the Agency determine whether TRISENOX (arsenic trioxide) injection, 1 mg/mL, was withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that TRISENOX (arsenic trioxide) injection, 1 mg/mL, was not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that TRISENOX (arsenic trioxide) injection, 1 mg/mL, was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of TRISENOX (arsenic trioxide) injection, 1 mg/mL, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that this drug product was withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list TRISENOX (arsenic trioxide) injection, 1 mg/mL, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. FDA will not begin procedures to withdraw approval of approved ANDAs that refer to this drug product. Additional ANDAs for this drug product may also be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs.

Dated: April 15, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–07828 Filed 4–17–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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. 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 Institute of General Medical Sciences Special Emphasis Panel; Review of COBRE Phase 1 Applications.

Date: July 10, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Ruth Grossman, DDS, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5215, Bethesda, MD 20892, (301) 435–2409, *grossmanrs@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: April 12, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–07750 Filed 4–17–19; 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: Center for Scientific Review Special Emphasis Panel; Risk Prevention and Health Behavior AREA Review.

Date: May 30, 2019.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: John H. Newman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3222, MSC 7808, Bethesda, MD 20892, (301) 435–0628, *newmanjh@csr.nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Psychosocial Development, Risk and Prevention Study Section.

Date: June 6–7, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westgate Hotel, 1055 Second Avenue, San Diego, CA 92101.

Contact Person: Anna L. Riley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7759, Bethesda, MD 20892, 301–435–2889, *rileyann@csr.nih.gov.*

Name of Committee: Interdisciplinary Molecular Sciences and Training Integrated Review Group; Cellular and Molecular Technologies Study Section.

Date: June 11–12, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102.

Contact Person: Tatiana V. Cohen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 5213, Bethesda, MD 20892, 301–455–2364, *tatiana.cohen@nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Biodata Management and Analysis Study Section.

Date: June 13, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Capital View, 2850 South Potomac Avenue, Arlington, VA 22202.

Contact Person: Wenchi Liang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, 301–435–0681, *liangw3@csr.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 12, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–07748 Filed 4–17–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2008–0010]

Board of Visitors for the National Fire Academy

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee Management; Request for Applicants for Appointment to the Board of Visitors for the National Fire Academy.

SUMMARY: The National Fire Academy (Academy) is requesting individuals who are interested in serving on the Board of Visitors for the National Fire Academy (Board) to apply for appointments as identified in this notice. Pursuant to the Federal Fire Prevention and Control Act of 1974, the Board shall review annually the programs of the Academy and shall make recommendations to the Federal Emergency Management Agency (FEMA) Administrator, through the United States Fire Administrator, regarding the operation of the Academy and any improvements that the Board deems appropriate. The Board is composed of eight members, all of whom have national or regional leadership experience in the fields of fire safety, fire prevention (such as community risk reduction to include wildland urban interface), fire control, research and development in fire protection, treatment and rehabilitation of fire victims, or local government services management, which includes emergency medical services. The Academy seeks to appoint three individuals to a position on the Board that will be open due to term expiration. If other positions are vacated during the application process, candidates may be selected from the pool of applicants to fill the vacated positions.

DATES: Resumes will be accepted until 11:59 p.m. EST May 20, 2019.

ADDRESSES: The preferred method of submission is via email. However, resumes may also be submitted by mail. Please only submit by ONE of the following methods:

- *Email: FEMA-NFABOV@fema.dhs.gov.*
- *Mail:* National Fire Academy, U.S. Fire Administration, Attention: Debbie Gartrell-Kemp, 16825 South Seton Avenue, Emmitsburg, Maryland 21727–8998.

FOR FURTHER INFORMATION CONTACT: *Alternate Designated Federal Officer,* Dr. Kirby Kiefer, telephone (301) 447–1083, email *Kirby.Kiefer@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Board is an advisory committee established in accordance with the provision of the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix. The purpose of the Board is to review annually the programs of the Academy and advise the FEMA Administrator on the operation of the Academy and any improvements therein that the Board deems appropriate. In carrying out its responsibilities, the Board examines Academy programs to determine whether these programs further the basic missions that are approved by the FEMA Administrator, examines the physical plant of the Academy to determine the adequacy of the Academy's facilities, and examines the funding levels for Academy programs. The Board submits a written annual report through the United States Fire Administrator to the FEMA Administrator. The report provides detailed comments and recommendations regarding the operation of the Academy.

Individuals who are interested in serving on the Board are invited to apply for consideration for appointment. There is no application form; however, a current resume and statement of interest will be required. The appointment shall be for a term of up to three years. Individuals selected for the appointment shall serve as Special Government Employees (SGEs), defined in section 202(a) of title 18, United States Code. The candidate selected for the appointment will be required to complete a Confidential Financial Disclosure Form (U.S. Office of Government Ethics (OGE) Form 450).

The Board shall meet as often as needed to fulfill its mission, but not less than twice each fiscal year to address its objectives and duties. The Board will meet in person at least once each fiscal year with additional meetings held via teleconference. Board members may be reimbursed for travel and per diem incurred in the performance of their duties as members of the Board. All travel for Board business must be approved in advance by the Designated Federal Officer. To the extent practical, Board members shall serve on any subcommittee that is established.

FEMA does not discriminate in employment on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disability and genetic information, age, membership in an employee organization, or other non-merit factor. FEMA strives to achieve a diverse candidate pool for all its recruitment actions.

Current DHS employees, contractors, and potential contractors will not be considered for membership. Federally registered lobbyists will not be considered for SGE appointments.

Terry Gladhill,

Branch Chief, National Fire Academy, United States Fire Administration, Federal Emergency Management Agency.

[FR Doc. 2019–07776 Filed 4–17–19; 8:45 am]

BILLING CODE 9111–45–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2008–0010]

Board of Visitors for the National Fire Academy

AGENCY: Federal Emergency Management Agency, DHS

ACTION: Committee Management; Notice of Open Federal Advisory Committee Meeting

SUMMARY: The Board of Visitors for the National Fire Academy (Board) will meet via teleconference on Monday, May 6, 2019. The meeting will be open to the public.

DATES: The meeting will take place on Monday, May 6, 2019, 1:30 to 3:30 p.m. Eastern Daylight Time. Please note that the meeting may close early if the Board has completed its business.

ADDRESSES: Members of the public who wish to participate in the teleconference should contact Deborah Gartrell-Kemp as listed in the **FOR FURTHER INFORMATION CONTACT** section by close of business May 1, 2019, to obtain the call-in number and access code for the May 6th meeting. For more information on services for individuals with disabilities or to request special assistance, contact Debbie Gartrell-Kemp as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Board as listed in the **SUPPLEMENTARY INFORMATION** section. Participants seeking to have their comments considered during the meeting should submit them in advance or during the public comment segment. Comments submitted up to 30 days after the meeting will be included in the public record and may be considered at the next meeting. Comments submitted in advance must be identified by Docket ID FEMA–2008–0010 and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FEMA-RULES@fema.dhs.gov.* Include the docket number in the subject line of the message.
- *Mail/Hand Delivery:* Deborah Gartrell-Kemp, 16825 South Seton Avenue, Emmitsburg, Maryland 21727, post marked no later than April 20, 2019.

Instructions: All submissions received must include the words ''Federal Emergency Management Agency'' and the Docket ID for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the National Fire Academy Board of Visitors, go to *http://www.regulations.gov,* click on ''Advanced Search,'' then enter ''FEMA–2008–0010'' in the ''By Docket ID'' box, then select ''FEMA'' under ''By Agency,'' and then click ''Search.''

FOR FURTHER INFORMATION CONTACT:

Alternate Designated Federal Officer: Kirby E. Kiefer, telephone (301) 447–1117, email *Kirby.Kiefer@fema.dhs.gov.*

Logistical Information: Deborah Gartrell-Kemp, telephone (301) 447–7230, email *Deborah.GartrellKemp@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix.

Purpose of the Board

The purpose of the Board is to review annually the programs of the National Fire Academy (Academy) and advise the Administrator of the Federal Emergency Management Agency (FEMA), through the United States Fire Administrator, on the operation of the Academy and any improvements therein that the Board deems appropriate. In carrying out its responsibilities, the Board examines Academy programs to determine whether these programs further the basic missions that are approved by the Administrator of FEMA, examines the physical plant of the Academy to determine the adequacy of the Academy's facilities, and examines the funding levels for Academy programs. The Board submits a written annual report through the United States Fire Administrator to the Administrator of FEMA. The report provides detailed comments and recommendations regarding the operation of the Academy.

Agenda

On Monday, May 6, 2019, there will be four sessions, with deliberations and voting at the end of each session as necessary: The board will discuss the following:

1. USFA Data, Research, Prevention and Response.
2. Deferred maintenance and capital improvements on the National Emergency Training Center campus and Fiscal Year 2019 Budget Request/Budget Planning.
3. The Board will deliberate and vote on recommendations on Academy program activities, to include developments, deliveries, staffing and admissions.
4. There will also be an update on the Board of Visitors Subcommittee Groups for the Professional Development Initiative Update and the National Fire Incident Report System.

There will be a 10-minute comment period after each agenda item and each speaker will be given no more than 2 minutes to speak. Please note that the public comment period may end before the time indicated, following the last call for comments. Contact Deborah Gartrell-Kemp to register as a speaker. Meeting materials will be posted at *https://www.usfa.fema.gov/training/nfa/about/bov.html* by May 1, 2019.

Terry Gladhill,

Branch Chief, National Fire Academy, United States Fire Administration, Federal Emergency Management Agency.

[FR Doc. 2019–07775 Filed 4–17–19; 8:45 am]

BILLING CODE 9111–45–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2018–0074]

Communications Assets Survey and Mapping Tool

AGENCY: Emergency Communications Division (ECD), Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

ACTION: 60-Day notice and request for comments; new collection, 1670–NEW.

SUMMARY: DHS CISA ECD will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted until June 17, 2019.

ADDRESSES: You may submit comments, identified by docket number DHS–2018–0074, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Please follow the instructions for submitting comments.
- *Email: Kendall.Carpenter@HQ.DHS.GOV.* Please include docket number DHS–2018–0074 in the subject line of the message.
- *Mail:* Written comments and questions about this Information Collection Request should be forwarded to DHS/CISA/ECD, ATTN: 1670–NEW, 245 Murray Lane SW, Mail Stop 0640,

Kendall Carpenter, Arlington, VA 20528.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov*, including any personal information provided.

Comments submitted in response to this notice may be made available to the public through relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, 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. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kendall Carpenter at 703.705.6376 or at *Kendall.Carpenter@HQ.DHS.GOV.*

SUPPLEMENTARY INFORMATION: The CISA ECD, formed under Title XVIII of the Homeland Security Act of 2002, 6 U.S.C. 571 *et seq.,* as amended, is required to develop and maintain the Nationwide Emergency Communications Plan (NECP). The vision of the NECP is to ensure emergency response personnel can communicate as needed, on demand, and as authorized. To achieve this vision, ECD provides the Communications Assets and Survey Mapping (CASM) Tool. The CASM Tool is the primary resource nationwide for the emergency communications community to inventory and share asset and training information for the purpose of planning public safety communications operability and interoperability.

DHS provides the CASM Tool as a secure and free nationwide database to contain communications capabilities for use by Federal, State, Local, Territorial, and Tribal (SLTT) emergency personnel. CASM allows Federal employees and SLTT Statewide Interoperability Coordinators (SWIC) to inventory emergency communication equipment and resources. The information entered is voluntary and used by SWIC to support tactical planning and coordination during emergencies. DHS does not utilize the information entered into CASM. DHS only provides, maintains, and stores the information entered in the CASM database and only has administrative access to the information entered. All information is collected via electronic means. The CASM registration and database tool is available online via *https://casm.dhs.gov/.* Users can also access and enter information via the CASM Resource Finder mobile app.

This is a new information collection.

OMB is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Title of Collection: Communications Assets Survey and Mapping Tool.

OMB Control Number: 1670–NEW.

Frequency: Annually.

Affected Public: State, Local, Tribal, and Territorial Governments.

Number of Annualized Respondents: 56.

Estimated Time per Respondent: 0.08 or 0.5 hours.

Total Annualized Burden Hours: 341 hours.

Total Annualized Respondent Opportunity Cost: $14,161.

Total Annualized Respondent Out-of-Pocket Cost: $0.

Total Annualized Government Cost: $2,200,000.

Scott Libby,

Deputy Chief Information Officer.

[FR Doc. 2019–07795 Filed 4–17–19; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R4–ES–2019–0027; FXES11130400000EA–123–FF04EF1000]

Endangered and Threatened Wildlife; Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for the Sand Skink, Lake County, FL; Categorical Exclusion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments and information.

SUMMARY: We, the Fish and Wildlife Service, have received an application for an incidental take permit (ITP) under the Endangered Species Act. Sunterra Communities, LLC (applicant) is requesting a 5-year ITP for take of the federally listed sand skink incidental to construction. We request public comment on the application, which includes the proposed habitat conservation plan, as well as on our preliminary determination that the plan qualifies as ''low-effect'' under the National Environmental Policy Act. To make this determination, we used our environmental action statement and low-effect screening form, which are also available for review.

DATES: We must receive your written comments by May 20, 2019.

ADDRESSES: *Obtaining Documents:* You may obtain copies of the documents online in Docket No. FWS–R4–ES–2019–0027 at *http://www.regulations.gov.*

Submitting Comments: You may submit comments by one of the following methods:

- *Online: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–R4–ES–2019–0027.
- *U.S. mail or hand-delivery:* Public Comments Processing; Attn: Docket No. FWS–R4–ES–2019–0027; U.S. Fish and Wildlife Service, MS: BPHC; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: Erin M. Gawera, by telephone at 904–731–3121, via the Federal Relay Service at 800–877–8339, or via email at *erin_gawera@fws.gov.*

SUPPLEMENTARY INFORMATION: We, the Fish and Wildlife Service (Service), have received an application for an incidental take permit (ITP) under the Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*). Sunterra Communities, LLC (applicant) is requesting a 5-year

ITP for take of the federally listed sand skink (*Neoseps reynoldsi*) incidental to construction. We request public comment on the application, which includes the proposed habitat conservation plan (HCP), as well as on our preliminary determination that the HCP qualifies as ''low-effect'' under the National Environmental Policy Act (NEPA; 43 U.S.C. 4321 *et seq.*). To make this determination, we used our environmental action statement and low-effect screening form, which are also available for review.

The applicant requests a 5-year ITP to take sand skink incidental to the conversion of approximately 7.74 acres of occupied sand skink foraging and sheltering habitat for construction of a housing, commercial, and institutional development on a 1,680-acre project site. The site is located on parcels number 292126000100003000, 322126000100000101, 322126000100001800, 042226000200000300, 042226000300000600, 092226010502100000, 092226010501400001, 092226010503900000, and 092226010503900002 within Sections 28, 29, 32 & 33, Township 21 South, Range 26 East, and Sections 4, 5 & 9, Township 22 South, Range 26 East, Lake County, Florida. The project includes clearing, infrastructure building, and landscaping associated with construction. To mitigate for take under the ITP, the applicant proposes purchase 15.48 credits within the Lake Wales Ridge Conservation Bank or another Service-approved sand skink bank prior to the commencement of construction activities.

Public Availability of Comments

All comments, whether received electronically or via hard copy, will be posted on *http://regulations.gov* and become part of the decision record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, be aware that your entire comment—including your personal identifying information—may be made available to the public. While you can request that we withhold your personal identifying information, we cannot guarantee that we will be able to do so.

Our Preliminary Determination

We have determined that the applicant's proposal, including the proposed mitigation and minimization measures, would have minor or negligible effects on the sand skinks and the environment. Therefore, we have preliminarily determined that the ITP for this project would be ''low effect'' and qualify for categorical exclusion under NEPA. A low-effect HCP is one involving (1) minor or negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources.

Next Steps

The Service will evaluate the ITP application and comments received to determine whether to issue the requested permit. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA. After considering the above findings, we will determine whether the requirements of section 10(a)(1)(B) of the ESA have been met. If met, the Service will issue ITP no. TE13200D–0 to the applicant for incidental take of the sand skink.

Authority

The Service provides this notice under section 10 of the ESA (16 U.S.C. 1539) and NEPA regulation 40 CFR 1506.6.

Richard Rauschenberger,

Acting Field Supervisor, Jacksonville Field Office, Southeast Region.

[FR Doc. 2019–07768 Filed 4–17–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2018–N030; FXES11140800000–190–FF08EVEN00]

Habitat Conservation Plan for the California Tiger Salamander; Categorical Exclusion, Santa Barbara County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application from Mr. Mario Martinez for an incidental take permit under the Endangered Species Act of 1973, as amended. The permit, if issued, would authorize take of the federally endangered California tiger salamander (Santa Barbara County distinct population segment) incidental to otherwise lawful activities associated with the applicant's draft habitat conservation plan. We invite public comment.

DATES: Written comments should be received on or before May 20, 2019.

ADDRESSES:

Obtaining Documents: You may download a copy of the draft habitat conservation plan and draft low-effect screening form and environmental action statement at *http://www.fws.gov/ventura/,* or you may request copies of the documents by U.S. mail (below) or by phone (see **FOR FURTHER INFORMATION CONTACT**).

Submitting Written Comments: Please send us your written comments using one of the following methods:

- *U.S. Mail:* Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003.
- *Email: rachel_henry@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Rachel Henry, Fish and Wildlife Biologist, by phone at 805–677–3312, via the Federal Relay Service at 1–800–877–8339 for TTY assistance, or at the Ventura address (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION: We have received an application for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant has developed a draft habitat conservation plan (HCP) for the project that includes measures to mitigate and minimize impacts to the federally endangered Santa Barbara County distinct population segment (DPS) of the California tiger salamander (*Ambystoma californiense*). The permit would authorize take of the Santa Barbara County DPS of the California tiger salamander incidental to otherwise lawful activities associated with the 2650 East Clark Avenue HCP. We invite public comment on draft HCP, draft low-effect screening form, and environmental action statement.

Background

The Service listed the Santa Barbara County DPS of the California tiger salamander as endangered on September 21, 2000 (65 FR 57242). Section 9 of the ESA and its implementing regulations prohibit the take of fish or wildlife species listed as endangered or threatened. ''Take'' is defined under the ESA to include the following activities: ''[T]o harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532); however, under section 10(a)(1)(B) of the ESA, we may issue permits to authorize incidental take of listed species. ''Incidental take'' is defined by the ESA as take that is incidental to, and not the purpose of, carrying out of an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are in the Code of Federal Regulations (CFR) at 50 CFR 17.32 and 17.22, respectively. Issuance of an incidental take permit also must not jeopardize the existence of federally listed fish, wildlife, or plant species. The permittees would receive assurances under our ''No Surprises'' regulations ((50 CFR 17.22(b)(5) and 17.32(b)(5)) regarding conservation activities for the Santa Barbara County DPS of the California tiger salamander.

Applicant's Proposed Activities

The applicant has applied for a permit for incidental take of the Santa Barbara County DPS of the California tiger salamander. Take is likely to occur in association with activities necessary to develop the covered lands that involves land-clearing, ripping, plowing, other soil cultivation techniques, and construction of structures and hardscape features. The covered area includes approximately 12 acres of suitable upland habitat for the California tiger salamander. The covered area has no designated critical habitat for the California tiger salamander. The HCP includes avoidance and minimization measures for the California tiger salamander and mitigation for unavoidable loss of suitable upland habitat through the funding of an appropriate mitigation project through a Service-approved third party mitigation and conservation account.

Our Preliminary Determination

The Service made a preliminary determination that issuance of the incidental take permit is neither a major Federal action that will significantly affect the quality of the human environment within the meaning of section 102(2)(C) of NEPA (42 U.S.C. 4321 *et seq.*), nor will it individually or cumulatively have more than a negligible effect on the Santa Barbara County DPS of the California tiger salamander. The Service considers the effects of the taking of the Santa Barbara County DPS of the California tiger salamander to be minor because the affected area is small and of low habitat quality. Therefore, based on this preliminary determination, the permit qualifies for a categorical exclusion under NEPA.

Public Comments

If you wish to comment on the permit application, draft HCP, and associated documents, you may submit comments by one of the methods in **ADDRESSES**.

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 view, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the ESA (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Stephen Henry,

Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.

[FR Doc. 2019–07723 Filed 4–17–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAK940000.L14100000.BX0000. 19X.LXSS001L0100]

Filing of Plats of Survey: Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of lands described in this notice are scheduled to be officially filed in the Bureau of Land Management (BLM), Alaska State Office, Anchorage, Alaska. These surveys were executed at the request of the Bureau of Indian Affairs (BIA) and the BLM, and are necessary for the management of these lands.

DATES: The BLM must receive protests by May 20, 2019.

ADDRESSES: You may buy a copy of the plats from the BLM Alaska Public Information Center, 222 W 7th Avenue, Mailstop 13, Anchorage, AK 99513. Please use this address when filing written protests. You may also view the plats at the BLM Alaska Public Information Center, Fitzgerald Federal Building, 222 W 8th Avenue, Anchorage, Alaska, at no cost.

FOR FURTHER INFORMATION CONTACT: Douglas N. Haywood, Chief, Branch of Cadastral Survey, Alaska State Office, Bureau of Land Management, 222 W 7th Avenue, Anchorage, AK 99513; 907–271–5481; *dhaywood@blm.gov.* People who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the BLM during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lands surveyed are:

U.S. Survey No. 6295, accepted April 1, 2019, situated within:

Seward Meridian, Alaska

T. 9 S, R. 31 W

U.S. Survey No. 14472, accepted March 7, 2019, situated within:

Fairbanks Meridian, Alaska

T. 18 S, R. 4 W

U.S. Survey No. 14473, accepted March 7, 2019, situated within:

Fairbanks Meridian, Alaska

T. 19 S, R. 1 W

U.S. Survey No. 14496, accepted April 2, 2019, situated within:

Copper River Meridian, Alaska

T. 72 S, R. 92 E

U.S. Survey No. 14498, accepted March 8, 2019, situated within:

Seward Meridian, Alaska

T. 8 S, R. 47 W

Seward Meridian, Alaska

T. 17 N, R. 43 W, accepted March 21, 2019
T. 28 N, R. 22 W, accepted March 5, 2019

Kateel River Meridian, Alaska

T. 9 S, R. 11 W, accepted April 2, 2019
T. 9 S, R. 10 W, accepted April 2, 2019
T. 10 S, R. 10 W, accepted April 2, 2019

Fairbanks Meridian, Alaska

T. 18 S, R. 8 W, March 8, 2019

A person or party who wishes to protest one or more plats of survey identified above must file a written notice of protest with the State Director for the BLM in Alaska. The notice of protest must identify the plat(s) of survey that the person or party wishes to protest. You must file the notice of protest before the scheduled date of official filing for the plat(s) of survey being protested. The BLM will not consider any notice of protest filed after the scheduled date of official filing. A notice of protest is considered filed on the date it is received by the State Director for the BLM in Alaska during regular business hours; if received after regular business hours, a notice of protest will be considered filed the next business day. A written statement of reasons in support of a protest, if not filed with the notice of protest, must be filed with the State Director for the BLM in Alaska within 30 calendar days after the notice of protest is filed.

If a notice of protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the notice of protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other personally identifiable information in a notice of protest or statement of reasons, you should be aware that the documents you submit, including your personally identifiable information, may be made publicly available in their entirety at any time. While you can ask the BLM to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C. Chap. 3.

Douglas N. Haywood,

Chief Cadastral Surveyor, Alaska.

[FR Doc. 2019–07766 Filed 4–17–19; 8:45 am]

BILLING CODE 4310–JA–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1081]

Certain LED Light Devices, LED Power Supplies, and Components Thereof; Commission Determination To Review in Part a Final Initial Determination Finding a Violation of Section 337; Schedule for Filing Written Submissions on the Issues Under Review and on Remedy, the Public Interest, and Bonding; Extension of the Target Date

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part a final initial determination (''ID'') issued by the presiding administrative law judge (''ALJ''), finding a violation of section 337 of the Tariff Act of 1930. The Commission requests briefing from the parties on certain issues under review, as indicated in this notice. The Commission also requests briefing from the parties and interested persons on the issues of remedy, the public interest, and bonding. The Commission has also determined to extend the target date for the completion of the above-captioned investigation to June 18, 2019.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–5468. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 8, 2017, based on a complaint filed by Philips. 82 FR 51872. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale after importation within the United States after importation of certain LED devices, LED power supplies, and components thereof by reason of infringement of one or more claims of U.S. Patent Nos. 6,586,890 (''the '890 patent''); 7,038,399 (''the '399 patent''); 7,256,554 (''the '554 patent''); 7,262,559 (''the '559 patent''); and 8,070,328 (''the '328 patent''). *Id.* The notice of investigation named the following respondents: Feit Electric Company, Inc. of Pico Rivera, California, and Feit Electric Company, Inc. (China) of Xiamen, China (together, ''Feit''); Edgewell Personal Care Brands, LLC of Shelton, Connecticut (''Edgewell''); Lowe's Companies, Inc. of Mooresville, North Carolina (''LCI'') and L G Sourcing, Inc. of North Wilkesboro, North Carolina (''LGS'') (together, ''Lowe's''); MSi Lighting, Inc. of Boca Raton, Florida (''MSi Lighting''); Satco Products, Inc. of Brentwood, New York (''Satco''); Topaz Lighting Corp. of Holtsville, New York (''Topaz''); and Wangs Alliance Corporation d/b/a/WAC Lighting Co. of Port Washington, New York, and WAC Lighting (Shanghai) Co. Ltd. of Shanghai, China (together, ''WAC''). *Id.* The Office of Unfair Import Investigations is not a party to the investigation. *Id.*

The Commission subsequently terminated the investigation with respect to Topaz and WAC based on settlement agreements. Order No. 9 (Jan. 8, 2018), *not reviewed* Notice (Jan. 16, 2018); Order No. 42 (May 2, 2018), *not reviewed* Notice (May 18, 2018). The Commission also found MSi Lighting in default for failing to respond to the complaint and notice of investigation. Order No. 20 (Jan. 31, 2018), *not reviewed* Notice (February 26, 2018). Additionally, the Commission amended the notice of investigation to remove respondent Edgewell, who was not named in the complaint but was erroneously included in the notice of investigation. Notice (Aug. 6, 2018). Accordingly, at the time of the final ID, the remaining participating respondents were Feit, Lowe's, and Satco (collectively, ''Respondents'').

The Commission also terminated the investigation based on a partial withdrawal of the complaint with respect to the entire '328 patent, the entire '890 patent, certain claims of the '399 patent, and certain claims of the '554 patent. Order No. 44 (May 22, 2018), *not reviewed* Notice (June 11, 2018); Order No. 53 (June 28, 2018), *not reviewed* Notice (July 24, 2018). At the time of the final ID, Philips asserted that Respondents infringed claims 7, 8, 17–19, 34, and 35 of the '399 patent and claims 6 and 12 of the '559 patent, and that Lowe's infringed claims 1, 2, 5–7, and 12 of the '554 patent. ID at 64, 84.

The ALJ also issued a summary determination that Philips showed that its eW Cove Powercore device satisfied the technical prong of the domestic industry requirement with respect to claims 1, 2, 5–7 and 12 of the '554 patent. Order No. 55 (Aug. 1, 2018), *not reviewed* Notice (Aug. 17, 2018).

On December 19, 2018, the ALJ issued the final ID finding a violation of section 337 with respect to the '399 patent, but no violation of section 337 with respect to the '554 and '559 patents. Specifically, the ALJ found that Respondents' products infringe claims 7, 8, and 17–19 of the '399 patent; that certain Lowe's products infringed claims 1, 2, 5, 6, 7, and 12 of the '554 patent but were not shown to be imported or sold by a named respondent; that no products were shown to infringe the '559 patent; that no asserted claim was shown to be invalid; and that Philips showed a domestic industry with respect to all three remaining asserted patents.

On February 6, 2019, Philips and Respondents each filed a petition for review of the final ID. On February 14, 2019, Philips and Respondents responded to each other's petition.

Having examined the record of this investigation, including the ALJ's final ID, the petitions for review, and the responses thereto, the Commission has determined to review the final ID in part. Specifically, the Commission has determined to review the following issues: (1) The ID's infringement findings for the ''controller'' limitation of claims 7 and 8 of the '399 patent, and the ID's infringement findings for the ''adjustment circuit'' limitation of claims 17–19 of the '399 patent; (2) the ID's findings whether products are representative of other products with respect to infringement findings for claims 17–19 of the '399 patent and for claims 6 and 12 of the '559 patent; and (3) the ID's findings on the economic prong of the domestic industry requirement. The Commission has determined not to review any other findings presented in the final ID.

The Commission has also determined to extend the target date for the completion of the investigation until June 18, 2019.

In connection with its review, the Commission is interested in briefing on following issues:

1. In order to satisfy a means-plus-function limitation, the patent owner must show ''that the relevant structure in the accused device perform[s] the identical function recited in the claim and be identical or equivalent to the corresponding structure in the specification.'' *Odetics, Inc.* v. *Storage Tech. Corp.,* 185 F.3d 1259, 1267 (Fed. Cir. 1999). Here, the ALJ construed ''controller'' in claims 7 and 8 of the '399 patent to be a means-plus-function term with the functions of (1) ''receiv[ing] a power-related signal from an alternating current (A.C.) power source that provides signals other than a standard A.C. line voltage''; (2) ''provid[ing] power to the at least one LED based on the power-related signal''; and (3) ''variably control[ing] at least one parameter of light generated by the at least one LED in response to operation of the user interface; and (4) ''variably control[ling] the at least one parameter of the light based at least on the variable duty cycle of the power-related signal.'' Order No. 49 at 47 (Jun. 6, 2018). The ALJ also found that the corresponding structure for these functions is ''controllers 204A and 204B shown in Figures 5 and 7.'' *Id.* Please identify the portions of record that show that each of the accused products contain a structure that performs identical functions and is identical or equivalent to ''controllers 204A and 204B,'' or explain why the record does not show that the accused products contain such a structure. The parties are not to identify evidence or present arguments that were not previously presented to the ALJ.

2. Please identify the portions of the record that show that each accused product satisfies the limitation ''an adjustment circuit to variably control the at least one parameter of light based on the varying power-related signal'' found in claims 17–19 of the '399 patent, or explain why the record does not show that the accused products satisfy this limitation. The parties are not to identify evidence or present arguments that were not previously presented to the ALJ.

The parties are invited to brief only the discrete issues described above, with reference to the applicable law and evidentiary record. The parties are not to brief other issues on review, which are adequately presented in the parties' existing filings.

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue a cease and desist order that could result in the respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The Commission requests that the parties to the investigation file written submissions on the issues identified in this notice. The Commission encourages parties to the investigation, interested government agencies, and any other interested parties to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding, which issued on December 19, 2018. The Commission further requests that Philips submit proposed remedial orders, state the date when the '399 patent expires, provide the HTSUS numbers under which the subject articles are imported, and supply a list of known importers of the subject article. The written submissions, exclusive of any exhibits, must not exceed 50 pages, and must be filed no later than close of business on April 26, 2019. Reply submissions must not exceed 25 pages, and must be filed no later than the close of business on May 3, 2019. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 337–TA–1081'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel [1], solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

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 12, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–07741 Filed 4–17–19; 8:45 am]

BILLING CODE 7020–02–P

[1] All contract personnel will sign appropriate nondisclosure agreements.

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1088]

Certain Road Construction Machines and Components Thereof; Commission Determination To Review-in-Part a Final Initial Determination Finding a Section 337 Violation; Schedule for Filing Written Submissions; Extension of the Target Date for Completion of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review-in-part a final initial determination (''FID'') of the presiding administrative law judge (''ALJ'') finding a violation of section 337 of the Tariff Act of 1930, as amended. The Commission also extends the target date for completion of this investigation by five business days to June 21, 2019.

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 November 29, 2017, based on a complaint, as supplemented, filed by Caterpillar Inc. of Peoria, Illinois and Caterpillar Paving Products, Inc. of Minneapolis, Minnesota (collectively, ''Complainants''). *See* 82 FR 56625–26 (Nov. 29, 2017). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain road construction machines and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 7,140,693 (''the '693 patent''); 9,045,871 (''the '871 patent''); and 7,641,419 (''the '419 patent''). *See id.* The notice of investigation identifies the following respondents: Wirtgen GmbH of Windhagen, Germany; Joseph Vögele AG of Ludwigshafen, Germany; Wirtgen Group Holding GmbH of Windhagen, Germany; and Wirtgen America, Inc. of Antioch, Tennessee (collectively, ''Respondents''). *See id.* The Office of Unfair Import Investigations is not a party to this investigation. *See id.*

The ALJ terminated the '871 patent from the investigation after finding the asserted claims of that patent to be invalid under 35 U.S.C. 101. *See* Order No. 18 (May 24, 2018), *currently under review,* Comm'n Notice (July 3, 2018). The Commission terminated the '419 patent from the investigation after Complainants withdrew their allegations with respect to that patent. *See* Order No. 26 (July 5, 2018), *unreviewed,* Comm'n Notice (July 25, 2018). The Commission also terminated claim 25 of the '693 patent from the investigation after Complainants withdrew their allegations as to that claim. *See* Order No. 38 (Oct. 16, 2018), *unreviewed,* Comm'n Notice (Nov. 9, 2018).

On February 14, 2019, the ALJ issued the FID finding a violation of section 337 by certain of Respondents' products by reason of infringement of claim 19 of the '693 patent. In addition, the FID finds all the asserted claims, except claim 19 of the '693 patent, to be invalid as anticipated and/or obvious over the prior art. Furthermore, the FID finds that Complainants have satisfied the domestic industry requirement with respect to the '693 patent. The ALJ also issued a recommended determination (''RD'') recommending that the Commission issue a limited exclusion order (''LEO'') against the infringing products and a cease and desist order (''CDO'') against each respondent. The ALJ further recommended against setting a bond during the period of Presidential review.

On February 27, 2019, both Complainants and Respondents filed petitions for review of the FID. On March 7, 2019, the parties filed responses to each other's petition. On March 18, 2019, the parties also filed statements on the public interest pursuant to Commission Rule 210.50, 19 CFR 210.50. The Commission issued a **Federal Register** notice requesting public interest comments. *See* 83 FR 10836–37 (Mar. 22, 2019).

The Commission has determined to review the FID in part. Specifically, the Commission has determined to review the FID's findings with respect to: (1) Claim construction of the term ''a retracted position relative to said frame'' and any related findings including with respect to infringement, invalidity, and technical prong of the domestic industry requirement; (2) infringement of the asserted method claims, *i.e.,* claims 17–19, 24, 26–28, and 38 of the '693 patent; (3) invalidity of certain asserted claims of the '693 patent over Volpe SF–100 T4 in view of U.S. Patent No. 3,633,292 (Ulrich); (4) no invalidity of certain asserted claims over U.S. Patent No. 3,843,274 (Gutman) alone or in combination with other prior art; and (5) no invalidity of claim 19 over Volpe SF–100 T4 in view of Ulrich and WO 97/42377 (Busley). The Commission has determined not to review the remainder of the FID. At this time, the Commission does not request briefing from the parties on the issues under review.

The Commission has also determined to extend the target date by five business days to June 21, 2019.

In addition, in connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in the respondent(s) being required to cease and desist from engaging in unfair acts in the importation and sale of such articles.

Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, *see Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843 (Dec. 1994) (Comm'n Op.).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should also address the recommended determination by the ALJ on remedy and bonding. Complainants are also requested to submit proposed remedial orders for the Commission's consideration. Complainants are further requested to state the date that the asserted patent expires and the HTSUS numbers under which the accused products are imported, and to supply the names of known importers of the products at issue in this investigation.

Written submissions and proposed remedial orders must be filed no later than close of business on April 30, 2019. Reply submissions must be filed no later than the close of business on May 10, 2019. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 337–TA–1088'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[1] solely for cybersecurity purposes. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

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).

[1] All contract personnel will sign appropriate nondisclosure agreements.

By order of the Commission.

Issued: April 12, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–07740 Filed 4–17–19; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–227]

Caribbean Basin Economic Recovery Act: Impact on U.S. Industries and Consumers and on Beneficiary Countries

AGENCY: United States International Trade Commission.

ACTION: Scheduling of public hearing and opportunity to submit information in connection with the Commission's 24th report.

SUMMARY: The Commission is inviting the public to appear at the public hearing and or to submit information in writing in connection with the preparation of its 24th report under section 215 of the Caribbean Basin Economic Recovery Act, which requires the Commission to report biennially to the Congress and the President by September 30 of each reporting year on the economic impact of the Act on U.S. industries and U.S. consumers and on the economy of the beneficiary countries. The report is being prepared under Commission investigation No. 332–227, *Caribbean Basin Economic Recovery Act: Impact on U.S. Industries and Consumers and on Beneficiary Countries.* The report will cover trade during calendar years 2017 and 2018, and will be transmitted to Congress and the President by September 30, 2019.

DATES:

May 3, 2019: Deadline for filing requests to appear at the public hearing.

May 8, 2019: Deadline for filing pre-hearing briefs and statements.

May 14, 2019: Public hearing.

May 21, 2019: Deadline for filing post-hearing briefs and statements.

June 3, 2019: Deadline for filing all other written submissions.

September 30, 2019: Transmittal of Commission report to Congress and the President.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW, Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC

20436. The public file for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov/.*

FOR FURTHER INFORMATION CONTACT: Project Leader Heather Wickramarachi (202–205–2699 or *Heather.Wickramarachi@usitc.gov*) or Deputy Project Leader Stephanie Fortune-Taylor (202–205–2749 or *Stephanie.Fortune-Taylor@usitc.gov*) for information specific to this investigation. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its website at *https://www.usitc.gov.* Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Background: Section 215(a)(1) of the Caribbean Basin Economic Recovery Act (CBERA) (19 U.S.C. 2704(a)(1)) requires that the Commission submit biennial reports to the Congress and the President regarding the economic impact of the Act on U.S. industries and consumers, and on the economy of the beneficiary countries. Section 215(b)(1) requires that the reports include, but not be limited to, an assessment regarding:

(A) The actual effect, during the period covered by the report, of [CBERA] on the United States economy generally, as well as on those specific domestic industries which produce articles that are like, or directly competitive with, articles being imported into the United States from beneficiary countries; and

(B) the probable future effect which this Act will have on the United States economy generally, as well as on such domestic industries, before the provisions of this Act terminate.

The report will cover trade with the 17 beneficiary countries: Antigua and Barbuda, Aruba, The Bahamas, Barbados, Belize, British Virgin Islands, Curaçao, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, and Trinidad and Tobago. Notice of institution of the investigation was published in the **Federal Register** of May 14, 1986 (51 FR 17678). The Commission plans to transmit the 24th report, covering calendar years 2017 and 2018, by September 30, 2019.

Public Hearing: A public hearing in connection with this investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC, beginning at 9:30 a.m. on May 14, 2019. Requests to appear at the public hearing should be filed with the Secretary no later than 5:15 p.m., May 3, 2019, in accordance with the requirements in the ''Submissions'' section below. All pre-hearing briefs and statements should be filed no later than 5:15 p.m., May 8, 2019; and all post-hearing briefs and statements responding to matters raised at the hearing should be filed not later than 5:15 p.m., May 21, 2019. In the event that, as of the close of business on May 6, 2019, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or nonparticipant should contact the Office of the Secretary at 202–205–2000 after May 6, 2019, for information concerning whether the hearing will be held.

Written Submissions: In lieu of or in addition to participating in the hearing, interested parties are invited to file written submissions concerning this investigation no later than 5:15 p.m., June 3, 2019. All written submissions must conform to the provisions of section 201.8 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 and the Commission's Handbook on Filing Procedures require that interested parties file documents electronically on or before the filing deadline of June 3, 2019 and submit eight (8) true paper copies by 12:00 noon eastern time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802).

Confidential Business Information: Any submissions that contain confidential business information must also conform to the requirements of section 201.6 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential'' version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

The Commission intends to prepare a report that it can release to the public in its entirety, and the Commission will not include any confidential business information in the report it sends to Congress and the President or makes available to the public. However, all information, including confidential business information, submitted in this investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel for cybersecurity purposes. The Commission will not otherwise disclose any confidential business information in a manner that would reveal the operations of the firm supplying the information.

Summaries of Written Submissions: The Commission intends to publish summaries of positions of interested persons in an appendix to its report. Persons wishing to have a summary of their position included in the report should include a summary with their written submission and the summary should be marked as intended to be included in the designated appendix in the Commission's report. The summary may not exceed 500 words, should be in MSWord format or a format that can be easily converted to MSWord, and should not include any confidential business information. The summary will be published as provided if it meets these requirements and is germane to the subject matter of the investigation. The Commission will identify the name of the organization furnishing the summary, and will include a link to the Commission's Electronic Document Information System (EDIS) where the full written submission can be found.

By order of the Commission.

Issued: April 16, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–07927 Filed 4–17–19; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0039]

Intertek Testing Services NA, Inc.: Grant of Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition for Intertek Testing Services NA, Inc., as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on April 18, 2019.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov*.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693–2110; email: *robinson.kevin@dol.gov*. OSHA's web page includes information about the NRTL Program (see *http://www.osha.gov/dts/otpca/nrtl/index.html*).

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of Intertek Testing Services NA, Inc. (ITSNA), as a NRTL. ITSNA's expansion covers the addition of three test standards to its scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The agency processes applications by a NRTL for initial recognition, or for expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding and, in the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL that details its scope of recognition. These pages are available from the agency's website at *http://www.osha.gov/dts/otpca/nrtl/index.html*.

ITSNA submitted an application, dated April 21, 2015 (OSHA–2007–0039–0029), to expand its recognition to include three additional test standards. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing ITSNA's expansion application in the **Federal Register** on February 5, 2019 (84 FR 1792). The agency requested comments by February 20, 2019, but received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of ITSNA's scope of recognition.

To obtain or review copies of all public documents pertaining to ITSNA's application, go to *http://www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210. Docket No. OSHA–2007–0039 contains all materials in the record concerning ITSNA's recognition.

II. Final Decision and Order

OSHA staff examined ITSNA's expansion application, the capability to meet the requirements of the test standards, and other pertinent information. Based on a review of this evidence, OSHA finds that ITSNA meets the requirements of 29 CFR 1910.7 for expansion of the recognition, subject to the specified limitation and conditions listed. OSHA, therefore, is proceeding with this final notice to grant ITSNA's scope of recognition. OSHA limits the expansion of ITSNA's recognition to testing and certification of products for demonstration of conformance to the test standards listed, in Table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN ITSNA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 1990	Standard for Nonmetallic Underground Conduit with Conductors.
UL 60745–2–19	Hand-Held Motor-Operated Electric Tools—Safety—Part 2–19: Particular Requirements For Jointers.
UL 60745–2–22	Hand-Held Motor-Operated Electric Tools—Safety—Part 2–22: Particular Requirements For Cut-Off Machines.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, the use of the designation of the standards-developing organization for the standard as opposed to the ANSI designation may occur. Under the NRTL Program's policy (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, ITSNA must abide by the following conditions of the recognition:

1. ITSNA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. ITSNA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. ITSNA must continue to meet the requirements for recognition, including all previously published conditions on ITSNA's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of ITSNA, subject to the limitation and conditions specified above.

III. Authority and Signature

Loren Sweatt, Acting Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on April 10, 2019.

Loren Sweatt,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2019–07726 Filed 4–17–19; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0040]

SGS North America, Inc.: Grant of Expansion of Recognition and Modification to the NRTL Program's List of Appropriate Test Standards

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition for SGS North America, Inc., as a Nationally Recognized Testing Laboratory (NRTL). Additionally, OSHA announces the addition of fourteen test standards to the NRTL Program's List of Appropriate Test Standards.

DATES: The expansion of the scope of recognition becomes effective on April 18, 2019.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693–2110; email: *robinson.kevin@dol.gov.* OSHA's web page includes information about the NRTL Program (see *http://www.osha.gov/dts/otpca/nrtl/index.html*).

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of SGS North America, Inc. (SGS), as a NRTL. SGS's expansion covers the addition of sixty-three test standards to its scope of recognition. Additionally, OSHA announces the addition of fourteen test standards to the NRTL Program's List of Appropriate Test Standards.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The agency processes applications by a NRTL for initial recognition, or for expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding and, in the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL that details its scope of recognition. These pages are available from the agency's website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

SGS submitted eleven applications to OSHA to expand its recognition as a NRTL to include sixty-three additional test standards. These applications were consolidated into a single application and submitted to OSHA on October 4, 2018 (OSHA–2006–0040–0036). OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing SGS's expansion applications and proposed addition to the NRTL List of Appropriate Test Standards in the **Federal Register** on February 7, 2019 (84 FR 2583). The agency requested comments by February 22, 2019, but received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of SGS's scope of recognition.

To obtain or review copies of all public documents pertaining to SGS's application, go to *http://www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210. Docket No. OSHA–2006–0040 contains all materials in the record concerning SGS's recognition.

II. Final Decision and Order

OSHA staff examined SGS's expansion applications, the capability to meet the requirements of the test standards, and other pertinent information. Based on a review of this evidence, OSHA finds that SGS meets the requirements of 29 CFR 1910.7 for expansion of the recognition, subject to the specified limitation and conditions listed. OSHA, therefore, is proceeding with this final notice to grant SGS's scope of recognition. OSHA limits the expansion of SGS's recognition to testing and certification of products for demonstration of conformance to the test standard listed, in Table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARD FOR INCLUSION IN SGS'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 82	Standard for Electric Gardening Appliances.
UL 588	Standard for Seasonal and Holiday Decorative Products.
UL 1573	Standard for Stage and Studio Luminaires and Connector Strips.
UL 1598C	Standard for Light-Emitting Diode (LED) Retrofit Luminaire Conversion Kits.
UL 1838	Standard for Low Voltage Landscape Lighting Systems.
UL 2388	Standard for Flexible Lighting Products.
UL 496	Lampholders.
UL 924	Standard for Emergency Lighting and Power Equipment.
UL 935	Standard for Fluorescent-Lamp Ballasts.
UL 8752	Standard for Organic Light Emitting Diode (OLED) Panels.
UL 962	Standard for Household and Commercial Furnishings.
UL 1029	Standard for High-Intensity-Discharge Lamp Ballasts.
UL 1598A	Standard for Supplemental Requirements for Luminaries for Installation on Marine Vessels.
UL 234	Standard for Low Voltage Lighting Fixtures for Use in Recreational Vehicles.
UL 499	Standard for Electric Heating Appliances.
UL 2021	Standard for Fixed and Location-Dedicated Electric Room Heaters.
UL 1017	Vacuum Cleaners, Blower Cleaners, and Household Floor Finishing Machines.
UL 778	Standard for Motor-Operated Water Pumps.
UL 998	Humidifiers.
UL 859	Standard for Household Electric Personal Grooming Appliances.
UL 1082	Standard for Household Electric Coffee Makers and Brewing-Type Appliances.
UL 1083	Household Electric Skillets and Frying-Type Appliances.
UL 1647	Standard for Motor-Operated Massage and Exercise Machines.
UL 1278	Standard for Movable and Wall- or Ceiling-Hung Electric Room Heaters.
UL 471	Standard for Commercial Refrigerators and Freezers.
UL 197	Standard for Commercial Electric Cooking Appliances.
UL 541	Standard for Refrigerated Vending Machines.
UL 563	Standard for Ice Makers.
UL 858	Standard for Household Electric Ranges.
UL 561	Standard for Floor-Finishing Machines.
UL 867	Standard for Electrostatic Air Cleaners.
UL 2157	Electric Clothes Washing Machines and Extractors.
UL 2158	Electric Clothes Dryers.
UL 174	Standard for Household Electric Storage Tank Water Heaters.
UL 621	Standard for Ice Cream Makers.
UL 923	Standard for Microwave Cooking Appliances.
UL 62109–1	Standard for Safety of Power Converters for use in Photovoltaic Power Systems—Part 1: General Requirements.
UL 61010–2–010	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2–010: Particular Requirements for Laboratory Equipment for the Heating of Materials.
UL 61010–2–030	Safety Requirements for Electrical Equipment for Measurement, Control, and Laboratory Use—Part 2–030: Particular Requirements for Testing and Measuring Circuits.
UL 583	Standard for Electric-Battery-Powered Industrial Trucks.
UL 749	Household Dishwashers.
UL 921	Commercial Dishwashers.
UL 979	Standard for Water Treatment Appliances.
UL 1206	Standard for Electric Commercial Clothes-Washing Equipment.
UL 1240	Standard for Electric Commercial Clothes-Drying Equipment.
UL 1450	Standard for Motor-Operated Air Compressors, Vacuum Pumps, and Painting Equipment.
UL 1995	Heating and Cooling Equipment.
UL 674	Electric Motors and Generators for Use in Hazardous (Classified) Locations.
UL 698A	Standard for Industrial Control Panels Relating to Hazardous (Classified) Locations.
UL 6141	Standard for Wind Turbines Permitting Entry of Personnel.
UL 61010–2–020	Standard for Safety Requirements for Electrical Equipment for Measurement, Control, and Laboratory Use—Part 2–020: Particular Requirements for Laboratory Centrifuges.
UL 1004–9	Standard for Form Wound and Medium Voltage Rotating Electrical Machines.
UL 3703	Standard for Solar Trackers.
UL 9540	Standard for Energy Storage Systems and Equipment.
UL 62841–1	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 1: General Requirements.
UL 62841–2–2	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–2: Particular Requirements for Hand-Held Screwdrivers and Impact Wrenches.
UL 62841–2–4	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–4: Particular Requirements for Hand-Held Sanders and Polishers Other Than Disc Type.
UL 62841–2–5	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–5: Particular Requirements for Hand-Held Circular Saws.
UL 62841–2–9	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–9: Particular Requirements for Hand-Held Tappers and Threaders.
UL 62841–2–14	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–14: Particular Requirements for Hand-Held Planers.
UL 62841–3–1	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–1: Particular Requirements for Transportable Table Saws.

TABLE 1—LIST OF APPROPRIATE TEST STANDARD FOR INCLUSION IN SGS'S NRTL SCOPE OF RECOGNITION—Continued

Test standard	Test standard title
UL 62841–3–9	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–9: Particular Requirements For Transportable Mitre Saws.
UL 62841–3–10	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–10: Particular Requirements For Transportable Cut-Off Machines.

In this notice, OSHA also announces the addition of fourteen new test standards to the NRTL Program's List of Appropriate Test Standards. Table 2, below, lists the test standards that are new to the NRTL Program. OSHA has determined that these test standards are appropriate test standards and will include them in the NRTL Program's List of Appropriate Test Standards.

TABLE 2—TEST STANDARD OSHA IS ADDING TO THE NRTL PROGRAM'S LIST OF APPROPRIATE TEST STANDARDS

Test standard	Test standard title
UL 6141	Standard for Wind Turbines Permitting Entry of Personnel.
UL 61010–2–020	Standard for Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2–020: Particular Requirements for Laboratory Centrifuges.
UL 1004–9	Standard for Form Wound and Medium Voltage Rotating Electrical Machines.
UL 3703	Standard for Solar Trackers.
UL 9540	Standard for Energy Storage Systems and Equipment.
UL 62841–1	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 1: General Requirements.
UL 62841–2–2	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–2: Particular Requirements for Hand-Held Screwdrivers and Impact Wrenches.
UL 62841–2–4	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–4: Particular Requirements for Hand-Held Sanders And Polishers Other Than Disc Type.
UL 62841–2–5	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn And Garden Machinery—Safety—Part 2–5: Particular Requirements for Hand-Held Circular Saws.
UL 62841–2–9	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–9: Particular Requirements for Hand-Held Tappers and Threaders.
UL 62841–2–14	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn And Garden Machinery—Safety—Part 2–14: Particular Requirements for Hand-Held Planers.
UL 62841–3–1	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–1: Particular Requirements for Transportable Table Saws.
UL 62841–3–9	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–9: Particular Requirements for Transportable Mitre Saws.
UL 62841–3–10	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–10: Particular Requirements for Transportable Cut-Off Machines.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, the use of the designation of the standards-developing organization for the standard as opposed to the ANSI designation may occur. Under the NRTL Program's policy (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, SGS must abide by the following conditions of the recognition:

1. SGS must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. SGS must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. SGS must continue to meet the Requirements for recognition, including all previously published conditions on SGS's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of SGS, subject to the limitation and conditions specified above.

III. Authority and Signature

Loren Sweatt, Acting Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on April 10, 2019.

Loren Sweatt,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2019–07728 Filed 4–17–19; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (19–019)]

Applied Sciences Advisory 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 Applied Sciences Advisory Committee (ASAC). This Committee functions in an advisory capacity to the Director, Earth Science Division, in the NASA Science Mission Directorate. The meeting will be held for the purpose of soliciting, from the applied sciences community and other persons, scientific and technical information relevant to program planning.

DATES: Tuesday, May 7, 2019, 9 a.m. to 4:30 p.m., and Wednesday, May 8, 2019, 8:30 a.m. to 3 p.m., Eastern Time.

ADDRESSES: NASA Headquarters, Room 1Q39, 300 E Street SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. KarShelia Henderson, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2355, fax (202) 358–2779, or *khenderson@nasa.gov.*

SUPPLEMENTARY INFORMATION: This meeting will be open to the public up to the capacity of the room. This meeting will also be available telephonically and via WebEx. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the USA toll free conference call number (888) 677–3055, participant passcode: 4907775, followed by the # sign, to participate in this meeting by telephone on both days. The WebEx link is *https://nasaenterprise.webex.com/;* the meeting number on May 7 is 904 255 050 and the password is 2uV44wE * (case sensitive); the meeting number on May 8 is 901 785 130 and the password is yPevAu2? (case sensitive).

The agenda for the meeting includes the following topics:

- Program and Budget Updates
- Earth Decadal Survey/Designated Observables
- Applied Sciences Communications
- Private Sector and Applications

Attendees will be requested to sign a register and to comply with NASA Headquarters security requirements, including the presentation of a valid picture ID to Security before 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; gender; date/place of birth; citizenship; passport information (number, country, telephone); visa information (number, type, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. To expedite admittance, attendees with U.S. citizens and Permanent Residents (green card holders) may provide full name and citizenship status no less than 3 working days in advance by contacting Ms. KarShelia Henderson via email at *khenderson@nasa.gov* or by fax at (202) 358–2779.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2019–07725 Filed 4–17–19; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[FDMS No. NARA–19–0003; NARA–2019–019]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on *regulations.gov* for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

DATES: NARA must receive comments by June 3, 2019.

ADDRESSES: You may submit comments by either of the following methods. You must cite the control number, which appears on the records schedule in parentheses after the name of the agency that submitted the schedule.

- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *Mail:* Records Appraisal and Agency Assistance (ACR); National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001

FOR FURTHER INFORMATION CONTACT: For information on this notice, contact Kimberly Keravuori by phone at 301.837.3151 or by email at *regulation_comments@nara.gov.* For information on records schedules, contact Records Management Operations by email at *request.schedule@nara.gov,* by mail at the address above, or by phone at 301.837.1799.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule. We have uploaded the records schedules and accompanying appraisal memoranda to the *regulations.gov* docket for this notice as ‘‘other’’ documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the *regulations.gov* portal, you may contact *request.schedule@nara.gov* for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we will post on *regulations.gov* a ''Consolidated Reply'' summarizing the comments, responding to them, and noting any changes we have made to the proposed records schedule. We will then send the schedule for final approval by the Archivist of the United States. You may elect at *regulations.gov* to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. You may request additional information about the disposition process through the contact information listed above.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at *https://www.archives.gov/records-mgmt/rcs,* after the Archivist approves them. The RCS contains all schedules approved since 1973.

Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist's consideration process.

Schedules Pending

1. Department of Agriculture, Forest Service, Hazardous Fuels Management and Prescribed Fire (DAA–0095–2018–0020).
2. Department of Agriculture, Forest Service, Land Purchases and Donations Records (DAA–0095–2018–0023).
3. Department of Agriculture, Forest Service, Safety and Health Program Administration (DAA–0095–2018–0051).
4. Department of Agriculture, Forest Service, Watershed Protection and Management (DAA–0095–2018–0054).
5. Department of Agriculture, Forest Service, Habitat Planning and Evaluation (DAA–0095–2018–0058).
6. Department of Agriculture, Forest Service, Mineral Leases, Permits, and Licenses (DAA–0095–2018–0062).
7. Department of Agriculture, Forest Service, Reclamation Bonding and Plans of Operation (DAA–0095–2018–0063).
8. Department of Health and Human Services, Health Resources and Services Administration, Federal Tort Claims Act (FTCA) Claims Analysis Review and Tracking System (CART) (DAA–0512–2018–0005).
9. Department of Homeland Security, Bureau of Customs and Border Protection, Border Surveillance Systems (BSS) Records (DAA–0568–2018–0002).
10. Department of Homeland Security, Bureau of Customs and Border Protection, Semantic Open Source Software Records (DAA–0568–2019–0001).
11. Department of Homeland Security, Citizenship and Immigration Services Ombudsman, CISOMB Records (DAA–0563–2019–0004).
12. Department of Homeland Security, Transportation Security Administration, Acquisition (DAA–0560–2018–0010).
13. District Courts of the United States, Federal Public Defender Offices, Training Files (DAA–0021–2019–0001).
14. General Services Administration, Agency-wide, Public Buildings Service Records (DAA–0121–2015–0001).
15. National Archives and Records Administration, Government-wide, Alterations and Additions to GRS 4.2 (DAA–GRS–2019–0001).
16. National Archives and Records Administration, Government-wide, GRS 6.7 Legal Records (DAA–GRS–2019–0002).
17. National Archives and Records Administration, Research Services, Records of the Office of War Information (N2–208–2018–001).
18. National Archives and Records Administration, Research Services, National Science Foundation Research Grant Proposals and Awards Case Files (N2–307–2018–001).
19. Securities and Exchange Commission, Division of Trading and Markets, Advice and Opinions (DAA–0266–2018–0005).

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2019–07752 Filed 4–17–19; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Committee Management; Renewal

The NSF management officials having responsibility for the advisory committee listed below have determined that renewing this committee for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committee: Advisory Committee for International Science and Engineering, #25104.

Effective date for renewal is April 12, 2019. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

Dated: April 12, 2019.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2019–07733 Filed 4–17–19; 8:45 am]

BILLING CODE 7555–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2019–123 and CP2019–132]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 22, 2019.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2019–123 and CP2019–132; *Filing Title:* USPS Request to Add Priority Mail Express Contract 74 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* April 12, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Gregory Stanton; *Comments Due:* April 22, 2019.

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

This Notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2019–07787 Filed 4–17–19; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, & First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* April 18, 2019.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 15, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail, & First-Class Package Service Contract 59 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–124, CP2019–133.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–07836 Filed 4–17–19; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33447; File No. 812–14868]

Eaton Vance Growth Trust, et al.

April 15, 2019.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order pursuant to: (a) Section 6(c) of the Investment Company Act of 1940 (''Act'') granting an exemption from sections 18(f) and 21(b) of the Act; (b) section 12(d)(1)(J) of the Act granting an exemption from section 12(d)(1) of the Act; (c) sections 6(c) and 17(b) of the Act granting an exemption from sections 17(a)(1), 17(a)(2) and 17(a)(3) of the Act; and (d) section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint arrangements and transactions. Applicants request an order that would supersede a prior order for similar relief and that would permit certain registered management investment companies to participate in a joint lending and borrowing facility.[1]

Applicants: The Funds (as defined below) set forth on Exhibit A to the application, each organized as either a Maryland corporation or a Massachusetts business trust and registered under the Act as an open-end or closed-end management investment company,[2] and Eaton Vance Management and Boston Management and Research, each a Massachusetts business trust that is registered as an investment adviser under the Investment Advisers Act of 1940 (collectively, the ''Applicants'').

Filing Dates: The application was filed on January 17, 2018, and amended on July 13, 2018 and December 20, 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 10, 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: Maureen Gemma, Eaton Vance Management, Two International Place, Boston, MA 02110.

FOR FURTHER INFORMATION CONTACT: Asen Parachkevov, Senior Counsel, or Andrea Ottomanelli Magovern, Branch Chief, at (202) 551–6821 (Division of

[1] Eaton Vance Income Fund of Boston, et al., Investment Company Act Release Nos. 25640 (June 26, 2002) (notice) and 25669 (July 23, 2002) (order).

[2] The Funds (as defined below) that are closed-end management investment companies will not participate as borrowers in the interfund lending facility.

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 an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would permit the applicants to participate in an interfund lending facility where each Fund could lend money directly to and borrow money directly from other Funds to cover unanticipated cash shortfalls, such as unanticipated redemptions or trade fails.[3] The Funds will not borrow under the facility for leverage purposes and the loans' duration will be no more than 7 days.[4]

2. Applicants anticipate that the proposed facility would provide a borrowing Fund with a source of liquidity at a rate lower than the bank borrowing rate at times when the cash position of the Fund is insufficient to meet temporary cash requirements. In addition, Funds making short-term cash loans directly to other Funds would earn interest at a rate higher than they otherwise could obtain from investing their cash in repurchase agreements or certain other short term money market instruments. Thus, applicants assert that the facility would benefit both borrowing and lending Funds.

3. Applicants agree that any order granting the requested relief will be subject to the terms and conditions stated in the application. Among others, each Adviser, through a designated committee, would administer the facility as a disinterested fiduciary as part of its duties under the investment advisory and administrative services agreements with the Funds and would receive no additional fee as compensation for its services in connection with the administration of the facility. The facility would be subject to oversight and certain approvals by the Funds' Board, including, among others, approval of the interest rate formula and of the method for allocating loans across Funds, as well as review of the process in place to evaluate the liquidity implications for the Funds. A Fund's aggregate outstanding interfund loans will not exceed 15% of its net assets, and the Fund's loans to any one Fund will not exceed 5% of the lending Fund's net assets.[5]

4. Applicants assert that the facility does not raise the concerns underlying section 12(d)(1) of the Act given that the Funds are part of the same group of investment companies and there will be no duplicative costs or fees to the Funds.[6] Applicants also assert that the proposed transactions do not raise the concerns underlying sections 17(a)(1), 17(a)(3), 17(d) and 21(b) of the Act as the Funds would not engage in lending transactions that unfairly benefit insiders or are detrimental to the Funds. Applicants state that the facility will offer both reduced borrowing costs and enhanced returns on loaned funds to all participating Funds and each Fund would have an equal opportunity to borrow and lend on equal terms based on an interest rate formula that is objective and verifiable. With respect to the relief from section 17(a)(2) of the Act, applicants note that any collateral pledged to secure an interfund loan would be subject to the same conditions imposed by any other lender to a Fund that imposes conditions on the quality of or access to collateral for a borrowing (if the lender is another Fund) or the same or better conditions (in any other circumstance).[7]

5. Applicants also believe that the limited relief from section 18(f)(1) of the Act that is necessary to implement the facility (because the lending Funds are not banks) is appropriate in light of the conditions and safeguards described in the application and because the open-end Funds would remain subject to the requirement of section 18(f)(1) that all borrowings of the open-end Fund, including combined interfund loans and bank borrowings, have at least 300% asset coverage.

6. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if 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. Section 12(d)(1)(J) 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 section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act. Rule 17d–1(b) under the Act provides that in passing upon an application filed under the rule, the Commission will consider whether the participation of the registered investment company in a joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of the other participants.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–07821 Filed 4–17–19; 8:45 am]

BILLING CODE 8011–01–P

[3] Applicants request that the order apply to the Applicants and to any registered open-end or closed-end management investment company or series thereof for which Eaton Vance Management or Boston Management and Research or any successor to either thereto, or an investment adviser controlling, controlled by, or under common control with Eaton Vance Management or Boston Management and Research or any successor to either thereto serves as investment adviser (each such investment company or series thereof, a ''Fund'' and collectively the ''Funds,'' and each such investment adviser, an ''Adviser''). For purposes of the requested order, ''successor'' is limited to any entity that results from a reorganization into another jurisdiction or a change in the type of a business organization.

[4] Any Fund, however, will be able to call a loan on one business day's notice.

[5] Under certain circumstances, a borrowing Fund will be required to pledge collateral to secure the loan.

[6] Applicants state that the obligation to repay an interfund loan could be deemed to constitute a security for the purposes of sections 17(a)(1) and 12(d)(1) of the Act.

[7] Applicants state that any pledge of securities to secure an interfund loan could constitute a purchase of securities for purposes of section 17(a)(2) of the Act.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85643; File No. SR–CboeEDGX–2019–021]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Chapter 22 of the Exchange's Rulebook

April 15, 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 8, 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, II, and III 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. (the ''Exchange'' or ''EDGX Options'') proposes to amend Chapter 22 of the Exchange's rulebook. The text of the proposed rule change is provided in 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 Exchange proposes to harmonize its rules within Chapter 22 (Market Participants) that pertain to Options Market Maker requirements to that of its affiliated exchange, Cboe C2 Exchange, Inc. (''C2'').[5] Specifically, the Exchange proposes to conform its Rule 22.3 (Continuing Options Market Maker Registration) to C2 Rule 8.2 (Market-Maker Class Appointments), which allows for Market Makers to select a class appointment. In doing so, the Exchange also proposes to amend its definition of ''class of options'' under Rule 16.1 to be consistent with C2's definition under C2 Rule 1.1. Additionally, the Exchange wishes to amend language in Rules 22.2 (Options Market Maker Registration and Appointment), 22.4 (Good Standing for Market Makers), 22.5 (Obligations of Market Makers) and 22.6 (Market Maker Quotations) to be substantially similar to the language of the corresponding rules within C2 Chapter 8 (Market Makers), retaining only intended differences between it and C2. The Exchange also proposes other various non-substantive changes to Rules 22.2 through 22.6 which will serve to harmonize its rules with the corresponding C2 rules, as well as simplify or clarify its Market Maker rules, delete duplicative rule provisions, conform paragraph numbering and lettering throughout the rules. Additionally, the Exchange proposes a substantive change to its current continuous quoting requirement for Market Makers under Rule 22.6(d), which is described in detail below. This proposed rule change to the continuous quoting requirement is based on existing Nasdaq PHLX LLC (''Phlx''), Nasdaq ISE, LLC (''ISE''), Nasdaq MRX, LLC (''MRX'') and Nasdaq GEMX, LLC (''GEMX'') rules[6] previously filed with the Commission. It also intends to harmonize the proposed quoting requirements across EDGX Options and its affiliated exchanges, C2 and Cboe BZX Exchange, Inc. (''BZX Options'').[7] Overall, the Exchange believes that having substantially the same Market Maker rules and requirements across exchanges will reduce the compliance burden and confusion for Market Makers that are members of multiple exchanges.

In particular, the proposed rule change amends Rule 22.2(c), which permits the Exchange to impose limits to the number of Members that may become Market Makers based on a non-exhaustive list of objective factors, including system constraints and capacity restrictions. This amendment is consistent with C2 Rule 8.1(c). The proposed rule change moves Rule 22.2(h) to proposed Rule 22.2(d) (and adjusts the lettering in current Rule 22.2(d) through Rule 22.2(i) accordingly), which states that a Member or prospective Member adversely affected by an Exchange determination under this Chapter 22, including the Exchange's termination or suspension of a Member's status as a Market Maker or of a Market Maker's appointment to a class, may obtain a review of such determination in accordance with the provisions of Chapter 10 (Adverse Action). The Exchange notes that this proposed change aligns language and paragraph lettering with that of corresponding C2 Rule 8.1(d).

The proposed rule change modifies rule provisions throughout Chapter 22 to clarify the distinction between Market Maker registration, appointment as a Designated Primary Market Maker (''DPM''),[8] and a Market Maker's (and DPM's) appointment to option classes. This harmonizes the Exchange's rules with the registration and appointment requirement rules under Chapter 8 of C2. In particular, an Options Member may already register as a Market Maker pursuant to Rule 22.2(a) and request appointment as a DPM pursuant to current Rule 22.2(d). Proposed Rule 22.3(a) allows a registered Market Maker to select appointments to classes, rather than registering[9] for a series. Under the proposed class appointments, a Market Maker obtains Market Maker treatment by agreeing to and satisfying obligations in its appointed classes. This proposed change is consistent with C2 Rule 8.2(a). The proposed rule change makes corresponding changes to reflect the application of Market Maker obligations to appointed classes to Rule 22.2, Rule 22.4 (Good Standing for Market Makers), Rule 22.5 (Obligations of Market Makers) and Rule 22.6 (Market Maker Quotations). The proposed change also makes corresponding changes within Rule 21.1(j) (regarding designation of bulk messages and submission of orders through bulk ports) to reflect a Market

[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] The Exchange notes that its affiliated exchange, Cboe BZX Exchange, Inc. (''BZX Options'') is simultaneously proposing to harmonize its Options Market Maker rules with that of C2.

[6] *See* Phlx Rule 1081(c); ISE Rule 804(e); MRX Rule 804(e); and GEMX Rule 804(e); *See also* Securities Exchange Act Release No. 83209 (May 10, 2018), 83 FR 22717 (May 16, 2018) (SR–Phlx–2018–22) (Order Granting Approval of Proposed Rule Change to Amend Phlx's Quoting Requirements, Among Other Changes) (SR–Phlx–2018–22).

[7] The Exchange notes that C2 and BZX Options are simultaneously proposing the same continuous quoting requirements.

[8] *See* EDGX Options Rule 21.8(d) and (g).

[9] The Exchange notes that the term ''registering'' to make markets in series currently corresponds to the manner in which C2 uses and applies the term ''appointment'' to make markets in classes.

Maker's appointment in a class. The Exchange notes that current Rule 22.2(d) (proposed Rule 22.2(e)) refers to a DPM's appointment to ''option issues'', which is an interchangeable term for a class.[10] The Exchange changes this reference to class or classes where applicable in order to provide consistency throughout Chapter 22. The proposed rule change also renames Rule 22.3 to be ''Market Maker Class Appointments'', reflecting the fact that the rule generally describes how, as proposed, a Market Maker may obtain appointments to classes, rather than continuing Market Maker registration. Under proposed Rule 22.3(b) Market Makers may select their own class appointments through the same electronic interface process in which they currently register for series of options. This is the same appointment process as prescribed in C2 Rule 8.2(b). Proposed Rule 22.3(c) references the Exchange's ability to limit Market Maker appointments pursuant to proposed Rule 22.2(c), as described above. This corresponds to C2 Rule 8.2(d). The Exchange is not proposing to adopt a provision that corresponds to C2 Rule 8.2(c), which provides that a ''Market Maker's appointment in a class confers the right of the Market Maker to quote (using order functionality) in that class'', as EDGX rules do not provide for separate quoting functionality in an appointed class. EDGX offers order and bulk message functionality (similar to quoting functionality), which may be used by all Users.[11] Therefore, the Exchange believes the adoption of this paragraph to be unnecessary. Additionally, the Exchange is not proposing to adopt a provision that corresponds to C2 Rule 8.3 (Market-Maker Class Appointment Costs), which describes the appointment costs per Trading Permit, as Trading Permits and appointment costs are specific to C2 and do not apply to EDGX Options.

In order to provide for consistency across the Exchange and C2 regarding Market Maker obligations and appointment to classes, the Exchange proposes to amend its definitions under Rule 16.1(a)(14) for the term ''class of options'', and under Rule 16.1(a)(56) for the term ''series'' or ''series of options'' to be the same as C2's definitions. Currently, the Exchange defines a class of options as options of the same type. Type is defined as either a put or a call. However, the term class is generally understood to include both puts and calls, which are types of series, not separate classes, making this definition outdated. Specifically, it is understood that options with the same exercise price and expiration date that are puts constitute one series, and options with the same exercise price and expiration date that are calls constitute another series. The Exchange thus proposes to amend the definition of class to mean all options contracts with the same unit of trading covering the same underlying security or index. The proposed amendment also adds that options may cover an index, which are currently provided for on the Exchange, and that the term ''class'' may be used interchangeably with ''class of options'' because references to ''class'' are already made throughout the Exchange's rules, which inherently refers to ''class of options'' as this definition pertains only to activity on EDGX Options. This amended definition is consistent with the definition of class under C2 Rule 1.1 (Definitions). The Exchange thus believes that this change will serve to provide clarity and reduce confusion across the affiliated exchanges' rules, particularly regarding a Market Maker's understanding of its obligations to its appointed classes. In line with this change, the Exchange also amends its definition of ''series of options'' to clarify that a series consists of options of the same type, as described in detail above. This is consistent with the definition under C2 Rule 1.1.

The proposed rule change deletes current Rule 22.4(a)(2), which states a Market Maker must continue to satisfy the Market Maker qualification requirements specified by the Exchange. The Exchange notes that this is redundant of the language in subparagraph (a)(1).Subparagraph (a)(1) states that a Market Maker must continue to meet the general requirements for Members set forth in Chapter 2 and Market Maker requirements set forth in Rule 22.2 (which is a proposed amendment replacing reference to Rule 11.5 as Rule 22.2 covers EDGX Options Market Maker registration, relevant to Chapter 22, whereas Rule 11.5 covers Market Maker registration for EDGX Equities). These are generally the only requirements applicable to qualify as a Market Maker. C2 Rule 8.4(a) similarly does not contain this provision. The proposed changes to Rule 22.4(b) are non-substantive modifications that mirror language in C2's corresponding Rule 8.4 (Good Standing for Market-Makers). As stated above, the proposed changes to Rule 22.5 consist of amending language to reflect a Market Maker's class appointment, rather than registration to a series, as well as non-substantive changes to reflect the language of C2 Rule 8.5.

Current Rule 22.6 (Market Maker Quotations) describes requirements applicable to Market Maker quotes. The proposed rule change moves Rule 22.6(c) to proposed Rule 22.6(a), which mirrors the order of corresponding provisions under C2 Rule 8.6, and adds exceptions to firm quotes under proposed Rule 22.6(a) that are the same as the exceptions under corresponding C2 Rule 8.6(a). These proposed exceptions to a Market Maker's firm quote include system malfunction, unusual market conditions, and quotes during the pre-open. The proposed rule change adjusts the lettering of current Rule 22.6(a) through Rule 22.6(b) accordingly.

The Exchange also proposes to amend a Market Maker's continuous quoting obligations under Rule 22.6(d) based on existing Phlx, ISE, MRX and GEMX rules, previously filed with the Commission. The proposed amendments to Rule 22.2(d) are substantially similar to the continuous quoting requirement provisions on other exchanges.[12] Specifically, current Rule 22.6(d)(1) provides that a Market Maker must make markets on a continuous basis in at least 75% of the option series in which it is registered while current Rule 22.6(d)(3) provides that a Market Maker fulfills the requirement if the Market Maker provides two-sided quotes 90% of the time in an appointed series on a given trading day, or such higher percentage as the Exchange may announce in advance. The proposed rule change to Rule 22.6(d) requires a Market Maker to continuously enter bids and offers in series in its appointed classes in 60% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Market Maker's appointed classes are open, excluding any adjusted series, any intra-day add-on series on the day during which such series are added for trading, any Quarterly Option Series and any series with an expiration of greater than 270 days. Additionally, the proposed change amends current subparagraph (d)(3) (proposed paragraph (d)(1)) to provide for the way in which the Exchange calculates this requirement and is explicit in stating

[10] This is understanding clarified and confirmed under EDGX Options Rule 22.2(c), which states that ''The Exchange may appoint one DPM per options class'', and EDGX Options Rule 21.7(g), which states that ''A DPM may be appointed by the Exchange in option classes in accordance with Rule 22.2.''

[11] The Exchange notes that C2 is simultaneously proposing to delete its Rule 8.2(c) as it has recently implemented quoting functionality available to all users, not just Market-Makers.

[12] *See supra* note 6.

that quoting is not required in every appointed class. An example of the proposed calculation is presented below:

Market-Maker A (''Firm A'')[13] has selected an appointment to quote option class U, in which options U1, U2, U3, U4, and U5 are open for trading. Firm A also has selected appointments in options classes V and W.

Option U1 opened at 09:30:00[14] and closed at 16:00:00

Firm A quoted U1 at 09:35:30 @ 13.00(10) − 15.00(10)

Firm A updated quote in U1 at 09:50:31 @10.00(10) − 15.00(20)

Firm A purged quote at 15:55:40

Total quoted time for U1 is: 15:55:40–09:35:30 = (15–9)*3600 + (55–35)*60 + (40–30) = 22810 (seconds)

Total available quote time for U1 is: 16:00:00–09:30:00 = (16–9)*3600 + (60–30)*60 + (00–00) = 270000 (seconds)

Option U2 opened at 09:30:00 and closed at 16:00:00

Firm A quoted U2 at 10:05:30 @ 13.00(10)-15.00(10)

Firm A updated quote in U2 at 11:00:01 @11.00(10)-16.00(20)

Firm A purged quote at 15:05:40

Total quoted time for U2 is: 15:05:40–10:05:30 = (15–10)*3600 + (65–05)*60 + (40–30)= 21610 (seconds)

Total available quote time for U2 is: 16:00:00–09:30:00 = (16–9)*3600 + (60–30)*60 + (00–00) = 27000 (seconds)

Option U3 opened at 09:30:00 and closed at 16:15:00

Firm A quoted U3 at 11:10:21 @ 21.00(10) − 24.00(20)

Firm A purged quote at 15:15:05

Total quoted time for U3 is: 15:15:05–11:10:21 = (15–11)*3600 + (75–10)*60 + (65–21) = 18344 (seconds)

Total available quote time for U3 is: 16:01:20–09:40:02 = (16–9)*3600 + (75–30)*60 + (00–00) = 27900 (seconds)

Option U4 opened at 9:30:00 and closed at 16:00:00

Firm A quoted U4 at 09:34:29 @ 35.00(10) − 37.00(10)

Firm A updated quote in U4 at 10:30:21 @31.00(10) − 37.00(20)

Firm A purged quote in U4 at 15:59:34

Total quoted time for U4 is: 15:59:34–09:34:29 = (15–09)*3600 + (59–34)*60 + (34–29) = 23105 (seconds)

Total available quote time is: 16:00:00–09:30:00 = (16–9)*3600 + (60–30)*60 + (00–0) = 27000 (seconds)

Option U5 opened at 9:30:00 and closed at 16:00:00

Firm A did not quote U5 thus, the total quoted time for U5 will be: 0 (seconds)

Total available quote time is: 16:00:00–09:30:00 = (16–9)*3600 + (60–30)*60 + (00–00) = 27000 (seconds)

Total time Firm A quoted class U: 22810 + 21610 + 18344 + 23105 + 0 = 85869 (seconds)

Total eligible quoting time for Firm A on class U: 27000 + 27000 + 27900 + 27000 + 27000 = 135900 (seconds)

Similarly assume:

Total time for Firm A quoted class V: 80983(seconds)

Total eligible quoting time for Firm A on class V: 84515 (seconds)

Total time for Firm A quoted class W: 0(seconds)

Total eligible quoting time for Firm A on underlying W: 46513 (seconds)

Then the total quoting percentage for Firm A is: (85869 + 80983 + 0)/(135900 + 84515 + 46513) = 156852/266928 = 62.5%

As stated, the current rule requires a Market Maker to quote 75% of the series in which it is registered for 90% of each trading day. By comparison, the proposed rule change permits a Market Maker to quote any percentage of appointed classes so long as the Market Maker meets the requirement that it enters quotes aggregating 60% of the cumulative seconds across the total seconds that its appointment classes are open for trading. The proposed rule explicitly provides that a Market Maker does not necessarily have to quote every appointed class. The Exchange believes the proposed rule better accommodates the occasional issues that may arise in a particular class, whether technical or manual. For example, an issue may arise on the Market Maker's side in which there is a glitch in its systems or a manual computing error that temporarily disrupts quoting ability. The Exchange notes that the existing requirement may at times discourage liquidity in particular classes because a Market Maker is forced to focus on a momentary technical lapse in order to meet the higher current thresholds, rather than using the appropriate resources to focus on the classes that need and consume additional liquidity. The proposed rule maintains the language (currently in subparagraph (b)(3)) that the Exchange may announce in advance a higher percentage than the proposed 60% of the cumulative number of seconds requirement, which the Exchange believes may be appropriate on occasions when doing so would be in the interest of a fair and orderly market. This discretion is the same in the corresponding rules of Phlx, ISE, MRX, and GEMX.[15]

The proposed rule change also moves the continuous quoting obligation provisions to the introduction of Rule 22.6(d) from current subparagraphs (d)(1) and (d)(3) and the same quoting exclusions from subparagraph (d)(6). As such, the proposed rule change deletes the language in current subparagraph (d)(3) regarding the current continuous quoting obligation, the language in subparagraph (d)(6) regarding series excluded, as well as the remaining language in subparagraph (d)(6) which is consistent with C2 Rule 8.6. Additionally, the proposed rule change incorporates the exclusion of any intra-day add-on series on the day during which such series are added for trading. This exclusion is consistent with corresponding C2 Rule 8.6. The proposed change also amends the current quoting exclusion of any series with an expiration of nine months or greater to an expiration of greater than 270 days. The Exchange notes that Market Makers generally already monitor expirations by a defined count of 270 days, as opposed to a nine month count in which the number of days continuously varies. Therefore, this proposed change intends to align the Exchange's rules with current industry practice.[16]

Furthermore, the proposed rule change deletes the language in current subparagraph (d)(3) (proposed subparagraph (d)(1)), which states that a Market Maker shall be deemed to have fulfilled the continuous quoting requirement if the Market Maker provides quotes for the percentage of the time that it is required to provide quotes on a given trading day, as it is redundant of the language in proposed Rule 22.6(d). The proposed rule change also makes non-substantive changes to the remaining language in proposed subparagraph (d)(1) to conform with corresponding C2 Rule 8.6(d)(2), and modifies language in proposed subparagraphs (d)(2) and (d)(3) (current subparagraphs (d)(4) and (d)(5)) to reflect the form and substance in that of corresponding C2 Rules 8.6(d)(1) and 8.6(d)(4), as well as the proposed continuous quoting percentage obligation where applicable.

[13] The Exchange notes that a Market-Maker may use multiple Executing Firm IDs (''EFIDs'') to submit quotes in a class. The quoting time from all of a Market-Maker EFIDs' will be considered together when determining compliance with this obligation.

[14] All times in example calculation in Eastern Time.

[15] *See supra* note 6.

[16] The Exchange notes that C2 and BZX Options are simultaneously proposing to amend their corresponding rules to exclude any series with an expiration of greater than 270 days.

Additionally, the proposed rule change moves current subparagraph (d)(2) to proposed Rule 22.6(e), and current Rule 22.6(e) to proposed Rule 22.6(f). The revised language and paragraph lettering mirrors that of C2 corresponding Rule 8.6(e) and Rule 8.6(f).

As proposed, the Exchange's Market Maker requirements and quoting obligations are substantially the same as current C2 Market-Maker requirements and obligations. Importantly, the proposed change incorporates C2's Chapter 8 Market Maker obligations to an appointed class, in lieu of the current registration to a series. Additionally, the Exchange amends its continuous quoting requirements to be substantially similar to the requirements under other exchanges' rules.[17] The Exchange believes that proposed amendments to its quoting requirements are reasonable because these requirements are already in place on other options exchanges.[18] The Exchange notes that the proposed change to continuous quoting requirements creates a clear, affirmative Market Maker obligation to hold themselves out as willing to buy and sell securities for their own account on a continuous basis, which justifies favorable Market Maker treatment and will continue to provide customer trading interest a net benefit. The Exchange further believes having consistent Market Maker requirements and obligations in the EDGX and C2 Rules, as well as with other exchanges, will simplify the regulatory requirements for its Members that are active across multiple exchanges.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[19] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [20] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)21 requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change will contribute to the protection of investors and the public interest by having rules related to Market Maker registration, appointments, and obligations consistent among EDGX Options and its affiliated exchanges, C2 and BZX Options,[22] as well as by bolstering participants' collective understanding of the Exchange's rules and the rules of its affiliated exchanges. The proposed rule change makes a clear distinction between Market Maker registration, Market Maker appointment as a DPM, and Market Maker appointments to classes in which they are obligated to make markets, and aligns the Exchange Rules with the corresponding C2 rules. The Exchange notes that this proposed change to have Market Maker class appointments rather than series appointments does not propose new Market Maker obligations as Market Makers currently quote most series of options within a class. Therefore, the Exchange believes the proposed change will not significantly alter Market Maker obligations nor impose any significant additional burden. The Exchange believes the proposed appointment to classes, along with the amended definitions of class and series, promotes consistency in Market Maker obligations and understanding of the rules across EDGX Options and its affiliated exchange, C2.[23] The Exchange believes this will result in greater uniformity and less burdensome regulatory compliance. As such, the Exchange believes maintaining uniformity in class and series definitions, Market Maker class appointments and their obligations to such appointments will foster cooperation and coordination with persons engaged in facilitating transactions in securities and will remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange believes the proposed rule change to amend Market Makers' continuous quoting obligations will remove impediments to and perfect the mechanism of a free and open market and a national market system. With respect to continuous quoting obligations, the proposed rule change seeks to conform the quoting obligations to that of the rules of other exchanges.[24] The Exchange currently requires a Market Maker to quote in at least 75% the options series in which the Market Maker is registered during 90% of the trading day. The Exchange believes that applying a Market Maker's cumulative quoting time to the Market Maker's aggregate appointed classes to meet a threshold of 60% of the cumulative seconds its appointed classes are open for trading (like that of the current requirements on other exchanges) is less stringent than the Exchange's current requirement because of the lower quoting time threshold and because the proposed requirement does not consider a percentage of its appointed classes, so long as the overall 60% time requirement is met. Further, the Exchange notes that the current continuous quoting requirement potentially discourages liquidity at times when a Market Maker is forced to focus on making up for a momentary lapse in a particular class rather than allocating appropriate resources to focus on the classes that need and consume additional liquidity, and then allowing a Market Maker to continue quoting in the class that experienced a lapse after correcting the applicable issue.[25] The Exchange believes that this rule change better accommodates these occasional lapses, whether technical or manual, and enables a Market Maker to provide appropriate liquidity commensurate with the needs of its appointed classes. Moreover, the Exchange believes that it can better attract Market Makers, add liquidity, and grow its market to the benefit of all investors, if its quoting obligation is more aligned with that of other exchanges. The proposed rule change supports the quality of the Exchange's market by helping to ensure that Market Makers will continue to be obligated to quote in a percentage of their appointed classes. Ultimately, the benefit the proposed rule change confers upon Market Makers is offset by the continued responsibilities to provide significant liquidity to its appointed classes to the benefit of all market participants. The Exchange believes that the proposed change to continuous quoting requirements creates a clear, affirmative Market Maker obligation to hold themselves out as willing to buy

[17] *See supra* note 6.

[18] *See supra* note 7. The same quoting requirements will be incorporated into C2 and BZX Options rules.

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[22] *See supra* note 5 and note 7.

[23] As well as its affiliated exchange, BZX Options. *See supra* note 5.

[24] *See supra* note 6.

[25] *See also* Exchange Rule 22.6(d)(4) (proposed Rule 22.6(d)(2)). The Exchange already accounts for technical failure or limitation due to the automated system for order execution and trade reporting owned and operated by the Exchange (''System'').

and sell securities for their own account on a continuous basis, which justifies favorable Market Maker treatment and will continue to provide customer trading interest a net benefit. The Exchange further notes that the proposed rule text is consistent with the Act because the quoting obligations are substantially the same as quoting obligations on Phlx, ISE, MRX, and GEMX today, previously filed with the Commission.[26] Additionally, the Exchange believes the proposed rule change excluding any series with an expiration of greater than 270 days, as opposed to nine months or greater, from a Market Maker's quoting obligations is in line with the way in which Market Makers currently monitor expiration. As a result, the Exchange believes that this change will foster cooperation and coordination with persons engaged in regulating securities, as well as facilitating transactions in securities. The proposed change will reduce confusion by codifying an industry practice already in place and harmonizing expiration time across the Exchange and its affiliated exchanges.[27] The Exchange also notes that the proposed changes are reasonable and do not affect investor protection because the proposed changes do not present any novel or unique issues, as they have either been previously filed with the Commission or are codifying an industry practice currently in place.

To the extent a proposed rule change within Chapter 22 is based on an existing C2 rule within C2 Chapter 8, the language of the Exchange rules and C2 rules may differ where necessary to conform to existing Exchange rule text or to account for details or descriptions included in the Exchange's rules but not in the applicable C2 rules. Where possible, the Exchange has substantively mirrored C2 rules, as it believes consistent rules will simplify the regulatory requirements and increase the understanding of the Exchange's operations for Members that are also participants on C2, as well as on BZX Options, which is simultaneously proposing the same changes. The proposed rule change will provide greater harmonization between the rules of EDGX Options and its affiliated exchanges,[28] resulting in greater uniformity and less burdensome and more efficient regulatory compliance. As such, the proposed rule change will foster cooperation and coordination with persons engaged in facilitating transactions in securities and will remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange also believes that the proposed amendments will contribute to the protection of investors and the public interest by making the Exchange's rules easier to understand, standing alone and collectively with its affiliated exchanges' rules.[29] In addition, the proposed rule change makes other non-substantive changes throughout the rules that will protect investors and benefit market participants, as these changes simplify or clarify rules, delete duplicative rule provisions, conform paragraph numbering and lettering throughout the rules, use plain English, and conform language to corresponding C2 rules where feasible.

Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(1) of the Act,[30] which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by the Exchange's Members and persons associated with its Members with the Act, the rules and regulations thereunder, and the rules of the Exchange. As stated, the proposed rule change conforms its Options Market Maker rules to be substantially similar to the Market Maker rules of its affiliated exchange, C2. Moreover, the proposed change to a Market Maker's continuous quoting requirements will serve to harmonize the quoting requirement for Market Makers across its affiliated exchanges, C2 and BZX Options that are also proposing the same requirements. The Exchange thus believes these proposed changes create uniformity, which allows for the Exchange to organize consistently with its affiliated exchanges and to more easily enforce compliance by participants on multiple affiliated exchanges.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange reiterates that a majority of the proposed rule change is intended to harmonize the Exchange rules with that of its affiliated exchange, C2. Thus, the Exchange believes this proposed rule change will reduce the burden on Exchange participants by providing consistent rules among affiliated exchanges. The harmonizing proposed rule changes in this filing conform with the approved rules of C2, which have already been found to be consistent with the Act.

Additionally, the Exchange believes that the proposed rule change to a Market Maker's continuous quoting requirements does not affect intramarket competition. The proposed change applies an affirmative obligation to all Market Makers to hold themselves out as continuously willing to buy and sell options for their own account, justifying favorable treatment and benefitting the trading interest of all customers. The Exchange believes that the proposed change to continuous quoting requirements does not affect intermarket competition, as this proposal is based on other exchanges' rules previously filed with the Commission.[31] The Exchange also notes that to the degree that other exchanges have varying continuous quoting obligations for Market Makers, market participants on other exchanges are welcome to become Options Market Makers on EDGX Options if they determine that this proposed rule change has made market making on EDGX Options more attractive or favorable. Finally, the Exchange believes that the proposed rule change will relieve any burden on market participants because it serves to provide Market Makers with affirmative quoting requirements that ensure each appointed class will receive appropriate liquidity to the benefit of all market participants who interact with that liquidity.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. Significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[32] and Rule 19b–4(f)(6)[33]

[26] *See supra* note 6.

[27] *See supra* note 13.

[28] *See supra* note 5.

[29] *Id.*

[30] 15 U.S.C. 78f(b)(1).

[31] *See supra* note 6.

[32] 15 U.S.C. 78s(b)(3)(A).

[33] 17 CFR 240.19b–4(f)(6).

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 will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeEDGX–2019–021 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–2019–021. 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–CboeEDGX–2019–021 and should be submitted on or before May 9, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–07825 Filed 4–17–19; 8:45 am]

BILLING CODE 8011–01–P

[34] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Rule 248.30, SEC File No. 270–549, OMB Control No. 3235–0610.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the "Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 248.30 (17 CFR 248.30) under Regulation S–P is titled "Procedures to Safeguard Customer Records and Information; Disposal of Consumer Report Information." Rule 248.30 (the "safeguard rule") requires brokers, dealers, investment companies, and investment advisers registered with the Commission ("registered investment advisers") (collectively "covered institutions") to adopt written policies and procedures for administrative, technical, and physical safeguards to protect customer records and information. The safeguards must be reasonably designed to "insure the security and confidentiality of customer records and information," "protect against any anticipated threats or hazards to the security and integrity" of those records, and protect against unauthorized access to or use of those records or information, which "could result in substantial harm or inconvenience to any customer." The safeguard rule's requirement that covered institutions' policies and procedures be documented in writing constitutes a collection of information and must be maintained on an ongoing basis. This requirement eliminates uncertainty as to required employee actions to protect customer records and information and promotes more systematic and organized reviews of safeguard policies and procedures by institutions. The information collection also assists the Commission's examination staff in assessing the existence and adequacy of covered institutions' safeguard policies and procedures.

We estimate that as of the end of 2018, there are 3,926 broker-dealers, 4,095 investment companies, and 13,230 investment advisers registered with the Commission, for a total of 21,251 covered institutions. We believe that all of these covered institutions have already documented their safeguard policies and procedures in writing and therefore will incur no hourly burdens related to the initial documentation of policies and procedures.

Although existing covered institutions would not incur any initial hourly burden in complying with the safeguards rule, we expect that newly registered institutions would incur some hourly burdens associated with documenting their safeguard policies and procedures. We estimate that approximately 1,350 broker-dealers, investment companies, or investment advisers register with the Commission annually. However, we also expect that approximately 55% of these newly registered covered institutions, or 743 institutions, are affiliated with an existing covered institution, and will rely on an organization-wide set of previously documented safeguard policies and procedures created by their affiliates. We estimate that these affiliated newly registered covered institutions will incur a significantly reduced hourly burden in complying with the safeguards rule, as they will need only to review their affiliate's existing policies and procedures, and identify and adopt the relevant policies for their business. Therefore, we expect that newly registered covered institutions with existing affiliates will incur an hourly burden of approximately 15 hours in identifying and adopting safeguard policies and procedures for their business, for a total hourly burden for all affiliated new institutions of 11,145 hours. We expect that half of this time would be incurred by inside counsel at an hourly rate of $401, and half would be by a compliance officer at an hourly rate of $352, for a total cost of $4,196,093.

Finally, we expect that the 607 newly registered entities that are not affiliated with an existing institution will incur a significantly higher hourly burden in reviewing and documenting their safeguard policies and procedures. We expect that virtually all of the newly registered covered entities that do not have an affiliate are likely to be small entities and are likely to have smaller and less complex operations, with a correspondingly smaller set of safeguard policies and procedures to document, compared to other larger existing institutions with multiple affiliates. We estimate that it will take a typical newly registered unaffiliated institution approximately 60 hours to review, identify, and document their safeguard policies and procedures, for a total of 36,420 hours for all newly registered unaffiliated entities. We expect that half of this time would be incurred by inside counsel at an hourly rate of $401, and half would be by a compliance officer at an hourly rate of $352, for a total cost of $13,712,130.

Therefore, we estimate that the total annual hourly burden associated with the safeguards rule is 47,565 hours at a total hourly cost of $17,908,223. We also estimate that all covered institutions will be respondents each year, for a total of 21,251 respondents.

These estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act. 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 control number. The safeguard rule does not require the reporting of any information or the filing of any documents with the Commission. The collection of information required by the safeguard rule is mandatory.

Written comments are invited on: (a) 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; (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 collected; and (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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, C/O Candace Kenner, 100 F Street NE, Washington, DC 20549; or send an email to *PRA_Mailbox@sec.gov.*

Dated: April 15, 2019.

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–07761 Filed 4–17–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85646; File No. SR–NYSEArca–2018–77]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Withdrawal of Proposed Rule Change To Amend Rule 7.44–E To Expand and Modify the Exchange's Retail Liquidity Program

April 15, 2019.

On October 26, 2018, NYSE Arca, Inc. (the ''Exchange'') filed with the Securities and Exchange Commission (the ''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 amend Rule 7.44–E to expand the Exchange's Retail Liquidity Program to all securities traded on the Exchange and make certain other modifications. The proposed rule change was published for comment in the **Federal Register** on November 14, 2018.[3] On December 10, 2018, the Commission extended the time period in which to approve, disapprove, or institute proceedings to determine whether to approve or disapprove, the proposed rule change.[4] On December 26, 2018, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act [5] to determine whether to approve or disapprove the proposed rule change.[6] The Commission received no comments on the proposed rule change. On April 5, 2019, the Exchange withdrew the proposed rule change (SR–NYSEArca–2018–77).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 84547 (November 7, 2018), 83 FR 56890 (''Notice'').

[4] *See* Securities Exchange Act Release No. 84772, 83 FR 64381 (December 14, 2018).

[5] 15 U.S.C. 78s(b)(2)(B).

[6] *See* Securities Exchange Act Release No. 84976, 84 FR 833 (January 31, 2019).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–07823 Filed 4–17–19; 8:45 am]

BILLING CODE 8011–01–P

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85644; File No. SR–NYSE–2018–46]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Amend the Listed Company Manual for Special Purpose Acquisition Companies To Reduce the Continued Listing Standards for Public Holders From 300 to 100 and To Enable the Exchange To Exercise Discretion To Allow Special Purpose Acquisition Companies a Reasonable Time Period Following a Business Combination To Demonstrate Compliance With the Applicable Quantitative Listing Standards

April 15, 2019.

On October 1, 2018, 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 amend the Listed Company Manual for Acquisition Companies (''ACs'') to reduce the continued listing standards for public holders from 300 to 100 and to enable the Exchange to exercise discretion to allow ACs a reasonable time period following a business combination to demonstration compliance with the applicable quantitative listing standards.

The proposed rule change was published for comment in the **Federal Register** on October 18, 2018.[3] In response, the Commission received one comment on the proposed rule change.[4] On November 29, 2018, pursuant to Section 19(b)(2) of the Act,[5] the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 84420 (October 12, 2018), 83 FR 52854 (October 18, 2018) (''Notice'').

[4] *See* Letter to Secretary, Commission, from Jeffrey P. Mahoney, General Counsel, Council of Institutional Investors, dated November 8, 2018 (''CII Letter'').

[5] 15 U.S.C. 78s(b)(2).

Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[6] On January 15, 2019, the Commission issued an order instituting proceedings under Section 19(b)(2)(B) of the Act[7] to determine whether to approve or disapprove the proposed rule change (''OIP'').[8] The Commission received one comment on the proposal in response to the OIP.[9]

Section 19(b)(2) of the Act[10] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on October 18, 2018. The 180th day after publication of the Notice is April 16, 2019, and June 15, 2019 is an additional 60 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change and the comment letters. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[11] designates June 15, 2019, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–NYSE–2018–46).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–07824 Filed 4–17–19; 8:45 am]

BILLING CODE 8011–01–P

[6] *See* Securities Exchange Act Release No. 84680 (November 29, 2018), 83 FR 62942 (December 8, 2018). The Commission designated January 16, 2019, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* Securities Exchange Act Release No. 84984 (January 15, 2019), 84 FR 0855 (January 31, 2019).

[9] *See* Letter to Secretary, Commission, from Jeffrey P. Mahoney, General Counsel, Council of Institutional Investors, dated February 11, 2019 (''CII Letter II'').

[10] 15 U.S.C. 78s(b)(2).

[11] *Id.*

[12] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85647; File No. SR–ISE–2019–09]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish a Priority Customer Complex Order Surcharge and Provide an Additional Rebate per Originating Contract Side to Qualifying Members

April 15, 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 1, 2019, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') 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 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 its Pricing Schedule in Options 7.

The text of the proposed rule change is available on the Exchange's website at *http://ise.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.

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 Pricing Schedule in Options 7 to: (1) Establish a $0.05 per contract surcharge for Priority Customer[3] complex orders in SPY that leg into the regular order book; and (2) amend its QCC and Solicitation Rebate program to provide an additional rebate of $0.01 per originating contract side to qualifying members.

Priority Customer Complex Order Surcharge

The Exchange currently has a pricing structure in place that provides rebates to Priority Customer complex orders in order to encourage members to bring that order flow to the Exchange. The Exchange provides these rebates to members that achieve Priority Customer Complex Tiers[4] in Select Symbols[5] and Non-Select Symbols[6] (other than NDX, NQX or MNX). All complex order volume executed on the Exchange, including volume executed by Affiliated Members,[7] is included in the volume calculation, except for volume executed as Crossing Orders[8] and Responses to Crossing Orders.[9] Affiliated Entities[10]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in Nasdaq ISE Rule 100(a)(37A).

[4] The Priority Customer Complex Tiers are based on total Affiliated Member or Affiliated Entity complex order volume (excluding Crossing Orders and Responses to Crossing Orders), and are calculated as a percentage of Customer Total Consolidated Volume (hereinafter, ''Complex Order Volume Percentage''). ''Customer Total Consolidated Volume'' means the total national volume cleared at The Options Clearing Corporation in the Customer range in equity and ETF options in that month.

[5] ''Select Symbols'' are options overlying all symbols listed on the Nasdaq ISE that are in the Penny Pilot Program. SPY is a Select Symbol.

[6] ''Non-Select Symbols'' are options overlying all symbols excluding Select Symbols.

[7] An ''Affiliated Member'' is a Member that shares at least 75% common ownership with a particular Member as reflected on the Member's Form BD, Schedule A.

[8] A ''Crossing Order'' is an order executed in the Exchange's Facilitation Mechanism, Solicited Order Mechanism, Price Improvement Mechanism (PIM) or submitted as a Qualified Contingent Cross order. For purposes of this Pricing Schedule, orders executed in the Block Order Mechanism are also considered Crossing Orders.

[9] ''Responses to Crossing Orders'' are any contra-side interest submitted after the commencement of an auction in the Exchange's Facilitation Mechanism, Solicited Order Mechanism, Block Order Mechanism or PIM.

[10] An ''Affiliated Entity'' is a relationship between an Appointed Market Maker and an Appointed OFP for purposes of qualifying for certain pricing specified in the Pricing Schedule. An ''Appointed Market Maker'' is a Market Maker who has been appointed by an Order Flow Provider (''OFP'') for purposes of qualifying as an Affiliated Entity. An ''Appointed OFP'' is an OFP (*i.e.,* a member, other than a Market Maker, that submits orders, as agent or principal, to the Exchange) who has been appointed by a Market Maker for purposes of

may also aggregate their complex order volume for purposes of qualifying Appointed OFPs for these Priority Customer rebates.[11] Rebates are provided per contract per leg if the Priority Customer complex order trades with non-Priority Customer orders in the complex order book or trades with quotes and orders on the regular order book.[12]

As set forth in Section 4 of the Pricing Schedule, there are currently nine Priority Customer Complex Tiers as follows:

Priority customer complex tier	Complex order volume percentage	Rebate for select symbols	Rebate for non-select symbols
Tier 1	0.000%–0.200%	($0.25)	($0.40)
Tier 2	Above 0.200%–0.400%	(0.30)	(0.55)
Tier 3	Above 0.400%–0.600%	(0.35)	(0.70)
Tier 4	Above 0.600%–0.750%	(0.40)	(0.75)
Tier 5	Above 0.750%–1.000%	(0.45)	(0.80)
Tier 6	Above 1.000%–1.500%	(0.46)	(0.80)
Tier 7	Above 1.500%–2.000%	(0.48)	(0.80)
Tier 8	Above 2.000%–3.250%	(0.50)	(0.85)
Tier 9	Above 3.250%	(0.50)	(0.85)

Going forward, the Exchange proposes to impose a $0.05 per contract surcharge on Priority Customer complex orders in SPY that leg into the regular order book, which will be applied in addition to the applicable rebate.[13] For example, if a member qualifies for Priority Customer Complex Tier 1, the member's Priority Customer complex orders in SPY that leg into the regular order book for non-net zero activity will earn $0.20 per contract (*i.e.,* $0.25 per contract rebate for Select Symbols minus the $0.05 per contract surcharge). If, however, the member's SPY Priority Customer complex orders execute against non-Priority Customer orders in the complex order book instead of legging into the regular order book, those orders will earn the $0.25 per contract rebate and not be assessed the $0.05 surcharge.

The Exchange is proposing this surcharge to reduce the costs of such transactions. Not only does the Exchange provide the tiered rebates discussed above to Priority Customer complex orders, but the Exchange also does not charge any maker or taker fees for such orders.[14]

QCC and Solicitation Rebate

Currently, members using the Qualified Contingent Cross (''QCC'') [15] and/or other solicited crossing orders, including solicited orders executed in the Solicitation,[16] Facilitation [17] or Price Improvement Mechanisms (''PIM''),[18] receive rebates for each originating contract side in all symbols traded on the Exchange. Once a member reaches a certain volume threshold in QCC orders and/or solicited crossing orders during a month, the Exchange provides rebates to that member for all of its QCC and solicited crossing order traded contracts for that month.[19] The applicable rebates are applied on QCC and solicited crossing order traded contracts once the volume threshold is met. Members receive the rebate for all QCC and/or other solicited crossing orders except for QCC and solicited orders between two Priority Customers, which do not receive any rebate. Today, the volume thresholds and corresponding rebates are as follows:

Originating contract sides	Rebate
0 to 99,999	$0.00
100,000 to 199,999	(0.05)
200,000 to 499,999	(0.07)
500,000 to 749,999	(0.09)
750,000 to 999,999	(0.10)
1,000,000+	(0.11)

At this time, the Exchange proposes to provide an additional incentive for members that achieve high volumes of QCC and other solicited crossing activity well above the current highest volume threshold of more than 1,000,000 originating contract sides and also provide significant complex order volume in a given month. Specifically, members will receive an additional rebate of $0.01 per originating contract side on QCC and/or other solicited crossing orders that qualify for the QCC and Solicitation Rebate program if they achieve in a given month: (i) Combined QCC and other solicited crossing order volume of more than 1,750,000 originating contract sides and (ii) Priority Customer Complex Tiers 6–9, as described above. This additional rebate opportunity will be cumulative of the $0.11 base rebate since qualifying members will have exceeded requisite volume threshold to receive the additional $0.01 incentive for a total of $0.12 per originating contract side on

qualifying as an Affiliated Entity. Each member may qualify for only one Affiliated Entity relationship at any given time. Affiliated Members are not eligible to enter an Affiliated Entity relationship.

[11] The Appointed OFP would receive the rebate associated with the qualifying volume tier based on aggregated volume.

[12] The rebate for the highest tier volume achieved is applied retroactively to all eligible Priority Customer complex volume once the threshold has been reached. Members will not receive rebates for net zero complex orders. For purposes of determining which complex orders qualify as ''net zero'' the Exchange will count all complex orders that leg into the regular order book and are executed at a net price per contract that is within a range of $0.01 credit and $0.01 debit.

[13] As discussed above, the Exchange currently provides the Tiers 1–9 Priority Customer complex order rebates to non-net zero Priority Customer complex orders that leg into the regular order book. *See supra* note 12, with accompanying text.

[14] *See* Options 7, Section 4.

[15] A QCC Order is comprised of an originating order to buy or sell at least 1000 contracts that is identified as being part of a qualified contingent trade, as that term is defined in Supplementary Material .01 to Rule 715, coupled with a contra-side order or orders totaling an equal number of contracts. *See* Rule 715(j).

[16] The Solicited Order Mechanism is a process by which an Electronic Access Member (''EAM'') can attempt to execute orders of 500 or more contracts it represents as agent against contra orders that it solicited. Each order entered into the Solicited Order Mechanism shall be designated as all-or-none. *See* Rule 716(e).

[17] The Facilitation Mechanism is a process by which an EAM can execute a transaction wherein the EAM seeks to facilitate a block-size order it represents as agent, and/or a transaction wherein the EAM solicited interest to execute against a block-size order it represents as agent. *See* Rule 716(d).

[18] PIM is a process by which an EAM can provide price improvement opportunities for a transaction wherein the EAM seeks to facilitate an order it represents as agent, and/or a transaction wherein the EAM solicited interest to execute against an order it represents as agent. *See* Rule 723.

[19] All eligible volume from affiliated members will be aggregated in determining QCC and Solicitation volume totals, provided there is at least 75% common ownership between the members as reflected on each member's Form BD, Schedule A.

QCC and solicited crossing order traded contracts.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[20] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[21] 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.

Priority Customer Complex Order Surcharge

The Exchange believes that it is reasonable to establish a $0.05 per contract surcharge for Priority Customer complex orders in SPY that leg into the regular order book. As noted above, the Exchange is proposing this surcharge on Priority Customer complex orders in SPY, which is one of the most heavily traded symbols on ISE, to recoup the costs of such transactions. Not only does the Exchange provide the tiered rebates discussed above to Priority Customer complex orders, but the Exchange also does not charge any maker or taker fees for such orders. Despite the proposed change, the Exchange believes that the complex order pricing structure will continue to encourage members to bring Priority Customer complex order flow to ISE as the surcharge is minimal and only applies in limited circumstances (*i.e.,* when SPY Priority Customer complex orders leg into the regular order book). Finally, the Exchange notes that members will still net a rebate for each Priority Customer Complex Tier even after the surcharge is applied.

The Exchange believes that the proposed surcharge is equitable and not unfairly discriminatory because the Exchange will uniformly apply this fee to all similarly situated market participants. Even with this surcharge, SPY complex order pricing for Priority Customers will continue to be lower than for all other market participants. The Exchange does not believe that this pricing structure is unfairly discriminatory because Priority Customer orders bring valuable liquidity to the market, which in turn benefits other market participants by increasing their opportunities to trade.

QCC and Solicitation Rebate

The Exchange believes that its proposal to provide a supplementary $0.01 rebate cumulative of the base $0.11 rebate to members that achieve in a given month both combined QCC and other solicited crossing order volume of more than 1,750,000 originating contract sides and Priority Customer Complex Tiers 6–9 is reasonable because this incentive is intended to encourage members that achieve high volumes of QCC and other solicited crossing activity to continue to send more complex order flow to the Exchange to achieve Priority Customer Complex Tiers 6–9 to earn the additional $0.01 rebate. All market participants benefit from increased order interaction when more order flow is available on ISE. The Exchange also believes that the proposed changes will continue to encourage members to submit greater numbers of QCC and other solicited crossing orders to ISE to receive the additional rebate. Furthermore, the Exchange notes that it currently has other incentive programs to promote and encourage growth in specific business areas to garnish greater order flow. For example, the Exchange offers additional rebates to members that achieve high volumes of unsolicited PIM and Facilitation activity as well as complex activity.[22]

The Exchange also believes that the proposed changes are equitable and not unfairly discriminatory because any member may qualify for the proposed supplemental rebate by submitting QCC and other solicited crossing orders as well as complex orders. Finally, the Exchange will apply the proposed incentive uniformly to all members' orders that meet the requisite volume thresholds.

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. As it relates to the proposed surcharge for Priority Customer complex orders in SPY, the Exchange believes that its proposal will continue to encourage members to send more complex order flow to ISE given that the surcharge will apply in limited circumstances, and that Priority Customers will still earn a rebate in each Priority Customer Complex Tier even after the surcharge is applied. The Exchange further believes that the additional QCC and Solicitation Rebate proposed above will encourage members to submit more QCC and other solicited crossing orders as well as complex orders. Accordingly, the Exchange believes that the fees and rebates proposed above will continue to attract order flow to the Exchange, thereby encouraging additional volume and liquidity. All market participants benefit from increased order interaction when more order flow is available on ISE.

The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to 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. For the reasons described above, the Exchange believes that the proposed fee changes reflect this competitive environment.

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,[23] and Rule 19b–4(f)(2) [24] 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: (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

[20] 15 U.S.C. 78f(b).

[21] 15 U.S.C. 78f(b)(4) and (5).

[22] *See* Options 7, Section 6.B (PIM and Facilitation Rebate).

[23] 15 U.S.C. 78s(b)(3)(A)(ii).

[24] 17 CFR 240.19b–4(f)(2).

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISE–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–ISE–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–ISE–2019–09 and should be submitted on or before May 9, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–07822 Filed 4–17–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension: Rule 20a–1, SEC File No. 270–132, OMB Control No. 3235–0158.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 20a–1 (17 CFR 270.20a–1) was adopted under Section 20(a) of the Investment Company Act of 1940 (''1940 Act'') (15 U.S.C. 80a–20(a)) and concerns the solicitation of proxies, consents, and authorizations with respect to securities issued by registered investment companies (''Funds''). More specifically, rule 20a–1 under the 1940 Act (15 U.S.C. 80a–1 *et seq.*) requires that the solicitation of a proxy, consent, or authorization with respect to a security issued by a Fund be in compliance with Regulation 14A (17 CFR 240.14a–1 *et seq.*), Schedule 14A (17 CFR 240.14a–101), and all other rules and regulations adopted pursuant to section 14(a) of the Securities Exchange Act of 1934 (''1934 Act'') (15 U.S.C. 78n(a)). It also requires, in certain circumstances, a Fund's investment adviser or a prospective adviser, and certain affiliates of the adviser or prospective adviser, to transmit to the person making the solicitation the information necessary to enable that person to comply with the rules and regulations applicable to the solicitation. In addition, rule 20a–1 instructs Funds that have made a public offering of securities and that hold security holder votes for which proxies, consents, or authorizations are not being solicited, to refer to section 14(c) of the 1934 Act (15 U.S.C. 78n(c)) and the information statement requirements set forth in the rules thereunder.

The types of proposals voted upon by Fund shareholders include not only the typical matters considered in proxy solicitations made by operating companies, such as the election of directors, but also include issues that are unique to Funds, such as the approval of an investment advisory contract and the approval of changes in fundamental investment policies of the Fund. Through rule 20a–1, any person making a solicitation with respect to a security issued by a Fund must, similar to operating company solicitations, comply with the rules and regulations adopted pursuant to Section 14(a) of the 1934 Act. Some of those Section 14(a) rules and regulations, however, include provisions specifically related to Funds, including certain particularized disclosure requirements set forth in Item 22 of Schedule 14A under the 1934 Act.

Rule 20a–1 is intended to ensure that investors in Fund securities are provided with appropriate information upon which to base informed decisions regarding the actions for which Funds solicit proxies. Without rule 20a–1, Fund issuers would not be required to comply with the rules and regulations adopted under Section 14(a) of the 1934 Act, which are applicable to non-Fund issuers, including the provisions relating to the form of proxy and disclosure in proxy statements.

The staff currently estimates that approximately 1,333 proxy statements are filed by Funds annually. Based on staff estimates and information from the industry, the staff estimates that the average annual burden associated with the preparation and submission of proxy statements is 85 hours per response, for a total annual burden of 113,305 hours (1,333 responses × 85 hours per response = 113,305). In addition, the staff estimates the costs for purchased services, such as outside legal counsel, proxy statement mailing, and proxy tabulation services, to be approximately $30,000 per proxy solicitation.

Rule 20a–1 does not involve any recordkeeping requirements. Providing the information required by the rule is mandatory and information provided under the rule will not be kept confidential.

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 control number.

Written comments are invited on: (a) 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; (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 collected; and (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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, C/O Candace

[25] 17 CFR 200.30–3(a)(12).

Kenner, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 15, 2019.

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–07762 Filed 4–17–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85642; File No. SR–CboeBZX–2019–025]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Chapter 22 of the Exchange's Rulebook

April15, 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 8, 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, II, and III 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 BZX Exchange, Inc. (the ''Exchange'' or ''BZX Options'') proposes to amend Chapter 22 of the Exchange's rulebook. The text of the proposed rule change is provided in 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 Exchange proposes to harmonize its rules within Chapter 22 (Market Participants) that pertain to Options Market Maker requirements to that of its affiliated exchange, Cboe C2 Exchange, Inc. (''C2'').[5] Specifically, the Exchange proposes to conform its Rule 22.3 (Continuing Options Market Maker Registration) to C2 Rule 8.2 (Market-Maker Class Appointments), which allows for Market Makers to select a class appointment. In doing so, the Exchange also proposes to amend its definition of ''class of options'' under Rule 16.1 to be consistent with C2's definition under C2 Rule 1.1. Additionally, the Exchange wishes to amend language in Rules 22.2 (Options Market Maker Registration), 22.4 (Good Standing for Market Makers), 22.5 (Obligations of Market Makers) and 22.6 (Market Maker Quotations) to be substantially similar to the language of the corresponding rules within C2 Chapter 8 (Market Makers), retaining only intended differences between it and C2. The Exchange also proposes other various non-substantive changes to Rules 22.2 through 22.6 which will serve to harmonize its rules with the corresponding C2 rules, as well as simplify or clarify its Market Maker rules, delete duplicative rule provisions, conform paragraph numbering and lettering throughout the rules. Additionally, the Exchange proposes a substantive change to its current continuous quoting requirement for Market Makers under Rule 22.6(d), which is described in detail below. This proposed rule change to the continuous quoting requirement is based on existing Nasdaq PHLX LLC (''Phlx''), Nasdaq ISE, LLC (''ISE''), Nasdaq MRX, LLC (''MRX'') and Nasdaq GEMX, LLC (''GEMX'') rules[6] previously filed with the Commission. It also intends to harmonize the proposed quoting requirements across BZX Options and its affiliated exchanges, C2 and Cboe EDGX Exchange, Inc. (''EDGX Options'').[7] Overall, the Exchange believes that having substantially the same Market Maker rules and requirements across exchanges will reduce the compliance burden and confusion for Market Makers that are members of multiple exchanges.

In particular, the proposed rule change amends Rule 22.2(c), which permits the Exchange to impose limits to the number of Members that may become Market Makers based on objective factors, including system constraints and capacity restrictions. Under the proposed rule, the Exchange may not impose such limits until the proposed limits and objective standards for the limits are reviewed and approved by the Commission. This provision is the same as C2 Rule 8.1(c). The proposed rule change adds Rule 22.2(d), which states that a Member or prospective Member adversely affected by an Exchange determination under this Chapter 22, including the Exchange's termination or suspension of a Member's status as a Market Maker or of a Market Maker's appointment to a class, may obtain a review of such determination in accordance with the provisions of Chapter 10 (Adverse Action). The Exchange notes that because the remaining rules in Chapter 22 contain various provisions that permit the Exchange to make determinations which would be subject to review under Chapter 10, it is appropriate to explicitly reference Chapter 10 in proposed Rule 22.2(d), applicable to the entire Chapter 22. This provision is the same as C2 Rule 8.1(d).

The proposed rule change modifies rule provisions throughout Chapter 22 to clarify the distinction between Market Maker registration and appointment. This harmonizes the Exchange's rules with the registration and appointment requirement rules under Chapter 8 of C2. In particular, an

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[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] The Exchange notes that its affiliated exchange, Cboe EDGX Exchange, Inc. (''EDGX Options'') is simultaneously proposing to harmonize its Options Market Maker rules with that of C2.

[6] *See* Phlx Rule 1081(c); ISE Rule 804(e); MRX Rule 804(e); and GEMX Rule 804(e). *See also* Securities Exchange Act Release No. 83209 (May 10, 2018), 83 FR 22717 (May 16, 2018) (SR–Phlx–2018–22) (Order Granting Approval of Proposed Rule Change to Amend Phlx's Quoting Requirements, Among Other Changes) (SR–Phlx–2018–22).

[7] The Exchange notes that C2 and EDGX Options are simultaneously proposing the same continuous quoting requirements.

Options Member may already register as a Market Maker pursuant to Rule 22.2(a). Proposed Rule 22.3(a) allows a registered Market Maker to select appointments to classes, rather than registering[8] for a series. Under the proposed class appointments, a Market Maker obtains Market Maker treatment by agreeing to and satisfying obligations in its appointed classes. This proposed change is consistent with C2 Rule 8.2(a). The proposed rule change makes corresponding changes to reflect the application of Market Maker obligations to appointed classes to Rule 22.4 (Good Standing for Market Makers), Rule 22.5 (Obligations of Market Makers) and Rule 22.6 (Market Maker Quotations). The proposed change also makes corresponding changes within Rule 21.1(l) to reflect that a Market Maker with an appointment in a class may designate a bulk message for that class as Post Only or Book Only, as well as a reference to that same class regarding User designation. This update is consistent with C2's corresponding Rule 6.8(c). The proposed rule change also renames Rule 22.3 to be ''Market Maker Class Appointments'', reflecting the fact that the rule generally describes how, as proposed, a Market Maker may obtain appointments to classes, rather than continuing Market Maker registration. Under proposed Rule 22.3(b) Market Makers may select their own class appointments through the same electronic interface process in which they currently register for series of options. This is the same appointment process as prescribed in C2 Rule 8.2(b). Proposed Rule 22.3(c) references the Exchange's ability to limit Market Maker appointments pursuant to proposed Rule 22.2(c), as described above. This corresponds to C2 Rule 8.2(d). The Exchange is not proposing to adopt a provision that corresponds to C2 Rule 8.2(c), which provides that a ''Market Maker's appointment in a class confers the right of the Market Maker to quote (using order functionality) in that class'', as BZX rules do not provide for separate quoting functionality in an appointed class. BZX offers order and bulk message functionality (similar to quoting functionality), which may be used by all Users.[9] Therefore, the Exchange believes the adoption of this paragraph to be unnecessary. Additionally, the Exchange is not proposing to adopt a provision that corresponds to C2 Rule 8.3 (Market-Maker Class Appointment Costs), which describes the appointment costs per Trading Permit, as Trading Permits and appointment costs are specific to C2 and do not apply to BZX Options.

In order to provide for consistency across the Exchange and C2 regarding Market Maker obligations and appointment to classes, the Exchange proposes to amend its definitions under Rule 16.1(a)(14) for the term ''class of options'', and under Rule 16.1(a)(56) for the term ''series'' or ''series of options'' to be the same as C2's definitions. Currently, the Exchange defines a class of options as options of the same type. Type is defined as either a put or a call. However, the term class is generally understood to include both puts and calls, which are types of series, not separate classes, making this definition outdated. Specifically, it is understood that options with the same exercise price and expiration date that are puts constitute one series, and options with the same exercise price and expiration date that are calls constitute another series. The Exchange thus proposes to amend the definition of class to mean all options contracts with the same unit of trading covering the same underlying security or index. The proposed amendment also adds that options may cover an index, which are currently provided for on the Exchange, and that the term ''class'' may be used interchangeably with ''class of options'' because references to ''class'' are already made throughout the Exchange's rules, which inherently refers to ''class of options'' as this definition pertains only to activity on BZX Options. This amended definition is consistent with the definition of class under C2 Rule 1.1 (Definitions). The Exchange thus believes that this change will serve to provide clarity and reduce confusion across the affiliated exchanges' rules, particularly regarding a Market Maker's understanding of its obligations to its proposed appointed classes. In line with this change, the Exchange also amends its definition of ''series of options'' to clarify that a series consists of options of the same type, as described in detail above. This is consistent with the definition under C2 Rule 1.1.

The proposed rule change deletes current Rule 22.4(a)(2), which states a Market Maker must continue to satisfy the Market Maker qualification requirements specified by the Exchange. The Exchange notes that this is redundant of the language in subparagraph (a)(1). Subparagraph (a)(1) states that a Market Maker must continue to meet the general requirements for Members set forth in Chapter 2 and Market Maker requirements set forth in Rule 22.2 (which is a proposed amendment replacing reference to Rule 11.5 as Rule 22.2 covers BZX Options Market Maker registration, relevant to Chapter 22, whereas Rule 11.5 covers Market Maker registration for BZX Equities). These are generally the only requirements applicable to qualify as a Market Maker. C2 Rule 8.4(a) similarly does not contain this provision. The proposed changes to Rule 22.4(b) are non-substantive modifications that mirror language in C2's corresponding Rule 8.4 (Good Standing for Market-Makers). As stated above, the proposed changes to Rule 22.5 consist of amending language to reflect a Market Maker's class appointment, rather than registration to a series, as well as non-substantive changes to reflect the language of C2 Rule 8.5.

Current Rule 22.6 (Market Maker Quotations) describes requirements applicable to Market Maker quotes. The proposed rule change moves Rule 22.6(c) to proposed Rule 22.6(a), which mirrors the order of corresponding provisions under C2 Rule 8.6, and adds exceptions to firm quotes under proposed Rule 22.6(a) that are the same as the exceptions under corresponding C2 Rule 8.6(a). These proposed exceptions to a Market Maker's firm quote include system malfunction, unusual market conditions, and quotes during the pre-open. The proposed rule change adjusts the lettering of current Rule 22.6(a) through Rule 22.6(b) accordingly.

The Exchange also proposes to amend a Market Maker's continuous quoting obligations under Rule 22.6 based on existing Phlx, ISE, MRX and GEMX rules,[10] previously filed with the Commission. The proposed amendments to Rule 22.2(d) are consistent with the continuous quoting requirement provisions on other exchanges.[11] Specifically, current Rule 22.6(d)(1) provides that a Market Maker must make markets on a continuous basis in at least 75% of the option series in which it is registered while current Rule 22.6(d)(3) provides that a Market Maker fulfills the requirement if the Market Maker provides two-sided quotes 90% of the time in an appointed series on a given trading day, or such higher percentage as the Exchange may announce in advance. The proposed rule change to 22.6(d) requires a Market Maker to continuously enter bids and offers in series in its appointed classes

[8] The Exchange notes that the term ''registering'' to make markets in a series currently corresponds to the manner in which C2 uses and applies the term ''appointment'' to make markets in classes.

[9] The Exchange notes that C2 is simultaneously proposing to delete its Rule 8.2(c) as it has recently implemented quoting functionality available to all Users, including Market-Makers.

[10] *See supra* note 6.

[11] *Id.*

in 60% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Market Maker's appointed classes are open, excluding any adjusted series, any intra-day add-on series on the day during which such series are added for trading, any Quarterly Option Series and any series with an expiration of greater than 270 days. Additionally, the proposed change amends current subparagraph (d)(3) (proposed paragraph (d)(1)) to provide for the way in which the Exchange calculates this requirement and is explicit in stating that quoting is not required in every appointed class. An example of the proposed calculation is presented below:

Market-Maker A (''Firm A'')[12] has selected an appointment to quote option class U, in which options U1, U2, U3, U4, and U5 are open for trading. Firm A also has selected appointments in options classes V and W.

Option U1 opened at 09:30:00[13] and closed at 16:00:00
Firm A quoted U1 at 09:35:30 @ 13.00(10)–15.00(10)
Firm A updated quote in U1 at 09:50:31 @10.00(10)–15.00(20)
Firm A purged quote at 15:55:40
Total quoted time for U1 is: 15:55:40–09:35:30 = (15–9)*3600 + (55–35)*60 + (40–30) = 22810 (seconds)
Total available quote time for U1 is: 16:00:00–09:30:00 = (16–9)*3600 + (60–30)*60 + (00–00) = 270000 (seconds)

Option U2 opened at 09:30:00 and closed at 16:00:00
Firm A quoted U2 at 10:05:30 @ 13.00(10)–15.00(10)
Firm A updated quote in U2 at 11:00:01 @11.00(10)–16.00(20)
Firm A purged quote at 15:05:40
Total quoted time for U2 is: 15:05:40–10:05:30 = (15–10)*3600 + (65–05)*60 + (40–30)= 21610 (seconds)
Total available quote time for U2 is: 16:00:00–09:30:00 = (16–9)*3600 + (60–30)*60 + (00–00) = 27000 (seconds)

Option U3 opened at 09:30:00 and closed at 16:15:00
Firm A quoted U3 at 11:10:21 @ 21.00(10)–24.00(20)
Firm A purged quote at 15:15:05
Total quoted time for U3 is: 15:15:05–11:10:21 = (15–11)*3600 + (75–10)*60 + (65–21) = 18344 (seconds)
Total available quote time for U3 is: 16:01:20–09:40:02 = (16–9)*3600 + (75–30)*60 + (00–00) = 27900 (seconds)

Option U4 opened at 9:30:00 and closed at 16:00:00
Firm A quoted U4 at 09:34:29 @ 35.00(10)–37.00(10)
Firm A updated quote in U4 at 10:30:21 @31.00(10)–37.00(20)
Firm A purged quote in U4 at 15:59:34
Total quoted time for U4 is: 15:59:34–09:34:29 = (15–09)*3600 + (59–34)*60 + (34–29) = 23105 (seconds)
Total available quote time is: 16:00:00–09:30:00 = (16–9)*3600 + (60–30)*60 + (00–0) = 27000 (seconds)

Option U5 opened at 9:30:00 and closed at 16:00:00
Firm A did not quote U5 thus, the total quoted time for U5 will be: 0 (seconds)
Total available quote time is: 16:00:00–09:30:00 = (16–9)*3600 + (60–30)*60 + (00–00) = 27000 (seconds)
Total time Firm A quoted class U: 22810 + 21610 + 18344 + 23105 + 0 = 85869 (seconds)
Total eligible quoting time for Firm A on class U: 27000 + 27000 + 27900 + 27000 + 27000 = 135900 (seconds)

Similarly assume:
Total time for Firm A quoted class V: 80983(seconds)
Total eligible quoting time for Firm A on class V: 84515 (seconds)
Total time for Firm A quoted class W: 0(seconds)
Total eligible quoting time for Firm A on underlying W: 46513 (seconds)
Then the total quoting percentage for Firm A is: (85869 + 80983 + 0)/(135900 + 84515 + 46513) = 156852/266928 = 62.5%

As stated, the current rule requires a Market Maker to quote 75% of the series in which it is registered for 90% of each trading day. By comparison, the proposed rule change permits a Market Maker to quote any percentage of appointed classes so long as the Market Maker meets the requirement that it enters quotes aggregating 60% of the cumulative seconds across the total seconds that its appointment classes are open for trading. The proposed rule explicitly provides that a Market Maker does not necessarily have to quote every appointed class. The Exchange believes the proposed rule better accommodates the occasional issues that may arise in a particular class, whether technical or manual. For example, an issue may arise on the Market Maker's side in which there is a glitch in its systems or a manual computing error that temporarily disrupts quoting ability. The Exchange notes that the existing requirement may at times discourage liquidity in particular classes because a Market Maker is forced to focus on a momentary technical lapse in order to meet the higher current thresholds, rather than using the appropriate resources to focus on the classes that need and consume additional liquidity. The proposed rule maintains the language (currently in subparagraph (b)(3)) that the Exchange may announce in advance a higher percentage than the proposed 60% of the cumulative number of seconds requirement, which the Exchange believes may be appropriate on occasions when doing so would be in the interest of a fair and orderly market. This discretion is the same in the corresponding rules of Phlx, ISE, MRX, and GEMX.[14]

The proposed rule change also moves the continuous quoting obligation provisions to the introduction of Rule 22.6(d) from current subparagraphs (d)(1) and (d)(3) and the same quoting exclusions from subparagraph (d)(6). As such, the proposed rule change deletes the language in current subparagraph (d)(3) regarding the current continuous quoting obligation, the language in subparagraph (d)(6) regarding series excluded, as well as the remaining language in subparagraph (d)(6) which is consistent with C2 Rule 8.6. Additionally, the proposed rule change incorporates the exclusion of any intra-day add-on series on the day during which such series are added for trading. This exclusion is consistent with corresponding C2 Rule 8.6. The proposed change also amends the current quoting exclusion of any series with an expiration of nine months or greater to an expiration of greater than 270 days. The Exchange notes that Market Makers generally already monitor expirations by a defined count of 270 days, as opposed to a nine month count in which the number of days continuously varies. Therefore, this proposed change intends to align the Exchange's rules with current industry practice.[15]

Furthermore, the proposed rule change deletes the language in current subparagraph (d)(3) (proposed subparagraph (d)(1)), which states that a Market Maker shall be deemed to have fulfilled the continuous quoting requirement if the Market Maker provides quotes for the percentage of the time that it is required to provide quotes on a given trading day, as it is

[12] The Exchange notes that a Market-Maker may use multiple Executing Firm IDs (''EFIDs'') to submit quotes in a class. The quoting time from all of a Market-Maker EFIDs' will be considered together when determining compliance with this obligation.

[13] All times in example calculation in Eastern Time.

[14] *See supra* note 6.

[15] The Exchange notes that C2 and EDGX Options are simultaneously proposing to amend their corresponding rules to exclude any series with an expiration of greater than 270 days.

redundant of the language in proposed Rule 22.6(d). The proposed rule change also makes non-substantive changes to the remaining language in proposed subparagraph (d)(1) to conform with corresponding C2 Rule 8.6(d)(2), and modifies language in proposed subparagraphs (d)(2) and (d)(3) (current subparagraphs (d)(4) and (d)(5)) to reflect the form and substance in that of corresponding C2 Rules 8.6(d)(1) and 8.6(d)(4), as well as the proposed continuous quoting percentage obligation where applicable. Additionally, the proposed rule change moves current subparagraph (d)(2) to proposed Rule 22.6(e), and current Rule 22.6(e) to proposed Rule 22.6(f). The revised language and paragraph lettering mirrors that of C2 corresponding Rule 8.6(e) and Rule 8.6(f).

As proposed, the Exchange's Market Maker requirements and quoting obligations are substantially the same as current C2 Market-Maker requirements and obligations. Importantly, the proposed change incorporates C2's Chapter 8 Market Maker obligations to an appointed class, in lieu of the current registration to a series. Additionally, the Exchange amends its continuous quoting requirements to be substantially similar to the requirements under other exchanges' rules.[16] The Exchange believes that proposed amendments to its quoting requirements are reasonable because these requirements are already in place on other options exchanges.[17] The Exchange notes that the proposed change to continuous quoting requirements creates a clear, affirmative Market Maker obligation to hold themselves out as willing to buy and sell securities for their own account on a continuous basis, which justifies favorable Market Maker treatment and will continue to provide customer trading interest a net benefit. The Exchange further believes having consistent Market Maker requirements and obligations in the BZX and C2 Rules, as well as with other exchanges, will simplify the regulatory requirements for its Members that are active across multiple exchanges.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[18] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[19] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[20] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change will contribute to the protection of investors and the public interest by having rules related to Market Maker registration, appointments, and obligations consistent among BZX Options and its affiliated exchanges, C2 and EDGX Options,[21] as well as by bolstering participants' collective understanding of the Exchange's rules and the rules of its affiliated exchanges. The proposed rule change makes a clear distinction between Market Maker registration and appointments to classes in which they are obligated to make markets, and aligns the Exchange Rules with the corresponding C2 rules. The Exchange notes that this proposed change to have Market Maker class appointments rather than series appointments does not propose new Market Maker obligations as Market Makers currently quote most series of options within a class. Therefore, the Exchanges believes the proposed change will not significantly alter Market Maker obligations nor impose any significant additional burden. The Exchange believes the proposed appointment to classes, along with the amended definitions of class and series, promotes consistency in Market Maker obligations and understanding of the rules across BZX Options and its affiliated exchange, C2.[22] The Exchange believes this will result in greater uniformity and less burdensome regulatory compliance. As such, the Exchange believes maintaining uniformity in class and series definitions, Market Maker class appointments and their obligations to such appointments will foster cooperation and coordination with persons engaged in facilitating transactions in securities and will remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange believes the proposed rule change to amend Market Makers' continuous quoting obligations will remove impediments to and perfect the mechanism of a free and open market and a national market system. With respect to continuous quoting obligations, the proposed rule change seeks to conform the quoting obligations to that of the rules of other exchanges.[23] The Exchange currently requires a Market Maker to quote in at least 75% the options series in which the Market Maker is registered during 90% of the trading day. The Exchange believes that applying a Market Maker's cumulative quoting time to the Market Maker's aggregate appointed classes to meet a threshold of 60% of the cumulative seconds its appointed classes are open for trading (like that of the current requirements on other exchanges) is less stringent than the Exchange's current requirement because of the lower quoting time threshold and because the proposed requirement does not consider a percentage of its appointed classes, so long as the overall 60% time requirement is met. Further, the Exchange notes that the current continuous quoting requirement potentially discourages liquidity at times when a Market Maker is forced to focus on making up for a momentary lapse in a particular class rather than allocating appropriate resources to focus on the classes that need and consume additional liquidity, and then allowing a Market Maker to continue quoting in the class that experienced a lapse after correcting the applicable issue.[24] The Exchange believes that this rule change better accommodates these occasional lapses, whether technical or manual, and enables a Market Maker to provide appropriate liquidity commensurate with the needs of its appointed classes. Moreover, the Exchange believes that it can better attract Market Makers, add liquidity, and grow its market to the benefit of all investors, if its quoting obligation is more aligned with that of other exchanges. The proposed rule change supports the quality of the

[16] *See supra* note 6.

[17] *See supra* note 7. The same quoting requirements will be incorporated into C2 and EDGX Options rules.

[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78f(b)(5).

[20] *Id.*

[21] *See supra* note 5 and note 7.

[22] As well as EDGX Options. *See supra* note 5.

[23] *See supra* note 6.

[24] *See also* Exchange Rule 22.6(d)(4) (proposed Rule 22.6(d)(2)). The Exchange already accounts for technical failure or limitation due to the automated system for order execution and trade reporting owned and operated by the Exchange (''System'').

Exchange's market by helping to ensure that Market Makers will continue to be obligated to quote in a percentage of their appointed classes. Ultimately, the benefit the proposed rule change confers upon Market Makers is offset by the continued responsibilities to provide significant liquidity to its appointed classes to the benefit of all market participants. The Exchange believes that the proposed change to continuous quoting requirements creates a clear, affirmative Market Maker obligation to hold themselves out as willing to buy and sell securities for their own account on a continuous basis, which justifies favorable Market Maker treatment and will continue to provide customer trading interest a net benefit. The Exchange further notes that the proposed rule text is consistent with the Act because the quoting obligations are substantially the same as quoting obligations on Phlx, ISE, MRX, and GEMX today, previously filed with the Commission.[25] Additionally, the Exchange believes the proposed rule change excluding any series with an expiration greater than 270 days, as opposed to nine months or greater, from a Market Maker's quoting obligations is in line with the way in which Market Makers currently monitor expiration. As a result, the Exchange believes that this change will foster cooperation and coordination with persons engaged in regulating securities, as well as facilitating transactions in securities. The proposed change will reduce confusion by codifying an industry practice already in place and harmonizing expiration time across the Exchange and its affiliated exchanges.[26] The Exchange also notes that the proposed changes are reasonable and do not affect investor protection because the proposed changes do not present any novel or unique issues, as they have either been previously filed with the Commission or are codifying an industry practice currently in place.

To the extent a proposed rule change within Chapter 22 is based on an existing C2 rule within C2 Chapter 8, the language of the Exchange rules and C2 rules may differ where necessary to conform to existing Exchange rule text or to account for details or descriptions included in the Exchange's rules but not in the applicable C2 rules. Where possible, the Exchange has substantively mirrored C2 rules, as it believes consistent rules will simplify the regulatory requirements and increase the understanding of the Exchange's operations for Members that are also participants on C2, as well as on EDGX Options, which is simultaneously proposing the same changes. The proposed rule change will provide greater harmonization between the rules of BZX Options and its affiliated exchanges,[27] resulting in greater uniformity and less burdensome and more efficient regulatory compliance. As such, the proposed rule change will foster cooperation and coordination with persons engaged in facilitating transactions in securities and will remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange also believes that the proposed amendments will contribute to the protection of investors and the public interest by making the Exchange's rules easier to understand, standing alone and collectively with its affiliated exchanges' rules.[28] In addition, the proposed rule change makes other non-substantive changes throughout the rules that will protect investors and benefit market participants, as these changes simplify or clarify rules, delete duplicative rule provisions, conform paragraph numbering and lettering throughout the rules, use plain English, and conform language to corresponding C2 rules where feasible.

Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(1) of the Act,[29] which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by the Exchange's Members and persons associated with its Members with the Act, the rules and regulations thereunder, and the rules of the Exchange. As stated, the proposed rule change conforms its Options Market Maker rules to be substantially similar to the Market Maker rules of its affiliated exchange, C2. Moreover, the proposed change to a Market Maker's continuous quoting requirements will serve to harmonize the quoting requirement for Market Makers across its affiliated exchanges, C2 and EDGX Options that are also proposing the same requirements. The Exchange thus believes these proposed changes create uniformity, which allows for the Exchange to organize consistently with its affiliated exchanges and to more easily enforce compliance by participants on the multiple affiliated exchanges.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange reiterates that a majority of the proposed rule change is intended to harmonize the Exchange rules with that of its affiliated exchange, C2. Thus, the Exchange believes this proposed rule change will reduce the burden on Exchange participants by providing consistent rules among affiliated exchanges. The harmonizing proposed rule changes in this filing conform to the approved rules of C2, which have already been found to be consistent with the Act.

Additionally, the Exchange believes that the proposed rule change to a Market Maker's continuous quoting requirements does not affect intramarket competition. The proposed change applies an affirmative obligation to all Market Makers to hold themselves out as continuously willing to buy and sell options for their own account, justifying favorable treatment and benefitting the trading interest of all customers. The Exchange believes that the proposed change to continuous quoting requirements does not affect intermarket competition, as this proposal is based on other exchanges' rules previously filed with the Commission.[30] The Exchange also notes that to the degree that other exchanges have varying continuous quoting obligations for Market Makers, market participants on other exchanges are welcome to become Options Market Makers on BZX Options if they determine that this proposed rule change has made market making on BZX Options more attractive or favorable. Finally, the Exchange believes that the proposed rule change will relieve any burden on market participants because it serves to provide Market Makers with affirmative quoting requirements that ensure each appointed class will receive appropriate liquidity to the benefit of all market participants who interact with that liquidity.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

[25] *See supra* note 6.

[26] *See supra* note 12.

[27] *See supra* note 5.

[28] *Id.*

[29] 15 U.S.C. 78f(b)(1).

[30] *See supra* note 6.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. Significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [31] and Rule 19b–4(f)(6) [32] 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 will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2019–025 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–2019–025. 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–2019–025 and should be submitted on or before May 9, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–07826 Filed 4–17–19; 8:45 am]

BILLING CODE 8011–01–P

[31] 15 U.S.C. 78s(b)(3)(A).

[32] 17 CFR 240.19b–4(f)(6).

[33] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 10737]

Extension of Waiver of Section 907 of the Freedom Support Act With Respect to Assistance to the Government of Azerbaijan

Pursuant to the authority contained in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Pub. L. 107–115); E.O. 12884, as amended by E.O. 13346; and Department of State Delegation of Authority 245–2, I hereby determine and certify that extending the waiver of section 907 of the FREEDOM Support Act of 1992 (22 U.S.C. 5812 note) with respect to Azerbaijan:

• Is necessary to support United States' efforts to counter international terrorism; or

• is necessary to support the operational readiness of U.S. Armed Forces or coalition partners to counter international terrorism; or

• is important to Azerbaijan's border security; and

• will not undermine or hamper ongoing efforts to negotiate a peaceful settlement between Armenia and Azerbaijan or be used for offensive purposes against Armenia.

Accordingly, I hereby extend the waiver of section 907 of the FREEDOM Support Act. This determination shall be published in the **Federal Register**. The determination and memorandum of justification shall be provided to the appropriate committees in Congress.

Dated March 22, 2019.

John J. Sullivan,

Deputy Secretary of State.

[FR Doc. 2019–07734 Filed 4–17–19; 8:45 am]

BILLING CODE 4710–23–P

DEPARTMENT OF STATE

[Public Notice: 10734]

Industry Advisory Group; Notice of Open Meeting

The Industry Advisory Group (IAG) of the Bureau of Overseas Buildings Operations (OBO) will meet on Tuesday, May 14 from 2:00 p.m. until 4:00 p.m. Eastern Daylight Time. The meeting is open to the public and will be held in the Loy Henderson Conference Room of the U.S. Department of State, located at 2201 C Street NW (entrance on 23rd Street) Washington, DC. For logistical and security reasons, the public must enter and exit the building using only the 23rd Street entrance.

This committee serves the U.S. government in a solely advisory capacity concerning industry and academia's latest concepts, methods, best practices, innovations, and ideas related to OBO's mission to provide safe, secure, and functional facilities that represent the U.S. government to the host nation and support our staff in the achievement of U.S. foreign policy objectives.

The majority of the meeting will be devoted to discussions between the Department's senior management and IAG representatives with respect to industry and academia's latest concepts, methods, best practices, innovations and ideas related to property management that are applicable to OBO's vital mission. Reasonable time will be provided for members of the public to provide comment.

Admittance to the State Department building will be by means of a pre-arranged clearance list. In order to register, you must provide the following information via email to *IAGR@state.gov:* First and last name, company/firm name (if applicable), date of birth, country of citizenship, and the number, issuing country/state associated with a valid government-issued ID (*i.e.,* U.S. government ID, U.S. military ID, passport, or driver's license) and requests for reasonable accommodation by April 30. You can also visit the OBO website at *http://overseasbuildings.state.gov/* for additional information. Requests for reasonable accommodation made after that date will be considered, but may not be able to be fulfilled. The public may attend this meeting as seating capacity allows.

Personal data is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS–D) database.

Please see the Security Records System of Records Notice (State–36) at *http://www.state.gov/documents/organization/242611.pdf* for additional information.

Please contact *IAGR@state.gov* with any questions.

Addison D. Davis, IV,

Director.

[FR Doc. 2019–07757 Filed 4–17–19; 8:45 am]

BILLING CODE 4710–51–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 463 (Sub-No. 2X)]

Alabama Railroad Co.—Abandonment Exemption—in Escambia, Conecuh, and Monroe Counties, Alabama

Alabama Railroad Co. (ALAB) has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F–*Exempt Abandonments* to abandon approximately 47.5 miles of rail line, which extends from approximately milepost 607.73 at Flomaton, Ala., to approximately milepost 655.2 near Tunnel Springs, Ala., including all sidings and the MR Junction Spur between valuation stations 0+00 and 90+81 in Escambia, Conecuh, and Monroe, Counties, Ala. (the Line). The Line traverses U.S. Postal Service Zip Codes 36426, 36441, 36460, 36471, and 36475.

ALAB has certified that: (1) No local or overhead traffic over the Line has moved for at least two years; (2) any overhead traffic on the Line could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication), 49 CFR 1152.50(d)(1) (notice to governmental agencies), and 49 CFR 1105.7 and 1105.8 (environment and historic report), have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) [1] for continued rail service has been received, this exemption will be effective on May 18, 2019, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues must be filed by April 26, 2019.[2] Formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2) [3] and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 29, 2019. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 8, 2019, with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001.

A copy of any petition filed with Board should be sent to CSXT's representatives, William A. Mullins and Crystal M. Zorbaugh, Baker & Miller PLLC, 2401 Pennsylvania Ave. NW, Suite 300, Washington, DC 20037.

[1] The Board modified its OFA procedures effective July 29, 2017. Among other things, the OFA process now requires potential offerors, in their formal expression of intent, to make a preliminary financial responsibility showing based on a calculation using information contained in the carrier's filing and publicly available information. *See Offers of Financial Assistance,* EP 729 (STB served June 29, 2017); 82 FR 30,997 (July 5, 2017).

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each OFA must be accompanied by the filing fee, which currently is set at $1,800. *See* 49 CFR 1002.2(f)(25).

If the verified notice contains false or misleading information, the exemption is void ab initio.

ALAB has filed a combined environmental and historic report that addresses the potential effects of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by April 23, 2019. The EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), ALAB shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by ALAB's filing a notice of consummation by April 18, 2020, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at *www.stb.gov.*

Decided: April 15, 2019.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2019–07774 Filed 4–17–19; 8:45 am]

BILLING CODE 4915–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Product Exclusions: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of product exclusions.

SUMMARY: Effective July 6, 2018, the U.S. Trade Representative (Trade Representative) imposed additional duties on goods of China with an annual trade value of approximately $34 billion (the $34 billion action) as part of the action in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation.

The Trade Representative's determination included a decision to establish a product exclusion process. The Trade Representative initiated the exclusion process in July 2018, and stakeholders have submitted requests for the exclusion of specific products. In December 2018 and March 2019, the Trade Representative granted two prior sets of exclusion requests. This notice announces the Trade Representative's determination to grant additional exclusion requests, as specified in the Annex to this notice. The Trade Representative will continue to issue decisions on pending requests on a periodic basis.

DATES: The product exclusions announced in this notice will apply as of the July 6, 2018 effective date of the $34 billion action, and will extend for one year after the publication of this notice. U.S. Customs and Border Protection will issue instructions on entry guidance and implementation.

FOR FURTHER INFORMATION CONTACT: For general questions about this notice, contact Assistant General Counsels Philip Butler or Megan Grimball, or Director of Industrial Goods Justin Hoffmann at (202) 395–5725. For specific questions on customs classification or implementation of the product exclusions identified in the Annex to this notice, contact *traderemedy@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

For background on the proceedings in this investigation, please see the prior notices issued in the investigation, including 82 FR 40213 (August 23, 2017), 83 FR 14906 (April 6, 2018), 83 FR 28710 (June 20, 2018), 83 FR 33608 (July 17, 2018), 83 FR 38760 (August 7, 2018), and 83 FR 40823 (August 16, 2018), 83 FR 47974 (September 21, 2018), 83 FR 65198 (December 19, 2018), 83 FR 67463 (December 28, 2018), 84 FR 7966 (March 5, 2019), and 84 FR 11152 (March 25, 2019).

Effective July 6, 2018, the Trade Representative imposed additional 25 percent duties on goods of China classified in 818 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTSUS), with an approximate annual trade value of $34 billion. *See* 83 FR 28710. The Trade Representative's determination included a decision to establish a process by which U.S. stakeholders may request exclusion of particular products classified within an 8-digit HTSUS subheading covered by the $34 billion action from the additional duties. The Trade Representative issued a notice setting out the process for the product exclusions, and opened a public docket. *See* 83 FR 32181 (the July 11 notice).

Under the July 11 notice, requests for exclusion had to identify the product subject to the request in terms of the physical characteristics that distinguish the product from other products within the relevant 8-digit subheading covered by the $34 billion action. Requestors also had to provide the 10-digit subheading of the HTSUS most applicable to the particular product requested for exclusion, and could submit information on the ability of U.S. Customs and Border Protection to administer the requested exclusion. Requestors were asked to provide the quantity and value of the Chinese-origin product that the requestor purchased in the last three years. With regard to the rationale for the requested exclusion, requests had to address the following factors:

- Whether the particular product only is available from China and specifically whether the particular product and/or a comparable product is available from sources in the United States and/or third countries.
- Whether the imposition of additional duties on the particular product would cause severe economic harm to the requestor or other U.S. interests.
- Whether the particular product is strategically important or related to ''Made in China 2025'' or other Chinese industrial programs.

The July 11 notice stated that the Trade Representative would take into account whether an exclusion would undermine the objective of the Section 301 investigation.

The July 11 notice required submission of requests for exclusion from the $34 billion action no later than October 9, 2018, and noted that the Trade Representative would periodically announce decisions. In December 2018, the Trade Representative granted an initial set of exclusion requests. *See* 83 FR 67463. The Trade Representative granted a second set of exclusions in March 2019. *See* 84 FR 11152. The Office of the United States Trade Representative regularly updates the status of each pending request and posts the status at *https://ustr.gov/issue-areas/enforcement/section-301-investigations/request-exclusion.*

B. Determination To Grant Certain Exclusions

Based on the evaluation of the factors set out in the July 11 notice, which are summarized above, pursuant to sections 301(b), 301(c), and 307(a) of the Trade Act of 1974, as amended, and in accordance with the advice of the interagency Section 301 Committee, the Trade Representative has determined to grant the product exclusions set out in the Annex to this notice. The Trade Representative's determination also takes into account advice from advisory committees and any public comments on the pertinent exclusion requests.

As set out in the Annex to this notice, the exclusions are reflected in 21 specially prepared product descriptions, which cover 348 separate exclusion requests.

In accordance with the July 11 notice, the exclusions are available for any product that meets the description in the Annex, regardless of whether the importer filed an exclusion request. Further, the scope of each exclusion is governed by the scope of the product descriptions in the Annex to this notice, and not by the product descriptions set out in any particular request for exclusion.

Paragraph A, subparagraphs (3)–(5) are conforming amendments to the HTSUS reflecting the modification made by the Annex to this notice.

In order to clarify the periodic revisions to the HTSUS, paragraphs B and C of the Annex modifies the text to U.S. notes 20(i)(6) and 20(i)(7) to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States, as set out in the Annex of the notice published at 84 FR 11152 (March 25, 2019).

Paragraph D of the Annex to this notice corrects a typographical error in U.S. note 20(i)(24) to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States, as set out in the Annex of the notice published at 84 FR 11152 (March 25, 2019).

As stated in the July 11 Notice, the exclusions will apply as of the July 6, 2018 effective date of the $34 billion action, and extend for one year after the publication of this notice. U.S. Customs and Border Protection will issue instructions on entry guidance and implementation.

The Trade Representative will continue to issue determinations on pending requests on a periodic basis.

Stephen Vaughn,

General Counsel, Office of the U.S. Trade Representative.

BILLING CODE 3290–F9–P

ANNEX

A. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on July 6, 2018, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

1. by inserting the following new heading 9903.88.07 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
"9903.88.07	Articles the product of China, as provided for in U.S. note 20(j) to this subchapter, each covered by an exclusion granted by the U.S. Trade Representative	The duty provided in the applicable subheading"		

2. by inserting the following new U.S. note 20(j) to subchapter III of chapter 99 in numerical sequence:

"(j) The U.S. Trade Representative determined to establish a process by which particular products classified in heading 9903.88.01 and provided for in U.S. notes 20(a) and 20(b) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.01. See 83 Fed. Reg. 28710 (June 20, 2018) and 83 Fed. Reg. 32181 (July 11, 2018). Pursuant to the product exclusion process, the U.S. Trade Representative has determined that the additional duties provided for in heading 9903.88.01 shall not apply to the following particular products, which are provided for in the enumerated statistical reporting numbers:

(1) Pumps designed for countertop appliances for serving beer, the foregoing that control the level of carbonation by means of sonic waves (described in statistical reporting number 8413.19.0000)

(2) Roller machines designed for cutting, etching or embossing paper, foil or fabric, manually powered (described in statistical reporting number 8420.10.9080)

(3) Water oxidizers and chlorinators (described in statistical reporting number 8421.21.0000)

(4) Ratchet winches designed for use with textile fabric strapping (described in statistical reporting number 8425.39.0100)

(5) Continuous action elevators and conveyors, designed to convey mineral materials (described in statistical reporting number 8428.33.0000)

(6) Counterweight castings of iron or steel designed for use on fork lift and other works trucks (described in statistical reporting number 8431.20.0000)

(7) Tines, carriages, and other goods handling apparatus and parts designed for use on fork lift and other works trucks (described in statistical reporting number 8431.20.0000)

(8) Parts of drill sharpening machines (described in statistical reporting number 8466.93.9885)

(9) Outer shells of hydraulic accumulators, of iron or non-alloy steel, cylindrical with hemispherical heads on each end (described in statistical reporting number 8479.90.9496)

(10) Parts of mechanical awnings and shades (described in statistical reporting number 8479.90.9496)

(11) Reject doors, pin protectors, liners, front walls, grates, hammers, rotor and end disc caps, and anvil and breaker bars, of iron or steel, the foregoing parts of metal shredders (described in statistical reporting number 8479.90.9496)

(12) Steering wheels designed for watercraft, of stainless steel, having a wheel diameter exceeding 27 cm but not exceeding 78 cm (described in statistical reporting number 8479.90.9496)

(13) Pressure regulators of brass or bronze, whether high or low inlet type, having a rated flow rate of 55,000 - 150,000 BTU/hr, maximum inlet pressure of 0.17 MPa to 1.72 MPa, inlet connection with POL or thread type of fitting (described in statistical reporting number 8481.10.0090)

(14) Pipe brackets of aluminum, each with 4 ports, the foregoing measuring 27.9 cm x 20.3 cm x 17.8 cm and weighing 11.34 kg, designed for installation into air brake control valves (described in statistical reporting number 8481.90.9040)

(15) Push pins and C-poles of steel, designed for use in variable force solenoid valves (described in statistical reporting number 8481.90.9040)

(16) Ball bearings of a width not exceeding 30 mm (described in statistical reporting number 8482.10.5032)

(17) Inductor baseplates of aluminum, each with a length measuring 149.20 mm or more but not over 275 mm, with a width measuring 119.40 mm or more but

not over 232 mm and with a depth of 10.50 mm or more but not over 19 mm, with a weight of 0.48 kg or more but not over 3.2 kg (described in statistical reporting number 8504.90.9690)

(18) Parts of soldering irons and soldering machines (described in statistical reporting number 8515.90.4000)

(19) Motor vehicle gear shift switch assemblies, comprised of a plunger, connector and gear shift lever (described in statistical reporting number 8536.50.9065)

(20) Pressure switches designed for use in heat pumps and air-conditioning condensers having a rating of 1.90 megapascals or more but not over 4.55 megapascals (described in statistical reporting number 8536.50.9065)

(21) Instruments for measuring or checking voltage or electrical connections; electrical circuit tracers (described in statistical reporting number 9030.33.3800)

3. by amending the last sentence of the first paragraph of U.S. note 20(a) to subchapter III to chapter 99 by:

   a. deleting "provided for in heading 9903.88.05 and U.S. note 20(h), or provided for in heading 9903.88.06 and U.S. note 20(i) to subchapter III of chapter 99."; and

   b. inserting in lieu thereof "provided for in: (1) heading 9903.88.05 and U.S. note 20(h) to subchapter III of chapter 99; (2) heading 9903.88.06 and U.S. note 20(i) to subchapter III of chapter 99; or (3) heading 9903.88.07 and U.S. note 20(j) to subchapter III of chapter 99.".

4. by amending the first sentence of U.S. note 20(b) to subchapter III to chapter 99 by:

   a. deleting "provided for in heading 9903.88.05 and U.S. note 20(h), or provided for in heading 9903.88.06 and U.S. note 20(i) to subchapter III of chapter 99:"; and

   b. inserting in lieu thereof "provided for in: (1) heading 9903.88.05 and U.S. note 20(h) to subchapter III of chapter 99; (2) heading 9903.88.06 and

U.S. note 20(i) to subchapter III of chapter 99; or (3) heading 9903.88.07 and U.S. note 20(j) to subchapter III of chapter 99:".

5. by amending the Article Description of heading 9903.88.01:

   a. by deleting " Except as provided in headings 9903.88.05 or 9903.88.06,"; and

   b. inserting in lieu thereof "Except as provided in headings 9903.88.05, 9903.88.06 or 9903.88.07,".

B. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on July 6, 2018, U.S. note 20(i)(6) to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by deleting "described in statistical reporting number 8413.91.9095, effective January 1, 2019; described in statistical reporting number 8413.91.9080, effective prior to January 1, 2019" and inserting "whether described in statistical reporting number 8413.91.9080 (parts of pumps for liquids, other), prior to January 1, 2019 or described in statistical reporting number 8413.91.9095, post January 1, 2019" in lieu thereof.

C. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on July 6, 2018, U.S. note 20(i)(7) to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by deleting "described in statistical reporting number 8413.91.9095, effective January 1, 2019; described in statistical reporting number 8413.91.9080, effective prior to January 1, 2019" and inserting "whether described in statistical reporting number 8413.91.9080 (parts of pumps for liquids, other), prior to January 1, 2019 or described in statistical reporting number 8413.91.9095, post January 1, 2019" in lieu thereof.

D. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on July 6, 2018, U.S. note 20(i)(24) to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by deleting "and weight of 257 g or less" and inserting "and weight of 2575 g or less" in lieu thereof.

[FR Doc. 2019–07758 Filed 4–17–19; 8:45 am]

BILLING CODE 3290–F9–C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2019–0287]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Certificated Training Centers—Simulator Rule

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves Certificated Training Centers. Operators pay Certificated Training Centers to provide training to their employees, typically pilots, on different types of equipment if training is not done in house. The information to be collected is necessary because it allows aviation safety inspectors (operations) to review and to provide surveillance to training centers to ensure compliance with airman training, testing, and certification requirements specified in other parts of the regulations. If the information were not collected, inspectors would not be able to determine if airmen who are clients are being trained, checked or tested to meet the safety standards established in other parts of the regulations. To date, FAA inspectors have used the information collected to determine and assess regulatory compliance during routine program surveillance.

DATES: Written comments should be submitted by June 17, 2019.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Sandra Ray, Federal Aviation Administration, Policy Integration Branch AFS–270, 1187 Thorn Run Road, Suite 200, Coraopolis, PA 15108.

By fax: 412–239–3063.

FOR FURTHER INFORMATION CONTACT: Sandra Ray at (412) 329–3088, or by email at: *Sandra.ray@faa.gov.*

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: 2120–0570.

Title: Certificated Training Centers—Simulator Rule.

Form Numbers: There are no forms associated with this collection.

Type of Review: Renewal of an Information Collection.

Background: Part 142 Flight Schools are subject to several collection requirements. 14 CFR part 142 is one of several Federal Regulation parts that implement the Public Law. Section 142.11 provides that application for a training center certificate and training specifications shall be made in a form and manner prescribed by the Administrator, shall provide specific information about each management, instructor position, and evaluator position, and contain certain other administrative information.

Section 142.37 provides that application for approval of training programs must be in a form and manner acceptable to the Administrator, and must provide specific information about curriculum and courses of the training program.

Chapter 447, Section 44701 of Title 49, United States Code, provides, in pertinent part, that the Administrator may find, after investigation, that a person found to possess proper qualifications for a position as an airman may be issued such certificate. That certificate shall contain such terms, conditions, and limitations as to duration thereof, as well as periodic or special examinations, and other matters as the Administrator may determine to be necessary to assure safety in air commerce.

Section 142.73 requires that training centers maintain records for a period of one year to show trainee qualifications for training, testing, or checking, training attempts, training checking, and testing results, and for one year following termination of employment the qualification of instructors and evaluators providing those services.

The respondents may be the Part 142 schools, Part 121 or 135 air carriers who utilize these schools or new applicants seeking Part 142 certification. The information may be collected in electronic forms. No specific forms are required. Information reporting may be done in accordance with the individual FAA office.

Respondents: 82,239 (Includes Part 142 schools, Part 121 and 135 carriers and new certifications).

Frequency: On occasion.

Estimated Average Burden per Response: 96 Hours.

Estimated Total Annual Burden: 83,767 Hours.

Issued in Washington, DC, on April 12, 2019.

Sandra L. Ray,

Aviation Safety Inspector, FAA, Policy Integration Branch, AFS–270.

[FR Doc. 2019–07771 Filed 4–17–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway Projects in Texas

AGENCY: Texas Department of Transportation (TxDOT), Federal Highway Administration (FHWA), U.S. Department of Transportation.

ACTION: Notice of limitation on claims for judicial review of actions by TxDOT and Federal agencies.

SUMMARY: This notice announces actions taken by TxDOT and Federal agencies that are final. The environmental review, consultation, and other actions required by applicable Federal environmental laws for these projects are being, or have been, carried-out by TxDOT pursuant to an assignment agreement executed by FHWA and TxDOT. The actions relate to various proposed highway projects in the State of Texas. These actions grant licenses, permits, and approvals for the projects.

DATES: By this notice, TxDOT is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of TxDOT and Federal agency actions on the highway projects will be barred unless the claim is filed on or before the deadline. For the projects listed below, the deadline is September 15, 2019. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such a claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Carlos Swonke, Environmental Affairs Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701; telephone: (512)

416–2734; email: *carlos.swonke@txdot.gov.* TxDOT's normal business hours are 8:00 a.m.–5:00 p.m. (central time), Monday through Friday.

SUPPLEMENTARY INFORMATION: The environmental review, consultation, and other actions required by applicable Federal environmental laws for these projects are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.

Notice is hereby given that TxDOT and Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the highway projects in the State of Texas that are listed below.

The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion (CE), Environmental Assessment (EA), or Environmental Impact Statement (EIS) issued in connection with the projects and in other key project documents. The CE, EA, or EIS and other key documents for the listed projects are available by contacting TxDOT at the address provided above.

This notice applies to all TxDOT and 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].

2. *Air:* Clean Air Act, 42 U.S.C. 7401–7671(q).

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; 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], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], 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 [54 U.S.C. 300101 *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [54 U.S.C. 312501 *et seq.*]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; 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, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 319); Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601–4604; Safe Drinking Water Act (SDWA), 42 U.S.C. 300(f)–300(j)(6); 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. 3921, 3931; TEA–21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133(b)(11); Flood Disaster Protection Act, 42 U.S.C. 4001–4128.

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 projects subject to this notice are:

1. SH 289 from North of Business 289C to North of CR 60/CR 107 in Collin County, Texas. The proposed project would reconstruct and widen the roadway from a two-lane undivided roadway to an urban four-lane divided highway. The proposed improvements would consist of one 12-foot travel lane and one 14-foot outside shared-use lane in each direction, and a 42-foot raised center median. The length of the proposed project is approximately 2.56 miles. The purpose of the proposed project is to improve mobility and traffic operations for existing and future traffic demand in the project area. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in, the Categorical Exclusion Determination issued on December 18, 2018, and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Dallas District Office at 4777 E Highway 80, Mesquite, TX 75150; telephone (214) 320–4480.

2. IH 45 Central Walker County Project Segment 2A, from 0.3 miles north of SH 19 to 0.9 miles north of SH 30 in Walker County, Texas. The proposed project would replace existing main-lane pavement with new pavement and widen to six travel-lanes (three north and three south), from four travel lanes, currently, (two north and two south). The main-lane widening would be accomplished by adding additional lanes to the inside of the existing main-lanes. The project also includes adding collector-distributor roads, which are roads that parallel and connect the main travel lanes and frontage roads. The proposed improvements are needed to bring the interstate facility up to current standards for design and safety to increase capacity in order to meet future traffic volumes. The purpose of the project is to enhance freight mobility and address congestion along the IH 45 corridor. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Open-ended (d) CE classification letter approved on January 04, 2019, and other related documents can be found in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Bryan District Office at 2591 North Earl Rudder Freeway, Bryan, Texas 77803; telephone (979) 778–9764.

3. US 59 from FM 2021 to 0.34 miles north of US 59/SL 287, Angelina County, Texas. The purpose of the proposed project is to upgrade US 59 to meet interstate standards by providing two-lane north and south bound frontage roads from FM 2021 to 0.34 miles north of US 59 and Loop 287 near Redland, Texas. The proposed project also includes sidewalks and reconstruction of main lanes with flush median. The proposed project is 2.45 miles in length. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion approved on July 31, 2018, and the Amendment to Categorical Exclusion Determination issued on January 14, 2019, and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Lufkin District Office at 1805 North Timberland Drive, Lufkin, TX 75901; telephone (936) 633–4395.

4. County Road (CR) 101 (Bailey Road) from CR 90 to Farm-to-Market Road (FM) 1128 (Manvel Road) in Brazoria County, Texas. The 2.2 mile project will widen CR 101 to a four-lane divided boulevard with raised median,

left-turn bays, a sidewalk, curb-and-gutter drainage and a detention pond. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion Determination approved January 25, 2019 and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Houston District Office located at 7600 Washington Avenue, Houston, Texas 77007; telephone (713) 802–5076.

5. IH 35 from South of Lakeway Drive to South of Williams Drive, Williamson County, Texas. The project includes reconstructing the existing IH 35 at Williams Drive interchange, modifying the frontage roads, constructing collector/distributor roads and a shared use path. The project is approximately 2 miles in length. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion Determination issued on January 25, 2019 and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Austin District Office at 7901 North I–35, Austin, TX 78753; telephone (512) 832–7000.

6. SH 71 from FM 2765 to FM 1300 in Wharton County, Texas. The proposed project would construct a center left turn lane and add an additional travel lane in each direction from FM 2765 to FM 1300 for a length of 1.643 miles. The purpose of the project is to improve safety and mobility. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion Determination issued on February 4, 2019 and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Yoakum District Office at 403 Huck St., Yoakum, TX 77995; telephone (361) 293–4436.

7. US 87 at Guadalupe River in DeWitt County, Texas. The proposed project would construct a new bridge parallel to the existing bridge to create a one-way pair structure over the Guadalupe River. The project would also realign the intersection of US 87 and US 183 at the south end of the project. The length of the project is 1.212 miles. The purpose of the project is to construct a new bridge that meets current design and safety standards. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion Determination issued on February 4, 2019 and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Yoakum District Office at 403 Huck St., Yoakum, TX 77995; telephone (361) 293–4436.

8. US 90 over the Colorado River in Colorado County, Texas. The proposed project would construct a new bridge parallel to the existing bridge to create a one-way pair structure over the Colorado River. The length of the project is 0.364 mile. The purpose of the project is to construct a new bridge that meets current design and safety standards. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion Determination issued on February 7, 2019 and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Yoakum District Office at 403 Huck St., Yoakum, TX 77995; telephone (361) 293–4436.

9. Red Bluff Road from Kirby Boulevard to State Highway 146, in Harris County, Texas. The 1.5 mile project will construct two new eastbound lanes and convert the existing roadway to westbound lanes, separated by a raised median. The project will also include the addition of a two-lane eastbound bridge (with a 10-foot-wide shared-use trail) parallel to the existing Taylor Lake Bridge. The existing undivided two-lane bridge will be improved to facilitate two lanes of westbound traffic and a wide shoulder lane. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion Determination approved February 19, 2019 and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Houston District Office located at 7600 Washington Avenue, Houston, Texas 77007; telephone (713) 802–5076.

10. Farm-to-Market (FM) 521 from FM 2234 to State Highway (SH) 6 in Fort Bend County, Texas. The 5.3 mile project will reconstruct and widen the FM 521 roadway from a two-lane undivided roadway to a four-lane divided roadway. The project also includes raised medians, a grade separation over FM 521 at Broadway Street, and a sidewalk on the east side of the roadway, intersection improvements, and turn lanes at various locations. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion Determination approved February 19, 2019 and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Houston District Office located at 7600 Washington Avenue, Houston, Texas 77007; telephone (713) 802–5076.

11. FM 1516 from IH 10 East to FM 78, Bexar County, Texas. The project includes widening the roadway from two lanes to four lanes with a center turn lane. Sidewalks and bike lanes are also included with the project. The project is approximately 3.7 miles in length. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion Determination issued on February 21, 2019 and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT San Antonio District Office at 4615 NW Loop 410, San Antonio, TX 78229; telephone (210) 615–5839.

12. US 175 from FM 148 to CR 4106 in Kaufman County, Texas. The proposed project would entail the construction of a new frontage road on the south side of US 175. The existing two-way frontage road on the north side of US 175 would be changed to one-way operation. The length of the proposed project is approximately 2.8 miles. The purpose of the proposed project is to improve the safety, mobility and access along the south side of US 175 and to accommodate future traffic demand in the area. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the documentation supporting the Categorical Exclusion (CE) Determination approved on February 22, 2019, and other documents in the TxDOT project file. The CE Determination and other documents are available by contacting TxDOT at the address provided above or the TxDOT

Dallas District Office at 4777 E Highway 80, Mesquite, TX 75150; telephone: (214) 320–4480.

13. FM 1518 from FM 78 to IH 10, Bexar County, Texas. The project includes widening the roadway from two lanes to four lanes with a raised median. A shared use path is also included with the project. The project is approximately 5.53 miles in length. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion Determination issued on February 25, 2019 and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT San Antonio District Office at 4615 NW Loop 410, San Antonio, TX 78229; telephone (210) 615–5839.

14. Smith Ranch Road from Hughes Ranch Road to north of Broadway (FM 518) in Brazoria County, Texas. The 0.76 mile project will widen Smith Ranch Road to a four-lane, divided roadway. The project will also include curb-and-gutter drainage with an underground storm sewer system, a raised median and a 10-foot-wide path on the west side of the roadway to accommodate both pedestrians and bicyclists. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion Determination approved February 26, 2019 and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Houston District Office located at 7600 Washington Avenue, Houston, Texas 77007; telephone (713) 802–5076.

15. US 377 from South of FM 1171 to North of Crawford Road in Denton County, Texas. The proposed project would widen the proposed roadway from a two-lane rural roadway to a four-lane divided urban roadway that would consist of one 12-foot lane and one 14-foot lane in each direction with a 19-foot raised median. The proposed project would include dedicated left-turn lanes, signalized intersections, and six-foot sidewalks on both sides of the roadway for the entire length of the project. The length of the proposed project is approximately 6.130 miles. The purpose of the proposed project is to increase vehicle mobility and safety, decrease congestion and provide alternative modes of transportation within the project limits. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the documentation supporting the Categorical Exclusion (CE) Determination approved on March 13, 2019, and other documents in the TxDOT project file. The CE Determination and other documents are available by contacting TxDOT at the address provided above or the TxDOT Dallas District Office at 4777 E Highway 80, Mesquite, TX 75150; telephone: (214) 320–4480.

16. Loop 375 (Purple Heart Memorial Highway) from Spur 601 (Liberty Expressway) to US 62/180 (Montana Avenue) in El Paso County, Texas. The proposed Loop 375 project would improve mobility and reduce congestion by widening Loop 375 from the existing four-lane facility to a six-lane facility (three lanes in each direction), with three-lane frontage roads on either side of Loop 375 and a hike and bike trail along the southbound Loop 375 frontage road, which would be constructed in the first phase. The proposed project would also provide improvements to the Loop 375 and Spur 601 intersections by constructing three direct connectors, which would be constructed in a subsequent phase(s). The length of the proposed project is approximately 5.3 miles along Loop 375 and 0.1 mile along Spur 601. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Final Environmental Assessment (EA) approved on January 18, 2019, Finding of No Significant Impact (FONSI) issued on January 18, 2019 and other documents in the TxDOT project file. The Environmental Assessment and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT El Paso District, 13301 Gateway West, El Paso, TX 79928; telephone (915) 790–4340.

17. FM 2514 from East of Lavon Parkway to Brown Street in Collin County, Texas. The proposed project would widen an existing two-lane roadway to a four-lane (ultimately six-lane) urban divided highway with a 14-foot outside shared-use lane and an 11-foot inside lane with a 40-foot raised center median. The length of the proposed project is approximately 3.34 miles. The purpose of the proposed project is to reduce congestion and enhance safety. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Final Environmental Assessment (EA) approved on February 5, 2019, Finding of No Significant Impact (FONSI) issued on February 5, 2019 and other documents in the TxDOT project file. The EA and other documents are available by contacting TxDOT at the address provided above or the TxDOT Dallas District Office at 4777 E Highway 80, Mesquite, TX 75150; telephone: (214) 320–4480.

18. IH 30 from Bass Pro Drive to West of FM 2642 Dallas and Rockwall Counties, Texas. Beginning at Bass Pro to Horizon, the proposed improvements would widen this existing section of the roadway to accommodate adding shoulders along the existing four mainlanes (currently 3 lanes and one auxiliary lane in each direction). From Dalrock Road to SH 205, the proposed improvements would reconstruct and widen this section from six mainlanes (3 lanes in each direction) to eight mainlanes (4 lanes in each direction), and would reconstruct the four discontinuous frontage roads (2 lanes in each direction) to six-lane continuous frontage roads (3 lanes in each direction), to include bicycle and pedestrian accommodations crossing Lake Ray Hubbard. From SH 205 to West of FM 2642 (Hunt County Line), the proposed improvements would reconstruct and widen this section from four mainlanes (2 lanes in each direction) to six mainlanes (3 lanes in each direction), and would reconstruct the existing four lane frontage roads (two lanes in each direction). Other improvements for this project include the reconstruction of interchanges at Horizon Road, FM 548, and FM 35, construction of new interchanges at Ben Payne Road/Rochelle Road, Blackland Road, and Floyd Road (future Outer Loop), and associated ramp modifications. The length of the proposed project is approximately 17 miles. The purpose of the proposed project is to reduce traffic congestion and improve mobility along IH–30 within the project limits. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Final Environmental Assessment (EA) approved on March 19, 2019, Finding of No Significant Impact (FONSI) issued on March 19, 2019 and other documents in the TxDOT project file. The EA and other documents are available by contacting TxDOT at the address provided above or the TxDOT Dallas District Office at 4777 E Highway 80, Mesquite, TX 75150; telephone: (214) 320–4480.

19. FM 16 from 4 miles west of FM 849 (CR 481–E) to US 69 in Lindale, Smith County, Texas. The project includes the resurfacing of the existing roadway from 4 miles west of FM 849

(CR 481–E) to approximately 1250 ft. west of CR 479. After resurfacing, this section would be striped to accommodate two 12-ft.-wide lanes in each direction with 2-ft.-wide shoulders. No capacity would be added or other improvements made within this section. The roadway, between the resurfaced section and US 69, would be reconstructed as either three-lanes or five-lanes, as described below. The length of the project, including all transitions, is approximately 4.4 miles. From approximately 1250 ft. west of CR 479 to approximately 500 ft. west of the intersection with CR 436, FM 16 would be reconstructed as a three-lane rural highway. From west of CR 436 to the future intersection with Toll 49, FM 16 would be reconstructed as a five-lane rural highway. From Toll 49 to US 69, FM 16 would be reconstructed as a five-lane urban section. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Final Environmental Assessment approved on March 8, 2019, the Finding of No Significant Impact issued on March 8, 2019, and other documents in the TxDOT project file. The EA, FONSI and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Tyler District Office at 2709 W Front St., Tyler, TX 75702; telephone (903) 510–9267.

20. IH 35 from FM 3406 to RM 1431, Williamson County, Texas. The project includes widening the northbound frontage road, grading and improvements to drainage and driveway areas. The project is approximately 1.65 miles in length. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion Determination issued on February 20, 2019 and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Austin District Office at 7901 North I–35, Austin, TX 78753; telephone (512) 832–7000.

21. Deck Plaza from Marsalis Avenue to Ewing Avenue in Dallas County, Texas. The proposed project proposes to construct a deck plaza over IH 35E from Marsalis Avenue to Ewing Avenue. The deck would be constructed to ultimately create an approximate 5.5 acre urban deck plaza sponsored by the City of Dallas. The purpose of the proposed project is to provide an enhancement to the community, encourage economic development opportunities in the area, and improve pedestrian and bicycle connectivity in the project area. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in, the Categorical Exclusion Determination issued on July 14, 2017, and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Dallas District Office at 4777 E Highway 80, Mesquite, TX 75150; telephone (214) 320–4480.

22. US 67 from Belt Line Road to IH 20 in Dallas County, Texas. The proposed project would widen the roadway from a four-lane to a six-lane divided highway. The proposed roadway would include one additional 12-foot travel lane with a 10-foot outside shoulder and four-foot inside shoulder in each direction. Proposed improvements would also include the addition of U-turn bridges at Belt Line Road and FM 1382. The length of the proposed project is approximately 5.7 miles. The purpose of the proposed project is to reduce traffic congestion and correct roadway deficiencies. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in, the Categorical Exclusion Determination issued on February 3, 2017, and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Dallas District Office at 4777 E Highway 80, Mesquite, TX 75150; telephone (214) 320–4480.

Authority: 23 U.S.C. 139(l)(1).

Issued on: April 5, 2019.

Michael T. Leary,

Director, Planning and Program Development, Federal Highway Administration.

[FR Doc. 2019–07178 Filed 4–17–19; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–7006; FMCSA–2000–7165; FMCSA–2000–7363; FMCSA–2000–7918; FMCSA–2000–8398; FMCSA–2002–13411; FMCSA–2004–17984; FMCSA–2004–18885; FMCSA–2004–19477; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2008–0174; FMCSA–2008–0266; FMCSA–2008–0292; FMCSA–2008–0340; FMCSA–2009–0291; FMCSA–2010–0114; FMCSA–2010–0201; FMCSA–2010–0354; FMCSA–2010–0385; FMCSA–2011–0124; FMCSA–2012–0279; FMCSA–2012–0280; FMCSA–2014–0004; FMCSA–2014–0010; FMCSA–2014–0296; FMCSA–2014–0298; FMCSA–2014–0300; FMCSA–2014–0301; FMCSA–2016–0029; FMCSA–2016–0208]

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 61 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–2000–7006; FMCSA–2000–7165; FMCSA–2000–7363; FMCSA–2000–7918; FMCSA–2000–8398; FMCSA–2002–13411;

FMCSA–2004–17984; FMCSA–2004–18885; FMCSA–2004–19477; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2008–0174; FMCSA–2008–0266; FMCSA–2008–0292; FMCSA–2008–0340; FMCSA–2009–0291; FMCSA–2010–0114; FMCSA–2010–0201; FMCSA–2010–0354; FMCSA–2010–0385; FMCSA–2011–0124; FMCSA–2012–0279; FMCSA–2012–0280; FMCSA–2014–0004; FMCSA–2014–0010; FMCSA–2014–0296; FMCSA–2014–0298; FMCSA–2014–0300; FMCSA–2014–0301; FMCSA–2016–0029; FMCSA–2016–0208, 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 February 21, 2019, FMCSA published a notice announcing its decision to renew exemptions for 61 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 (84 FR 5554). The public comment period ended on March 25, 2019, 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 61 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 March and are discussed below. As of March 1, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 39 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (65 FR 20245; 65 FR 33406; 65 FR 57230; 67 FR 57266; 69 FR 33997; 69 FR 53493; 69 FR 61292; 69 FR 62741; 69 FR 64806; 69 FR 64810; 70 FR 2705; 71 FR 32183; 71 FR 41310; 71 FR 55820; 71 FR 62147; 71 FR 63379; 71 FR 63380; 71 FR 66217; 72 FR 180; 72 FR 1050; 72 FR 1051; 72 FR 1056; 72 FR 9397; 73 FR 38497; 73 FR 48271; 73 FR 60398; 73 FR 61922; 73 FR 61925; 73 FR 74563; 73 FR 74565; 73 FR 75803; 73 FR 75806; 73 FR 76439; 73 FR 78423; 74 FR 981; 74 FR 6209; 74 FR 6211; 74 FR 65842; 75 FR 9478; 75 FR 34211; 75 FR 44050; 75 FR 47888; 75 FR 54958; 75 FR 59327; 75 FR 66423; 75 FR 70078; 75 FR 72863; 75 FR 77492; 75 FR 77949; 75 FR 79079; 75 FR 79083; 75 FR 79084; 76 FR 2190; 76 FR 4413; 76 FR 4414; 76 FR 5425; 76 FR 9865; 76 FR 34136; 76 FR 55463; 77 FR 13689; 77 FR 40945; 77 FR 60008; 77 FR 60010; 77 FR 64839; 77 FR 68199; 77 FR 68200; 77 FR 68202; 77 FR 71671; 77 FR 74273; 77 FR 74734; 77 FR 75494; 77 FR 75496; 77 FR 76166; 78 FR 800; 78 FR 11731; 78 FR 12813; 79 FR 14331; 79 FR 18392; 79 FR 29498; 79 FR 40945; 79 FR 51643; 79 FR 58856; 79 FR 59357; 79 FR 64001; 79 FR 65759; 79 FR 65760; 79 FR 68199; 79 FR 69985; 79 FR 72754; 79 FR 73393; 79 FR 73686; 79 FR 73687; 79 FR 74169; 80 FR 603; 80 FR 2473; 80 FR 3723; 80 FR 8751; 80 FR 8927; 80 FR 18693; 81 FR 42054; 81 FR 70253; 81 FR 71173; 81 FR 90050; 81 FR 96165; 81 FR 96180; 81 FR 96191; 82 FR 13043; 82 FR 13048):

Charles H. Akers, Jr. (VA)
Gerald D. Bowser (PA)
William L. Brady (KS)
Donald O. Clopton (AL)
Thomas A. Crowell (NC)
Ivory Davis (MD)
William W.R. Dunn (PA)
Jevont D. Fells (AL)
Barry J. Ferdinando (NH)
Raymundo Flores (TX)
Rici W. Giesseman (OH)
Harlan L. Gunter (VA)
Thomas H. Gysbers (WI)
David M. Hagadorn (NJ)
William J. Hall (WA)
Guadalupe J. Hernandez (IN)
Kenneth Liuzza (LA)
Kenny Y. Louie (CA)
John T. Mabry (FL)
David S. Matheny (WA)
Tom A. McCarty (NM)
Timothy R. McCullough (FL)
Timothy L. Miller (IA)
Norman Mullins (OH)
Neville E. Owens (NC)
Jeffrey S. Pennell (VT)
Leonardo Polonski (MA)
Don C. Powell (NY)
Myriam Rodriguez (CA)
Lynn R. Schraeder (IA)
David W. Skillman (WA)
Randall S. Surber (WV)
Jeffrey L. Tanner (WY)
Ricky L. Watts (FL)
Patricia A. White (IL)
Steven E. Williams (GA)
Olen L. Williams, Jr. (TN)
Michael T. Wimber (MT)
Rick A. Young (IN)

The drivers were included in docket numbers FMCSA–2000–7006; FMCSA–2000–7165; FMCSA–2004–17984; FMCSA–2004–18885; FMCSA–2004–19477; FMCSA–2006–24783; FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2008–0174; FMCSA–2008–0292; FMCSA–2008–0340; FMCSA–2009–0291; FMCSA–2010–0114; FMCSA–2010–0201; FMCSA–2010–0354; FMCSA–2010–0385; FMCSA–2011–0124; FMCSA–2012–0279; FMCSA–2012–0280; FMCSA–2014–0004; FMCSA–2014–0010; FMCSA–2014–0296; FMCSA–2014–0298; FMCSA–2014–0300; FMCSA–2016–0029; FMCSA–2016–0208. Their exemptions are applicable as of March 1, 2019, and will expire on March 1, 2021.

As of March 4, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (65 FR 45817; 65 FR 77066; 67 FR 71610; 67 FR 76439; 68 FR 10298; 70 FR 7545; 72 FR 7812; 74 FR 6689; 76 FR 9859; 78 FR 8689; 80 FR 7678; 82 FR 13043):

Harry P. Henning (PA); Christopher L. Humphries (TX); and Ralph J. Miles (OR)

The drivers were included in docket numbers FMCSA–2000–7363; FMCSA–2002–13411. Their exemptions are applicable as of March 4, 2019, and will expire on March 4, 2021.

As of March 7, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (65 FR 66286; 66 FR 13825; 68 FR 10300; 70 FR 7546; 72 FR 7111; 74 FR 6212; 76 FR 9861; 78 FR 10250; 80 FR 6162; 80 FR 7679; 80 FR 20562; 82 FR 13043):

Jason P. Atwater (UT)
Steven D. Ellsworth (IL)
Abdalla M. Jalili (IL)
Alan L. Johnston (IL)
Richard A. Pierce (MO)
Rance A. Powell (AL)
Richard P. Rebel (ND)
Mustafa Shahadeh (OH)
Charles P. Smith (MO)

The drivers were included in docket numbers FMCSA–2000–7918; FMCSA–2014–0301. Their exemptions are applicable as of March 7, 2019, and will expire on March 7, 2021.

As of March 23, 2019, 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 (65 FR 66286; 65 FR 78256; 66 FR 13825; 66 FR 16311; 67 FR 76439; 68 FR 10298; 68 FR 13360; 70 FR 7545; 70 FR 12265; 71 FR 14566; 71 FR 30227; 72 FR 7812; 72 FR 11426; 73 FR 27014; 73 FR 51689; 73 FR 63047; 73 FR 75803; 74 FR 6209; 74 FR 6689; 74 FR 8302; 75 FR 77942; 75 FR 77949; 76 FR 4413; 76 FR 5425; 76 FR 9859; 76 FR 9861; 76 FR 11215; 78 FR 8689; 78 FR 12822; 78 FR 14410; 80 FR 15859; 82 FR 13043):

Howard K. Bradley (VA)
Willie Burnett, Jr. (FL)
Marcus L. Conner (TX)
Thomas G. Danclovic (MO)
Donald K. Driscoll (MA)
William G. Holland (AR)
Thomas F. Marczewski (WI)
Steve A. Reece (TN)
Jeremichael Steele (NC)
Wade D. Taylor (MO)

The drivers were included in docket numbers FMCSA–2000–7918; FMCSA–2000–8398; FMCSA–2002–13411; FMCSA–2006–24015; FMCSA–2008–0266; FMCSA–2008–0340; FMCSA–2010–0385. Their exemptions are applicable as of March 23, 2019, and will expire on March 23, 2021.

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 11, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–07788 Filed 4–17–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Dockets No. FMCSA–2007–28043; FMCSA–2018–0140]

Hours of Service (HOS) of Drivers; American Pyrotechnics Assn. (APA); Request To Add New Members to Current APA Exemptions; Request for Comments

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemptions; request for comments.

SUMMARY: FMCSA announces that it has received an application from the American Pyrotechnics Association (APA) requesting exemptions from the Agency's hours-of-service (HOS) regulations for four new members: Celebration Fireworks, Inc., International Fireworks Mfg. Company, Inc., Johnny Rockets Display Company, and the Wald & Company All American Display Fireworks Company. The first exemption request is from the prohibition on driving commercial motor vehicles (CMVs) after the 14th hour after the driver comes on duty. APA requests this exemption to allow drivers employed by the four member companies to exclude off-duty and sleeper-berth time of any length from the calculation of the 14-hour limit. The second exemption request is from the HOS regulations that require a motor carrier to install and require each of its drivers to use an electronic logging device (ELD) to record the driver's HOS. APA requests this exemption to allow these same drivers employed by the four members to continue to use paper records of duty status (RODS) in lieu of an ELD during the designated Independence Day periods. If granted, these exemptions would terminate at the same time as the other 53 exempted APA member carriers. The original terms and conditions of the limited exemptions, that ensure a level of safety equivalent to, or greater than, the level of safety achieved without the exemption, will be upheld by the four new members.

DATES: Comments are due no later than May 20, 2019.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2007–28043 and FMCSA–2018–0140 using any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

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.*

FOR FURTHER INFORMATION CONTACT: Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–4325.

Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket numbers for this notice (FMCSA–2007–28043 and FMCSA–2018–0140), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *www.regulations.gov* and put the respective docket number, ''FMCSA–2007–28043'' or ''FMCSA–2018–0140'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *www.regulations.gov* and insert the docket number, ''FMCSA–2007–28043'' or ''FMCSA–2018–0140'' in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button and choose the document listed 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., e.t., Monday through Friday, except Federal holidays.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 5 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Request for Exemptions

The APA reports that it is a national safety and trade association of the U.S. fireworks industry, representing manufacturers, importers, distributors, wholesalers, retailers, suppliers and professional display companies. APA has over 250 member companies. Along with their subsidiaries, APA's member-companies are responsible for nearly 90 percent of the fireworks manufactured, imported, distributed and professionally displayed in the United States.

APA requested HOS exemptions from the 14-hour rule and the ELD rule for four new members: Celebration Fireworks, Inc., DOT #1527687, International Fireworks Mfg. Company, Inc., DOT #385065, Johnny Rockets Display Company, DOT #1263181, and the Wald & Company All American Display Fireworks Company, DOT #87079. The exemptions for these APA carriers, if granted, would expire on July 8, 2020. Although this is less than the 5-year exemption period authorized by 49 U.S.C. 31315(b)(2), as amended by section 5206(a)(3) of the Fixing America's Surface Transportation (FAST) Act (Pub. L. 114–94, 129 Stat. 1312, 1537, Dec. 4, 2015), FMCSA believes that the interests of the APA members and the Agency would best be served by synchronizing the expiration dates of all such fireworks-related exemptions. The four new members would be subject to all of the terms and conditions in the original exemptions.

The CMV drivers employed by APA members are trained pyro-technicians who hold commercial driver's licenses (CDLs) with hazardous materials (HM) endorsements. They transport fireworks and related equipment by CMVs on a very demanding schedule during a brief Independence Day period, often to remote locations. After they arrive, the drivers are responsible for set-up and staging of the fireworks shows.

The APA has requested exemptions for the four new member companies because compliance with the current 14-hour rule in 49 CFR 395.3(a)(2) would impose a substantial economic hardship on numerous cities, towns and municipalities, as well as its members. To meet the demand for fireworks without the exemptions, APA states that its members would be required to hire a second driver for most trips. The APA advises that the result would be a substantial increase in the cost of the fireworks shows—beyond the means of many of its members' customers—and that many Americans would be denied this important component of the celebration of Independence Day.

Additionally, APA is seeking exemptions from the ELD rule in 49 CFR 395.8(a)(1)(i) for these same members. APA asserts that granting this exemption is appropriate because there is no basis to believe that continuing to allow paper record keeping for this limited subset of the regulated community, and for a limited period of time, would impact operational safety in any regard. In addition, due to the unique nature of the fireworks industry, requiring the use of ELDs for this limited seasonal delivery period would impose a substantial financial burden on members because it would require them to purchase/lease systems for use for only a short period every year.

APA explained that members rely upon intermittent casual drivers periodically throughout the year and particularly during the busy Independence Day season when industry depends upon short-term rental trucks. The fireworks industry is unique in that it rents or leases approximately 90% of its vehicles throughout the year for fewer than 30 days at a time. However, most rental companies require a minimum rental period of 14 to 21 days when APA members may only use the trucks in commerce for up to 11 days. The mix of vehicles rented includes pick-up trucks, cargo vans, city vans and straight trucks less than 26,000 GVW. The industry relies heavily upon short-term rental trucks to transport and deliver 98% of the 16,000 Independence Day fireworks displays nationwide.

The APA believes that the exemptions would not adversely affect the safety of the fireworks transportation provided by these motor carriers. APA's members have operated under the exemption from the 14-hour rule for 12 previous Independence Day periods without incident. Moreover, it asserts, without the extra time provided by the exemption from the 14-hour rule, safety would decline because APA drivers would be unable to return to their home base after each show. They would be forced to park the CMVs carrying HM 1.1G, 1.3G and 1.4G products in areas less secure than the motor carrier's home base. Without the exemption from the ELD rule, these companies would be required to purchase/lease ELD systems for a limited period of 11 days.

APA asserts that the operational demands of this unique industry minimize the risks of CMV crashes. In the last few days before July 4, these drivers transport fireworks over relatively short routes from distribution points to the site of the fireworks display, and normally do so in the early morning when traffic is light. At the site, they spend considerable time installing, wiring, and safety-checking the fireworks displays, followed by several hours off duty in the late afternoon and early evening prior to the event. During this time, the drivers are able to rest and nap, thereby reducing or eliminating the fatigue accumulated during the day.

Method To Ensure an Equivalent or Greater Level of Safety

Before beginning another duty day, drivers must take 10 consecutive hours off duty. Drivers are off duty for several hours in the late afternoon and early evenings, prior to an event. Additionally, these members would continue to use paper RODS in lieu of an ELD during the designated Independence Day periods.

Terms and Conditions of the Exemption

Period of the Exemption

The requested HOS exemptions from 49 CFR 395.3(a)(2) and 49 CFR 395.8(a)(1)(i) would be effective from June 28 through July 8, at 11:59 p.m. local time, each year through 2020.

Terms and Conditions of the Exemptions

During the 2019 Independence Day period, the exemptions from 49 CFR 395.3(a)(2) and 49 CFR 395.8(a)(1)(i) would be limited to drivers employed by the 53 motor carriers already covered by the exemptions, plus (if approved) the four carriers now seeking these exemptions. Section 395.3(a)(2) prohibits a driver from driving a CMV after the 14th hour after coming on duty and does not permit off-duty periods to extend the 14-hour limit. Section 395.8(a)(1)(i) requires drivers of motor carriers subject to the rule to use ELDs to record their HOS. Drivers covered by these exemptions would be able to exclude off-duty and sleeper-berth time of any length from the calculation of the 14-hour limit. The exemptions would be contingent on the following:

- Drivers do not drive more than 11 hours in the 14-hour period after coming on duty, as extended by any off-duty or sleeper-berth time in accordance with this exception.
- Drivers must have 10 consecutive hours off duty following 14 hours on duty prior to beginning a new driving period.
- Drivers must use paper RODs
- The carriers and drivers must comply with all other requirements of the Federal Motor Carrier Safety Regulations (49 CFR parts 350–399) and Hazardous Materials Regulations (49 CFR parts 105–180).

Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period these exemptions would be in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with the exemptions with respect to a firm or person operating under the exemptions. States may, but are not required to, adopt the same exemptions with respect to operations in intrastate commerce.

FMCSA Notification

Exempt motor carriers would be required to notify FMCSA within 5 business days of any accidents (as defined by 49 CFR 390.5) involving the operation of any of their CMVs while under these exemptions. The notification must be by email to *MCPSD@DOT.GOV* and include the following information:

a. Name of the Exemption: ''APA''

b. Date of the accident,

c. City or town, and State, in which the accident occurred, or which is closest to the scene of the accident,

d. Driver's name and driver's license State, number, and class,

e. Co-Driver's name and driver's license State, number, and class,

f. Vehicle company number and power unit license plate State and number,

g. Number of individuals suffering physical injury,

h. Number of fatalities,

i. The police-reported cause of the accident,

j. Whether the driver was cited for violation of any traffic laws, or motor carrier safety regulations, and

k. The total driving time and the total on-duty time of the CMV driver at the time of the accident.

In addition, if there are any injuries or fatalities, the carrier must forward the police accident report to *MCPSD@DOT.GOV* as soon as available.

Issued on: April 11, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–07783 Filed 4–17–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0086]

Hours of Service of Drivers: Extreme Logistics, LLC, Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that it has received an application from Extreme Logistics, LLC (applicant) for an exemption from the requirement that drivers of commercial motor vehicles (CMVs) must not drive following the 14th hour after coming on duty. The exemption would apply solely to the drivers of 12 CMVs employed by the applicant in conjunction with staging fireworks shows celebrating Independence Day during the period of June 26–July 8, for the next five years (2019–2024) inclusive. During this period, the CMV drivers employed by the applicant would be allowed to exclude off-duty and sleeper-berth time of any length from the calculation of the 14 hours. These drivers would not be allowed to drive after accumulating a total of 14 hours of on-duty time, following 10 consecutive hours off duty, and would continue to be subject to the 11-hour driving time limit, and the 60-

and 70-hour on-duty limits. The applicant maintains that the terms and conditions of the limited exemption would ensure a level of safety equivalent to or greater than the level of safety achieved without the exemption.

DATES: May 20, 2019.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2019–0086 using any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

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.*

FOR FURTHER INFORMATION CONTACT: For information concerning this notice contact Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–4325. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2019–0086), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2019–0086'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *www.regulations.gov* and insert the docket number, ''FMCSA–2019–0086'' in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button and choose the document listed 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., e.t., Monday through Friday, except Federal holidays.

Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 5 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Application for Exemption

The hours-of-service (HOS) rule in 49 CFR 395.3(a)(2) prohibits a property-carrying CMV driver from driving a CMV after the 14th hour after coming on duty following 10 consecutive hours off duty. Extreme Logistics, LLC (USDOT 1971328) (Applicant) is a fireworks display company that employs CMV drivers who hold commercial driver's licenses (CDLs) with hazardous materials endorsements. The applicant seeks an exemption from the 14-hour rule in 49 CFR 395.3(a)(2) so that drivers would be allowed to exclude off-duty and sleeper-berth time of any length from the calculation of the 14 hours. The applicant states that the basis for the request is the existing FMCSA exemption granted to Illumination Fireworks, LLC and ACE Pyro, LLC under Docket No. FMCSA–2014–0111, from the 14-hour rule. As stated in the applicant's request, its CMV drivers hold CDLs with hazardous materials endorsements to transport Division 1.3G and 1.4G fireworks in conjunction with the setup of firework shows for Independence Day. The applicant states that it is seeking the HOS exemption because compliance with the 14-hour rule would impose economic hardship on cities, municipalities, and themselves. Complying with the existing regulation means that most shows would require two drivers, significantly increasing the cost of the fireworks display.

The applicant asserts that without the extra duty period provided by the exemption, safety would decline as firework drivers would be unable to return to their home base following each show should they have fireworks remaining after the display. They would be forced to park the CMVs carrying Division 1.3G and 1.4G products in areas less secure than the motor carrier's home base.

Method To Ensure an Equivalent or Greater Level of Safety

As a condition for maintaining the exemption, each motor carrier would be required to notify FMCSA within 5 business days of any crash (as defined in 49 CFR 390.5) involving the operation of any CMVs under this exemption. The applicant advised that its drivers have never been involved in an accident and that it does not believe the exemption would change that record.

In the exemption request, the applicant asserts that the operational demands of this unique industry minimize the risks of CMV crashes. In the last few days before the Independence Day holiday, these drivers transport fireworks over relatively short routes from distribution points to the site of the fireworks display and normally do so in the early morning when traffic is light. The applicant noted that during the 2018 Independence Day season, the farthest show from its home base was 150 miles. At the site, drivers spend considerable time installing, wiring, and checking the safety of fireworks displays, followed by several hours of duty in the late afternoon and early evening prior to the event. Before beginning another duty day, these drivers must take 10 consecutive hours off duty, the same as other CMV drivers.

A copy of the application for exemption is available for review in the docket for this notice.

Issued on: April 11, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–07784 Filed 4–17–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA- FMCSA–2013–0108; FMCSA–2014–0382; FMCSA–2015–0322; FMCSA–2015–0323; FMCSA–2016–0008]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for nine individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on December 21, 2018. The exemptions expire on December 21, 2020.

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–2013–0108; FMCSA–2014–0382; FMCSA–2015–0322; FMCSA–2015–0323; FMCSA–2016–0008, 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 February 19, 2019, FMCSA published a notice announcing its decision to renew exemptions for nine individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (84 FR 4893). The public comment period ended on March 21, 2019, 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)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based on its evaluation of the nine renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8).

As of December 21, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (84 FR 4893):

Stephen L. Amell (VT)
Mark W. Beery (OH)
Douglas Cantwell (TN)
Kenneth B. Elder (KY)
Ronnie D. Moody (NC)
Michael S. Shumake (VA)
Douglas J. Simms, Jr. (NC)
Shaen C. Smith (MN)
Tara VanHorne (PA)

The drivers were included in docket number FMCSA–2013–0108; FMCSA–2014–0382; FMCSA–2015–0322; FMCSA–2015–0323; FMCSA–2016–0008. Their exemptions are applicable as of December 21, 2018, and will expire on December 21, 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 11, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–07792 Filed 4–17–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0004]

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 exempt 12 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. They are unable to meet the vision requirement in one eye for various reasons. The exemptions enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: The exemptions were applicable on March 26, 2019. The exemptions expire on March 26, 2021.

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–2019–0004, 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 February 21, 2019, FMCSA published a notice announcing receipt of applications from 12 individuals requesting an exemption from vision requirement in 49 CFR 391.41(b)(10) and requested comments from the public (84 FR 5550). The public comment period ended on March 25, 2019, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals 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 proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for up to five years from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows applicants to operate CMVs in interstate commerce. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision, as well as their driving records and experience driving with the vision deficiency. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the February 21, 2019, **Federal Register** notice (84 FR 5550) and will not be repeated in this notice.

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The 12 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, chorioretinal scar, macular degeneration, macular hole, macular scar, prosthesis, and retinal vein occlusion. In most cases, their eye conditions were not recently developed. Six of the applicants were either born with their vision impairments or have had them since childhood. The six individuals that sustained their vision conditions as adults have had it for a range of 4 to 20 years. Although each applicant has one eye that does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and, in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV.

Doctors' opinions are supported by the applicants' possession of a valid license to operate a CMV. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV with their limited vision in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions.

The applicants in this notice have driven CMVs with their limited vision in careers ranging for 3 to 80 years. In the past three years, no drivers were involved in crashes, and two drivers were convicted of moving violations in CMVs. All the applicants achieved a record of safety while driving with their vision impairment that demonstrates the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

Consequently, FMCSA finds that in each case exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10) and (b) by a certified Medical Examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 12 exemption applications, FMCSA exempts the following drivers from the vision requirement, 49 CFR 391.41(b)(10), subject to the requirements cited above:

Gary W. Brockway (IA)
Roger W. Estes (MO)
Gilbert J. Graybill (OK)
Richard D. Livingston, Jr. (WI)
Edgar H. Meraz Gardea (NM)
Joshua G. Millican (OH)
Daniel C. Reichert (GA)
Gregory D. Shirah (AL)
Balwant Singh (CA)
Tristan A. Twito (TX)
Michael L. Watters, Sr. (PA)
Dana J. York (PA)

In accordance with 49 U.S.C. 31136(e) and 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 11, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–07791 Filed 4–17–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0091]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Navistar Inc.

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) requests public comment on an application for exemption from Navistar Inc. (Navistar) to allow its advanced driver-assistance systems (ADAS) to be mounted lower in the windshield on Navistar's commercial motor vehicles (CMV) than is currently permitted.

DATES: Comments must be received on or before May 20, 2019.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2019–0091 using any of the following methods:

- *Website: http://www.regulations.gov.* Follow the instructions for submitting comments on the Federal electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery:* Ground Floor, Room W12–140, DOT Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday–Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the exemption process, see the "Public Participation" heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the "Privacy Act" heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or to Room W12–140, DOT Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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.*

Public participation: The *http://www.regulations.gov* website is generally available 24 hours each day, 365 days each year. You may find electronic submission and retrieval help and guidelines under the ''help'' section of the *http://www.regulations.gov* website as well as the DOT's *http://docketsinfo.dot.gov* website. If you would like notification that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments online.

FOR FURTHER INFORMATION CONTACT: Mr. Jose R. Cestero, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV, (202) 366–5541, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Background

Under 49 CFR 381.315(a), FMCSA must publish a notice of each exemption request in the **Federal Register**. The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must specify the effective period of the exemption (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.315(c) and 49 CFR 381.300(b)).

Navistar's Application for Exemption

The Federal Motor Carrier Safety Regulations (FMCSR) require devices meeting the definition of ''vehicle safety technology,'' including Navistar's ADAS, to be mounted (1) not more than 4 inches below the upper edge of the area swept by the windshield wipers, or (2) not more than 7 inches above the lower edge of the area swept by the windshield wipers, and outside the driver's sight lines to the road and highway signs and signals. Navistar has applied for an exemption from 49 CFR 393.60(e)(1) to allow its ADAS to be mounted lower in the windshield than is currently permitted. A copy of the application is included in the docket referenced at the beginning of this notice. Because the ADAS will be mounted outside of the driver's normal sight lines to all mirrors, Navistar believes that the exemption will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

Section 393.60(e)(1)(i) of the FMCSRs prohibits the obstruction of the driver's field of view by devices mounted at the top of the windshield. Antennas and similar devices must not be mounted more than 152 mm (6 inches) below the upper edge of the windshield, and outside the driver's sight lines to the road and highway signs and signals. Section 393.60(e)(1)(i) does not apply to vehicle safety technologies, as defined in § 390.5 as including ''a fleet-related incident management system, performance or behavior management system, speed management system, lane departure warning system, forward collision warning or mitigation system, active cruise control system, and transponder.'' Section 393.60(e)(1)(ii) requires devices with vehicle safety technologies to be mounted (1) not more than 100 mm (4 inches) below the upper edge of the area swept by the windshield wipers, or (2) not more than 175 mm (7 inches) above the lower edge of the area swept by the windshield wipers, and outside the driver's sight lines to the road and highway signs and signals.

In its application, Navistar states:

> Navistar is making this request so operators can operate commercial motor vehicles with Navistar's advanced driver-assistance systems (ADAS) . . . These systems, like many other similar systems for which FMCSA has previously granted exemptions, require that a camera be mounted on the interior of the upper center area of the windshield and in an area where the windshield is swept by the windshield wipers to provide a clear view of the roadway ahead and any vehicles or obstacles that may be in the path of the vehicle. Navistar's ADAS system currently includes features such as enhanced rear-end collision mitigation, adaptive cruise control along with following distance alerts, stationary object alerts, lane departure warning, alerts when speeding, and automatic braking on stationary vehicles.
>
> The proposed exemption will increase safety by providing these ADAS features on Navistar commercial motor vehicles. The exemption will also allow Navistar to enable additional safety features in the future that will provide further safety benefits such as traffic sign recognition, active lane keeping, and driver fatigue monitoring. This exemption will become a critical enabler for future technology such as Autonomous Vehicles.
>
> In the Navistar installation, the camera housing is approximately 120 mm (4.72 inches) wide by 120 mm (4.72 inches) tall. We propose to mount the camera such that it is in the approximate center of the top of the windshield and such that the bottom edge of the camera housing is approximately 8 inches below the upper edge of the windshield, outside of the driver's and passenger's normal sight lines to the road ahead, highway signs and signals, and all mirrors. This location will allow for proper installation (including connectors and cables) for optimal functionality of the advanced safety systems supported by the camera.
>
> Navistar has created a CAD layout of a typical Navistar conventional type truck to verify that the safety device does not significantly obstruct the FMVSS 104 Windshield Wiping and Washing Systems specified zones A, B, or C . . . The installation will not obstruct the C zone, and only obstructs <1% of B zone, and approximately 1.5% of the A zone.
>
> Navistar has virtually evaluated the impact of camera housings using digital human modeling software, and there was no noticeable obstruction to the normal sight lines to the road ahead, highway signs, signals, or any mirrors. Navistar has installed prototype camera housings in several Navistar commercial motor vehicles & operated them in typical over-the-road conditions during the past 6 months. All drivers and passengers agreed that there was no noticeable obstruction to the normal sight lines to the road ahead, highway signs, signals or any mirrors.

The exemption would apply to all CMV operators driving Navistar vehicles equipped with its ADAS mounted on the windshield. Navistar believes that mounting the system as described will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on Navistar's application for an exemption from 49 CFR 393.60. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Issued on: April 11, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–07782 Filed 4–17–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0044]

Commercial Driver's License: Ohio Department of Public Safety; Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that it has received an application from the Ohio Department of Public Safety (DPS) for a limited exemption from the Agency's commercial driver's license (CDL) regulations. The Ohio DPS requests an exemption to modify the mandatory skills test requirements for qualified veterans who served in the military. The Ohio DPS states that its goal is to promote the opportunities for experienced commercial motor vehicle (CMV) operators who have served in the military by reducing the regulatory burden for obtaining a CDL. FMCSA requests public comment on the Ohio DPS's application for exemption. In addition, because the issue concerning the Ohio DPS request could be applicable in each of the States, FMCSA requests public comment on whether the exemption should cover all State driver licensing agencies (SDLAs), if granted.

DATES: Comments must be received on or before May 20, 2019.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA–2019–0044 by any of the following methods:

- *Federal Rulemaking Portal: www.regulations.gov.* See the *Public Participation and Request for Comments* section below for further information.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

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.*

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–2722. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2019–0044), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2019–0044'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Request for Exemption

The Ohio Department of Public Safety (DPS) requests an exemption from the requirement that an applicant in the skills test waiver certify that he/she (1) is regularly employed or was so employed within the last year in a military position requiring operation of a CMV, and (2) operated a vehicle representative of the CMV that operates or expects to operate for at least 2-years immediately preceding discharge from the military 49 CFR 383.77(b)(1) and (3). In lieu of 49 CFR 383.77(b)(1) and (3), DPS is proposing that the applicant be required to have held a military position that required operation of a CMV for at least 2 years during the applicant's military career. Eliminating the requirement of holding said position within a year from being discharged and the requirement of operating a vehicle representative of the CMV operating or expecting to operate at least the 2-years immediately preceding discharge from military.

The State of Ohio currently grants a CDL applicant a waiver of the skills test otherwise required by 49 CFR 383.113. The State of Ohio skills test waiver process consists of a qualifying applicant submitting the following documentation to the Bureau of Motor Vehicles: (1) A violation-free driving record for the last two years; (2) proof of military service within the last year in a position requiring CMV operation; and (3) proof of experience operating a representative vehicle which was exempt from the 49 CFR 383.3(c) requirements for at least two years immediately preceding the application date or at least two years preceding the discharge date if separated from the military within the last year. In addition to the above listed documentation, applicants must submit the applicable State waiver form. According to the Ohio DPS, the State's skills test waiver form is similar to FMCSA's Application for Military Skills Test Waiver form, currently found on FMCSA's website.

The Ohio DPS contends that the goal of its request is to promote the opportunities for experienced CMV operators who have served in the military by reducing the regulatory burden of obtaining a CDL. By doing so, it is the hope that an increase in the population of available CDL holders will benefit the Ohio transportation industry, and create better civilian employment opportunities for Ohio veterans and service members.

In addition, because the issue concerning the Ohio DPS request could be applicable in each of the States, FMCSA requests public comment on whether the exemption should cover all SDLAs, if granted.

A copy of the Ohio DPS's application for exemption is available for review in the docket for this notice.

Issued on: April 11, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–07781 Filed 4–17–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0203; FMCSA–2014–0381]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for two individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on March 10, 2019. The exemptions expire on March 10, 2021. Comments must be received on or before May 20, 2019.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2010–0203; FMCSA–2014–0381 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

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. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2010–0203; FMCSA–2014–0381), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–2010–0203; FMCSA–2014–0381, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. 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–2010–0203; FMCSA–2014–0381, 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.

C. 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

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for up to five years if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

The two individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

IV. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315, each of the two applicants has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The two drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

As of March 10, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers: John C. Griffith (ND) and Denton Hineline (WA).

The drivers were included in docket number FMCSA–2010–0203; FMCSA–2014–0381. Their exemptions are applicable as of March 10, 2019, and will expire on March 10, 2021.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must remain seizure-free and maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (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 before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based on its evaluation of the two exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: April 11, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–07794 Filed 4–17–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0008]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 12 individuals for an exemption from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions will enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Comments must be received on or before May 20, 2019.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2019–0008 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

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 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. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2019–0008), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–2019–0008, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. 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–2019–0008, 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.

C. 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

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 12 individuals listed in this notice have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

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 at 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 standard red, green, and amber.

In July 1992, the Agency first published the criteria for the Vision Waiver Program, which listed the conditions and reporting standards that CMV drivers approved for participation would need to meet (Qualification of Drivers; Vision Waivers, 57 FR 31458, July 16, 1992). The current Vision Exemption Program was established in 1998, following the enactment of amendments to the statutes governing exemptions made by § 4007 of the Transportation Equity Act for the 21st Century (TEA–21), Public Law 105–178, 112 Stat. 107, 401 (June 9, 1998). Vision exemptions are considered under the procedures established in 49 CFR part 381 subpart C, on a case-by-case basis upon application by CMV drivers who do not meet the vision standards of 49 CFR 391.41(b)(10).

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past three years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrated the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used three consecutive years of data, comparing the experiences of drivers in the first two years with their experiences in the final year.

III. Qualifications of Applicants

Vilas R. Adank

Mr. Adank, 52, has a prosthetic left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2019, his ophthalmologist stated, ''In my opinion, he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Adank reported that he has driven buses for three years, accumulating 6,648 miles. He holds a Class AMC CDL from Minnesota. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Lance S. Binner

Mr. Binner, 55, has had a retinal scar in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2018, his optometrist stated, ''In my medical opinion he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Binner reported that he has driven straight trucks for five years, accumulating 75,000 miles, and tractor-trailer combinations for five years, accumulating 75,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Jody E. Bondi

Mr. Bondi, 48, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2019, his optometrist stated, ''In my medical opinion, Jody Bondi has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Bondi reported that he has driven straight trucks for four years, accumulating 400,000 miles. He holds an operator's license from Arizona. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Stephen L. Cornish

Mr. Cornish, 52, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/250, and in his left eye, 20/15. Following an examination in 2018, his optometrist stated, ''It is my medical opinion that Mr. Cornish has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle.'' Mr. Cornish reported that he has driven straight trucks for ten years, accumulating 500,000 miles, and tractor-trailer combinations for 13 years, accumulating 1.3 million miles. He holds a Class A CDL from Minnesota. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Dale A. Dodson

Mr. Dodson, 43, has a macular scar in his right eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/60, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''From these findings I see no reason from a visual standpoint why he should not be able to safely operate a motor vehicle, commercially or privately.'' Mr. Dodson reported that he has driven straight trucks for 25 years, accumulating 625,000 miles. He holds an operator's license from Kansas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Jorge Estol

Mr. Estol, 44, has a retinal scar in his left eye due to toxoplasmosis in childhood. The visual acuity in his right eye is 20/15, and in his left eye, 20/80. Following an examination in 2018, his optometrist stated, ''It is my medical opinion that Jorge Estol has sufficient vision to perform the task required to operate a commercial vehicle.'' Mr. Estol reported that he has driven straight trucks for five years, accumulating 750,000 miles, and tractor-trailer combinations for five years, accumulating 750,000 miles. He holds a Class A CDL from Florida. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Bret S. Graham

Mr. Graham, 55, has aphakia in his left eye due to a traumatic incident in 1989. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2019, his optometrist stated, ''It is my opinion that Mr. Graham has sufficient capabilities to meet the commercial driving requirements.'' Mr. Graham reported that he has driven tractor-trailer combinations for 28 years, accumulating 3.5 million miles. He holds a Class A CDL from Maine. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Daniel W. Hodge

Mr. Hodge, 40, has glaucoma in his right eye due to a traumatic incident in 2013. The visual acuity in his right eye is hand motion, and in his left eye, 20/15. Following an examination in 2019, his ophthalmologist stated, ''As far as I can tell, he has sufficient vision to drive a commercial vehicle.'' Mr. Hodge reported that he has driven straight trucks for five years, accumulating 100,000 miles. He holds a Class A CDL from Tennessee. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Russell P. Kosinko

Mr. Kosinko, 58, has optic nerve damage in his right eye due to a traumatic incident in 2011. The visual acuity in his right eye is 20/600, and in his left eye, 20/25. Following an examination in 2019, his optometrist stated, ''In my professional opinion he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Kosinko reported that he has driven straight trucks for 20 years, accumulating 2.6 million miles, and tractor-trailer combinations for 20 years, accumulating 2.7 million miles. He holds a Class AM CDL from Pennsylvania. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Joe M. Perez

Mr. Perez, 52, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2019, his optometrist stated, ''Mr. Perez has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Perez reported that he has driven tractor-trailer combinations for 28 years, accumulating 280,000 miles. He holds a Class A CDL from Texas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Samuel Sanchez

Mr. Sanchez, 59, has had central serous chorioretinopathy in his right eye since 2014. The visual acuity in his right eye is 20/80, and in his left eye, 20/20. Following an examination in 2018, his ophthalmologist stated, ''Given an excellent visual field in both eyes, normal color vision, perfect corrected vision with glasses in the left eye, and an excellent commercial vehicle driving record over the past five years in which he has had this eye condition, I believe he has sufficient vision to perform the tasks required to operate a commercial vehicle.'' Mr. Sanchez reported that he has driven tractor-trailer combinations for 35 years, accumulating 5.04 million miles. He holds a Class A CDL from New York. His driving record for the last three years shows no crashes and one conviction for speeding in a CMV; he exceeded the speed limit by 10 mph.

Curtis M. Tharpe

Mr. Tharpe, 51, has optic neuropathy in his right eye due to a traumatic incident in childhood. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2019, his optometrist stated, ''It is my medical opinion that Mr. Tharpe has sufficient vision to perform the driving task required to operate a commercial vehicle.'' Mr. Tharpe reported that he has driven straight trucks for 33 years, accumulating 1.72 million miles, and tractor-trailer combinations for 33 years, accumulating 33,000 miles. He holds a Class A CDL from Virginia. His driving record for the last three years shows one crash, for which he was not cited, and no convictions for moving violations in a CMV.

IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments and material received before the close of business on the closing date indicated in the **DATES** section of the notice.

Issued on: April 12, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–07785 Filed 4–17–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0007]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from 103 individuals who requested an exemption from the vision standard in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a CMV in interstate commerce.

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.

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–2019–0007, 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

FMCSA received applications from 103 individuals who requested an exemption from the vision standard in the FMCSRs. FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(10).

III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption if it finds such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption.

The Agency's decision regarding these exemption applications is based on the eligibility criteria, the terms and conditions for Federal exemptions, and an individualized assessment of each applicant's medical information provided by the applicant.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the eligibility criteria or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(10). Therefore, the 103 applicants in this notice have been denied exemptions from the physical qualification standards in 49 CFR 391.41(b)(10).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following three applicants did not have sufficient driving experience over the past three years under normal highway operating conditions:

David A. Farmer (SC); Thomas J. Johnston (TX); and Robert F. LaMark (PA)

The following 42 applicants had no experience operating a CMV:

Danny L. Abraham (GA)
Kentrell L. Alexander (LA)
Marc A. Alt (NC)
Henry G. Boles (TX)
Justin D. Buetow (MN)
Carlos Candelario (CA)
Zachary D. Coots (KY)
James J. Corr (NE)
David L. Cousin (TN)
Alan C. Cox (IL)
Brian Downton (NY)
Stephen S. Evans (KS)
Lasheika E. Felton (FL)
Jacob P. Lennington (MN)
Angela M. Levin (IL)
Abdilatif D. Malishe (NY)
Chad J. Michels (IA)
Patricia A. Minnich (WA)
Edward E. Morris (TX)
Julio C. Orellana (TX)
Nelson D. Perry (VT)
Brian M. Porter (IL)
Larry D. Porter (IA)
William B. Postel (IN)
De'Warren J. Reaves (MD)
David L. Reid (CO)
Charles D. Reynolds (NC)
Robert L. Rider (VA)
Herbert D. Ryan (AL)
Jesus A. Sanchez-Galvan (GA)
Justin D. Savio (NJ)
Joshua G. Seabolt (GA)
Judson Sejour (FL)
Ahmad Shirin (NC)
Larry W. Stephenson (WA)
Jason Thomas (AL)
Giovany M. Torres Aleman (TX)
Patrick J. Walkey (OH)
Alex L. Wanechek (WA)
Ernest J. Ward (FL)
Daniel L. White (WA)
Justin D. White (KS)

The following 17 applicants did not have three years of experience driving a CMV on public highways with their vision deficiencies:

Robert M. Adams (KY)
Charles V. Adcock (WA)
Yordan Belaunzaran (FL)
Mack A. Franks (IL)
Danny C. Henrichs (MT)
Terry W. Kelly (OR)
Andrew E. Kroll (IL)
Earl D. Lilley (TX)
Michael D. Marshall (ME)
James E. McLaughlin (IN)
Ted E. Parker (IL)
Michael R. Patrick (CO)
Candelario M. Peraza (WA)
Iurii V. Perkov (OR)
Joe S. Price (NC)
Steven L. Voigt (IL)
Randell N. Wallis (CO)

The following eight applicants did not have three years of recent experience driving a CMV on public highways with their vision deficiencies:

Donald Carrillo (NM)
Thomas H. Harnack (IA)
Elvin J. Horst (OH)
Clarence R. Keller (AL)
Brian D. Marlow (TN)
Dennis A. Mercer (IN)
Patrick Seaux (LA)
Lawrence A. Swatfager (ND)

The following three applicants did not have sufficient driving experience over the past three years under normal highway operating conditions (gaps in driving record):

Paul C. Bowen (WY); James D. Taylor (TN); and Michael J. Wells (NC)

The following applicant, Gary Nappier (VA), was charged with moving violations in conjunction with CMV accidents.

The following applicant, Steven A. Schaumberg (NJ), contributed to accident(s) in which the applicant was operating a CMV, which is a disqualifying offense.

The following two applicants did not hold a license that allowed operation of vehicles over 26,000 lbs. for all or part of the three-year review period:

Kevin R. Martin (IN); and Bryan J. Teaster (NC)

The following applicant, Carlos A. Melendez (MD), did not have an optometrist or ophthalmologist willing to make a statement that they are able to operate a commercial vehicle from a vision standpoint.

The following 15 applicants were denied for multiple reasons:

Larry D. Bowman (CA)
Arturo Garcia (IN)
John F. Janicki (MI)
Christopher R. Marden (NH)
Christian R. McHenry (IN)
John W. McNeel (AL)
Jerrell Mitchell (CA)
Dean E. Prindle (MI)
Saul Quintero (IN)
Richard R. Roggeman (IN)
Robert L. Schwartz (ND)
Tanveer Siddiq (NJ)
Christopher T. Sides (ME)
Robert Tichauer (PA)
Ronnie D. Van Zant (VA)

The following eight applicants have not had stable vision for the preceding three-year period:

William M. Batten (TX)
Dale O. Hoover (PA)
Shawn R. Leasy (ID)
George W. Luster (AL)
Lonnie A. Neimeister (OH)
Donald E. Ratliff (KY)
Patricia D. Wallace (MI)
Barry Young (PA)

The following two applicants drove interstate while restricted to intrastate driving:

Michael D. Cameron (GA); and Terrence H. Flick (IL).

Issued on: April 11, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–07789 Filed 4–17–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0209]

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 exempt 11 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. They are unable to meet the vision requirement in one eye for

various reasons. The exemptions enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: The exemptions were applicable on March 9, 2019. The exemptions expire on March 9, 2021.

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–2018–0209, 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 February 6, 2019, FMCSA published a notice announcing receipt of applications from 11 individuals requesting an exemption from vision requirement in 49 CFR 391.41(b)(10) and requested comments from the public (84 FR 2323). The public comment period ended on March 8, 2019, and three comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals 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 three comments in this proceeding. Daniel Schafer, of Patriot Transportation Services, LLC, submitted a comment describing the vision and CMV operation experience of an unnamed individual.

Vicky Johnson, from the Minnesota Department of Public Safety (MN DPS), submitted two comments. The comments stated that MN DPS had no objections to FMCSA's decision to grant exemptions to Kirby L. Sundet and Henry J. Hughes.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for up to five years from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows applicants to operate CMVs in interstate commerce. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision, as well as their driving records and experience driving with the vision deficiency. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the February 6, 2019, **Federal Register** notice (84 FR 2323) and will not be repeated in this notice.

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The 11 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, chorioretinal scar, complete loss of vision, exotropia, hamartoma, macular scar, prosthesis, and retinal scar. In most cases, their eye conditions were not recently developed. Six of the applicants were either born with their vision impairments or have had them since childhood. The five individuals that sustained their vision conditions as adults have had it for a range of 12 to 28 years. Although each applicant has one eye that does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and, in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV.

Doctors' opinions are supported by the applicants' possession of a valid license to operate a CMV. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV with their limited vision in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions.

The applicants in this notice have driven CMVs with their limited vision in careers ranging for 5 to 41 years. In the past three years, no drivers were involved in crashes, and no drivers were convicted of moving violations in CMVs. All the applicants achieved a record of safety while driving with their vision impairment that demonstrates the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

Consequently, FMCSA finds that in each case exempting these applicants from the vision requirement in 49 CFR

391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10) and (b) by a certified Medical Examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 11 exemption applications, FMCSA exempts the following drivers from the vision requirement, 49 CFR 391.41(b)(10), subject to the requirements cited above:

Manuel Gonzalez (IL)
Henry J. Hughes (MN)
Frederick L. McCurry (VA)
Luis M. Perez-Francisco (NJ)
Emmanuel A. Sepulveda (CA)
Martin Serrano (IL)
Kirby L. Sundet (MN)
Karl M. Vanderstucken (TX)
Nyrone Whyte (CT)
Bryon L. Wright (DE)
Bradford C. Zipse (WI)

In accordance with 49 U.S.C. 31136(e) and 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 11, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–07790 Filed 4–17–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2019–0027]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt six individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on April 2, 2019. The exemptions expire on April 2, 2021.

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–2019–0027, 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 February 21, 2019, FMCSA published a notice announcing receipt of applications from six individuals requesting an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) and requested comments from the public (84 FR 5552). The public comment period ended on March 25, 2019, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals 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)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section *H. Epilepsy: § 391.41(b)(8),* paragraphs 3, 4, and 5.]

[1] See *http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a* and *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption for up to five years from the epilepsy and seizure disorder prohibition in 49 CFR 391.41(b)(8) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

In reaching the decision to grant these exemption requests, FMCSA considered the 2007 recommendations of the Agency's Medical Expert Panel (MEP). The January 15, 2013, **Federal Register** notice (78 FR 3069) provides the current MEP recommendations which is the criteria the Agency uses to grant seizure exemptions.

The Agency's decision regarding these exemption applications is based on an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s) and medical information about the applicant's seizure history, the length of time that has elapsed since the individual's last seizure, the stability of each individual's treatment regimen and the duration of time on or off of anti-seizure medication. In addition, the Agency reviewed the treating clinician's medical opinion related to the ability of the driver to safely operate a CMV with a history of seizure and each applicant's driving record found in the Commercial Driver's License Information System (CDLIS) for commercial driver's license (CDL) holders, and interstate and intrastate inspections recorded in the Motor Carrier Management Information System (MCMIS). For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency (SDLA). A summary of each applicant's seizure history was discussed in the February 21, 2019, **Federal Register** notice (84 FR 5552) and will not be repeated in this notice.

These six applicants have been seizure-free over a range of 24 years while taking anti-seizure medication and maintained a stable medication treatment regimen for the last two years. In each case, the applicant's treating physician verified his or her seizure history and supports the ability to drive commercially.

The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers granted this exemption have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the epilepsy and seizure disorder prohibition in 49 CFR 391.41(b)(8) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must remain seizure-free and maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the six exemption applications, FMCSA exempts the following drivers from the epilepsy and seizure disorder prohibition, 49 CFR 391.41(b)(8), subject to the requirements cited above:

John D. Archer (MO)
Travis W. Flowers (VA)
Stephen T. Root (NY)
Jeffrey L. Slagan (WI)
Dereck Welch (FL)
Mark D. Wray (NY)

In accordance with 49 U.S.C. 31315(b)(1), 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 11, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–07793 Filed 4–17–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2019–0002]

Joint Development: Proposed Updated Circular

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of availability of update to joint development circular and request for comments.

SUMMARY: The Federal Transit Administration (FTA) has placed in the docket and on its website proposed changes to an existing Circular (7050.1A) on joint development projects using FTA funds or FTA-funded property. The purpose of these proposed changes is to increase flexibility for project sponsors to pursue joint development projects, reduce FTA oversight of joint development agreements negotiated between project sponsors and their partners, streamline FTA's project eligibility review process, and clarify prior guidance in FTA Circular 7050.1A: *FTA Guidance on Joint Development.* If proposed changes are approved, the revised document will be renumbered as Circular 7050.1*B: FTA Guidance on Joint Development.* By this notice, FTA seeks public comment on proposed changes, which are at pages III–6, VI–1, VI–2, VI–4, VI–5, and VI–6 of the Circular.

DATES: Comments must be submitted by June 3, 2019. Late filed comments will be considered to the extent practicable.

ADDRESSES: Please submit your comments by only one of the following methods, identifying your submission by DOT Docket Number FTA–2019–0002. All electronic submissions must be made to the U.S. Government electronic site at *http://www.regulations.gov.*

Federal e-Rulemaking Portal: Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.

Mail: Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.

Fax: 202–493–2251.

Instructions: You must include the agency name (Federal Transit Administration) and Docket number (FTA–2019–0002) for this notice at the beginning of each submission of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA received your comments, include a self-addressed stamped postcard. All comments received will be posted without change to *www.regulations.gov* including any personal information provided and will be available to internet users. You may review DOT's complete Privacy Act Statement published in the **Federal Register** on April 11, 2000 (65 FR 19477) or *http://DocketsInfo.dot.gov.*

Docket: For access to the docket to read background documents and comments received, go to *www.regulations.gov* at any time or to the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building Ground Floor, Room W12–140, Washington, DC 20590 between 9:00 a.m. and 5:00 p.m. Eastern Standard Time, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For policy guidance questions, Daniel Schned, Office of Budget and Policy, Federal Transit Administration, 1200 New Jersey Ave. SE, Room E52–314, Washington, DC 20590, phone: (202) 366–1652, or email, *daniel.schned@dot.gov.* For legal questions, Kathryn Loster, Office of Chief Counsel, 200 West Adams Street, Suite 320, Chicago, IL 60606, phone: (312) 353–3869; or email: *kathryn.loster@dot.gov.*

SUPPLEMENTARY INFORMATION: This notice provides a summary of the proposed changes to Circular 7050.1A. The Circular itself is not included in this notice; instead, an electronic version may be found on FTA's website at *www.transit.dot.gov,* and in the docket at *www.regulations.gov.* Paper copies of the Circular may be obtained by contacting FTA's Administrative Services Help Desk at (202) 366–4865.

Table of Contents

I. Overview

The proposed changes to Circular 7050.1A regarding joint development affect: (1) The minimum threshold for the statutory ''fair share of revenue'' requirement; and (2) the submission and review process for FTA-assisted joint development projects.

II. Proposed Changes to Circular 7050.1A

A. Fair Share of Revenue

Section 5302(3)(G)(iii) of title 49, United States Code, requires FTA-assisted joint development projects to provide a ''fair share of revenue that will be used for public transportation.'' Prior to the October 1, 2014 effective date of Circular 7050.1A, FTA generally deferred to a project sponsor's assessment of a ''fair share'' of revenue, and did not require any specific amount of revenue for transit from a joint development project. FTA defined ''fair share of revenue'' in Circular 7050.1A to incorporate a minimum threshold that a joint development project must produce revenue for transit purposes that at least equals the federal government's initial investment in the joint development project. (79 FR 50,728; 50,731–32).

Over time, FTA has found that defining a fair share of revenue minimum threshold unnecessarily limits the pool of potential projects by reducing flexibility for project sponsors and their partners to determine what amounts to a fair share of revenue. Accordingly, FTA proposes to no longer define a minimum revenue threshold, or set a monetary requirement from a joint development project for transit purposes.

Although FTA proposes to allow the amount and form of revenue received by the project sponsor to be negotiated between the joint development parties, consistent with Circular 7050.1A, the project sponsor must continue to report to FTA the amount and source of the revenue it will receive, and the revenue must be used for transit purposes.

B. Submission and Review Process

Circular 7050.1A prescribes a process by which project proposals are submitted to FTA for review. Currently, formal project proposals must include: (1) A completed project request form that contains pertinent information about the joint development project, including how the eligibility criteria are to be satisfied, (2) all proposed agreements between the project sponsor and project partners, (3) an executed certificate of compliance, and (4) two forms identifying other required and supplemental documentation, including a baseline market analysis to demonstrate a good faith effort to provide a fair share of revenue to the project sponsor.

FTA proposes to update the project request form to reflect the changes described in Section (A) above. The revised project request form will be published on FTA's website at *www.transit.dot.gov/jointdevelopment.*

FTA has also determined that elimination of the fair share of revenue minimum threshold makes the submission of a baseline market analysis and certificate of compliance unnecessary. Accordingly, FTA proposes to no longer require project sponsors to submit either document. FTA encourages project sponsors to conduct baseline market analyses to better understand current market conditions and evaluate the viability of joint development projects.

The proposed changes will streamline the review of FTA-assisted joint development projects by reducing the amount of paperwork that project sponsors must prepare and FTA must review.

FTA recommends that interested stakeholders review the proposed changes to the Circular carefully and provide comment on any impacts these proposed changes may have on future joint development projects.

K. Jane Williams,

Acting Administrator.

[FR Doc. 2019–07812 Filed 4–17–19; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Supporting Statement of Ownership for Overdue United States Bearer Securities

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Supporting Statement of

Ownership for Overdue United States Bearer Securities.

DATES: Written comments should be received on or before June 17, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006–A, P.O. Box 1328, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

SUPPLEMENTARY INFORMATION:

Title: Supporting Statement of Ownership for Overdue United States Bearer Securities.

OMB Number: 1530–0045.

Form Number: FS Form 1071.

Abstract: The information is requested to establish ownership and support a request for payment.

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: Households and Individuals or Private Sector.

Estimated Number of Respondents: 10.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 3.

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: 1. 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; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. 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 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 12, 2019.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2019–07731 Filed 4–17–19; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple IRS Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before May 20, 2019 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Jennifer Quintana by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

Title: Statement by Person(s) Receiving Gambling Winnings.

OMB Control Number: 1545–0239.

Type of Review: Extension without change of a currently approved collection.

Description: Section 3402(q)(6) of the IRC requires a statement by the person receiving certain gambling winnings when that person is not the winner or is one of a group of winners. It enables the payer to properly apportion the winnings and withheld tax on Form W–2G. We use the information on Form W–2G to ensure that recipients are properly reporting their income.

Form: 5754.

Affected Public: Businesses or other for profits.

Estimated Number of Respondents: 204,000.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 204,000.

Estimated Time per Response: .2 hours per response.

Estimated Total Annual Burden Hours: 40,800.

Title: Form 4506–A—Request for Public Inspection or Copy of Exempt or Political Organization IRS Form.

OMB Control Number: 1545–0495.

Type of Review: Extension without change of a currently approved collection.

Description: Internal Revenue Code section 6104 states that if an organization described in section 501(c) or (d) is exempt from taxation under section 50(a) for any taxable year, the application for exemption is open for public inspection. This includes all supporting documents, any letter or other documents issued by the IRS concerning the application, and certain annual returns of the organization. Form 4506–A is used to request public inspection or a copy of these documents.

Form: 4506–A.

Affected Public: State, Local, and Tribal Governments.

Estimated Number of Respondents: 20,000.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 20,000.

Estimated Time per Response: .97 hours per response.

Estimated Total Annual Burden Hours: 19,400.

Title: REG–130477–00; REG–130481–00 (TD 8987—Final), Required Distributions From Retirement Plans.

OMB Control Number: 1545–0996.

Type of Review: Extension without change of a currently approved collection.

Description: The regulations relate to the required minimum distribution from qualified plans, individual retirement plans, deferred compensation plans under section 457, and section 403(b) annuity contracts, custodial accounts, and retirement income accounts.

Form: None.

Affected Public: State, Local, and Tribal Governments.

Estimated Number of Respondents: 42,000.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 8,400.

Estimated Time per Response: .2 hours per response.

Estimated Total Annual Burden Hours: 8,400.

Title: Reportable Transaction Disclosure Statement.

OMB Control Number: 1545–1800.

Type of Review: Extension without change of a currently approved collection.

Description: Section 6011(a) provides that any person made liable for any tax imposed by the Code, or with respect to the collection thereof, shall make a return or statement according to the forms and regulations prescribed by the Secretary of the Treasury. The American Jobs Creation Act of 2004, Public Law 108–357, (118 Stat. 1418), (AJCA) was enacted on October 22, 2004. The AJCA revised sections 6111 and 6112, thereby necessitating changes to the rules under section 6011. Form 8886: Regulations section 1.6011–4 provides that certain taxpayers must disclose their direct or indirect participation in reportable transactions when they file their Federal income tax return. Form 8886 is used to comply with these regulations. Pre-CAP and CAP Application Form (Form 14234): The Compliance Assurance Process (CAP) is a strictly voluntary program available to Large Business and International Division (LB&I) taxpayers that meet the selection criteria. CAP is a real-time review of completed business transactions during the CAP year with the goal of providing certainty of the tax return within 90 days of the filing. Taxpayers in CAP are required to be cooperative and transparent and report all material issues and items related to completed business transactions to the review team.

Forms: 8886, 14234.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 42,578.

Frequency of Response: Annually, on occasion.

Estimated Total Number of Annual Responses: 42,578.

Estimated Time per Response: 21.49 hours per response.

Estimated Total Annual Burden Hours: 915,631.

Title: TD 9724—Summary of Benefits and Coverage Disclosures.

OMB Control Number: 1545–2229.

Type of Review: Revision of a currently approved collection.

Description: This document contains previously approved regulations regarding disclosure of the summary of benefits and coverage and the uniform glossary for group health plans and health insurance coverage in the group and individual markets under the Patient Protection and Affordable Care Act. This document implements the disclosure requirements to help plans and individuals better understand their health coverage, as well as other coverage options. The templates and instructions to be used in making these disclosures are being issued in a separate notice.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 2,327,850.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 72,826.

Estimated Time per Response: .00451 hours per response.

Estimated Total Annual Burden Hours: 328,265.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: April 15, 2019.

Jennifer P. Quintana,

Treasury PRA Clearance Officer.

[FR Doc. 2019–07786 Filed 4–17–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0249]

Agency Information Collection Activity Under OMB Review: Loan Service Report

AGENCY: Loan Guaranty Service, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration, Department of Veterans Affairs (VA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Loan Guaranty Service, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 17, 2019.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0249'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Danny S. Green, Enterprise Records Service (005R1B), Department of Veterans Affairs, 811 Vermont Avenue NW, Washington, DC 20420, (202) 421–1354 or email *Danny.Green2@va.gov.* Please refer to ''OMB Control No. 2900–0249'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Loan Service Report, VA form 26–6808.

OMB Control Number: 2900–0249.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 26–6808 (fillable printable) is used when servicing delinquent guaranteed and insured loans and loans sold under 38 CFR 36.4600. With respect to the servicing of guaranteed and insured home loans and loans sold under 38 CFR 36.4600, the holder has the primary servicing responsibility.

VA Form 26–6808 is completed by Loan Technicians (LSs) during the course of personal contacts with delinquent obligors. The information documented on the form is necessary for VA to determine whether a loan default is insoluble or whether the obligor has reasonable prospects for curing the default and maintaining the mortgage obligation in the future.

Affected Public: Individuals and households.

Estimated Annual Burden: 2083 hours.

Estimated Average Burden per Respondent: 25 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 5,000.

By direction of the Secretary.

Danny S. Green,

Interim VA Clearance Officer, Office of Quality, Performance and Risk (QPR), Department of Veterans Affairs.

[FR Doc. 2019–07732 Filed 4–17–19; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0055]

Agency Information Collection Activity Under OMB Review: Request for Determination of Loan Guaranty Eligibility—Unmarried Surviving Spouses

AGENCY: Loan Guaranty Service, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration, Department of Veterans Affairs (VA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Loan Guaranty Service, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 17, 2019.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0055'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Danny S. Green, Enterprise Records Service (005R1B), Department of Veterans Affairs, 811 Vermont Avenue NW, Washington, DC 20420, (202) 421–1354 or email *Danny.Green2@va.gov.* Please refer to ''OMB Control No. 2900–0055'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Request for Determination of Loan Guaranty Eligibility—Unmarried Surviving Spouses, VA form 26–1817.

OMB Control Number: 2900–0055.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 26–1817 is used by VA to determine whether or not an un-remarried spouse of a Veteran is eligible for the VA home loan benefit. Section 3702(c) of Title 38, U.S.C. states that any Veteran may apply to the Secretary for a Certificate of Eligibility (COE). A completed VA Form 26–1817 constitutes a formal request by an un-remarried surviving spouse for a COE. Upon receipt of VA Form 26–1817 and the required documentation by Loan Guaranty personnel, the application and supporting documents are referred to the Adjudication activity via the Administrative activity for determination of the applicant's basic eligibility. Adjudication will then notify Loan Guaranty about the basic eligibility for issuance of the COE. The information collected on the form provides the essential information necessary for VA to make a proper determination.

Affected Public: Individuals and households.

Estimated Annual Burden: 1250 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 5,000.

By direction of the Secretary.

Danny S. Green,

Interim VA Clearance Officer, Office of Quality, Performance and Risk (OQPR), Department of Veterans Affairs.

[FR Doc. 2019–07730 Filed 4–17–19; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Prosthetics and Special-Disabilities Programs, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, that a meeting and site visit of the Federal Advisory Committee on Prosthetics and Special-Disabilities Programs will be held on April 29–30, 2019, in the Spinal Cord Injury (SCI) Middle Dining Room, James A. Haley Veterans Hospital, 13000 Bruce B. Downs Boulevard, Tampa, Florida. The meeting will convene at 8:30 a.m. on April 29 and April 30, and will adjourn at 4:00 p.m. on April 29, 2019, and at 11:15 a.m. on April 30, 2019. Sessions are open to the public except when the Committee is conducting tours of VA facilities, and participating in off-site events. Tours of VA facilities are closed to protect Veterans' privacy and personal information, in accordance with 5 U.S.C. Sec. 552b(c)(6).

The purpose of the Committee is to advise the Secretary of Veterans Affairs on VA's prosthetics programs designed to provide state-of-the-art prosthetics and the associated rehabilitation research, development, and evaluation of such technology. The Committee also provides advice to the Secretary on special-disabilities programs, which are defined as any program administered by the Secretary to serve Veterans with spinal cord injuries, blindness or visual impairments, loss of extremities or loss of function, deafness or hearing impairment, and other serious incapacities in terms of daily life functions.

On April 29, 2019, the Committee will convene open sessions on VA's Physical Medicine Rehabilitation Service and Polytrauma System of Care, James A. Haley Veterans Hospital, 13000 Bruce B. Downs Boulevard, from 8:30 a.m.–9:45 a.m. The Committee will convene closed sessions from 10:00 a.m.–4:00 p.m. as the Committee members tour the Spinal Cord Injury Center; the Polytrauma Center; the Amputation Specialty Clinic and Orthotic and Prosthetic Clinic; the Recreation Therapy Clinic, the Occupational Therapy Visual Impairment Clinic, and the Speech and Audiology Clinic. On April 30, 2019, the Committee will convene open sessions from 8:30 a.m.–11:15 a.m.

No time will be allocated for receiving oral presentations from the public; however, members of the public may direct questions or submit written statements for review by the Committee in advance of the meeting to Judy Schafer, Ph.D., Designated Federal Officer, Veterans Health Administration, Patient Care Services, Rehabilitation and Prosthetic Services (10P4R), VA, 810 Vermont Avenue NW, Washington, DC 20420, or by email at *Judy.Schafer@va.gov.* Because the meeting is being held in a Government building, a photo I.D. must be presented at the Guard's Desk as a part of the clearance process. Therefore, you should allow an additional 30 minutes before the meeting begins. Any member of the public wishing to attend the meeting should contact Dr. Schafer at (202) 461–7315.

Dated: April 15, 2019.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2019–07760 Filed 4–17–19; 8:45 am]

BILLING CODE 8320–01–P

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Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Investigation, Disciplinary, Sanction, and Other Procedural Rules Modeled on the Rules of the Exchange's Affiliate NYSE American LLC; Notice

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85639; File No. SR–NYSEARCA–2019–15]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Investigation, Disciplinary, Sanction, and Other Procedural Rules Modeled on the Rules of the Exchange's Affiliate NYSE American LLC

April 12, 2019.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on April 2, 2019, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt investigation, disciplinary, sanction, and other procedural rules modeled on the rules of the Exchange's affiliate NYSE American LLC (''NYSE American''), and to make certain conforming and technical changes. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt investigation, disciplinary, sanction, and other procedural rules modeled on the rules of NYSE American and to make certain conforming and technical changes.

Background and General Description of Proposed Rule Change

In 2016, NYSE American adopted rules for conducting investigations and enforcement actions that are, with certain exceptions, substantially the same as the Rule 8000 Series and Rule 9000 Series of its affiliate the New York Stock Exchange LLC (the ''NYSE'') and the Financial Industry Regulatory Authority, Inc. (''FINRA'').[4] In September 2016, NYSE American amended its Rule 8313 (Release of Disciplinary Complaints, Decisions and Other Information) modeled on the text of FINRA's version of the rule and harmonized its disciplinary rules and procedures relating to the imposition of temporary and permanent cease and desist orders with certain approved FINRA amendments, including adopting a new Rule 9291 based on FINRA's Rule 9291.[5]

To facilitate rule harmonization among self-regulatory organizations (''SROs''), the Exchange proposes the NYSE Arca Rule 10.8000 and 10.9000 Series based on the text of the NYSE American Rule 8000 and Rule 9000 Series, with certain changes, as described below.[6] The Exchange notes that all but nine permit holders [7] (six ETP Holders,[8] two OTP Holders and OTP Firms,[9] and one that is both an ETP Holder and an OTP Firm) are already subject to similar rules by virtue of their membership in NYSE American, the NYSE, NYSE National, FINRA and/or the NASDAQ Stock Market LLC (''NASDAQ''), whose disciplinary rules are similar to FINRA's rules. The overwhelming majority of Exchange ETP Holders, OTP Holders, and OTP Firms are thus already subject to rules similar to the proposed rules described herein.

Set forth below are (1) a description of the Exchange's current disciplinary rules (current Rule 10 and related rules in Rule 13); (2) a description of the proposed rule change and transition; (3) a more detailed description of the proposed rules with a comparison to the current rules; (4) a description of technical and conforming amendments; and (5) a description of current rules that will not be carried over into the proposed rule set and the reason(s) therefor.

Description of NYSE Arca Rules 10 and 13

Rule 10 sets forth the Exchange's current rules governing disciplinary proceedings and other hearings and

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release Nos. 77241 (February 26, 2016), 81 FR 11311 (March 3, 2016) (SR–NYSEMKT–2016–30) (''2016 Notice''). The NYSE American disciplinary rules were implemented on April 15, 2016. *See* NYSE American Information Memorandum 16–02 (March 14, 2016). The Commission approved the NYSE's adoption of FINRA's disciplinary rules in 2013. *See* Securities Exchange Act Release No. 69045 (March 5, 2013), 78 FR 15394 (March 11, 2013) (SR–NYSE–2013–02). Most recently, the Commission approved NYSE National, Inc.'s (''NYSE National'') adoption of disciplinary rules based on the NYSE American and FINRA Rule 8000 and Rule 9000 Series. *See* Securities Exchange Act Release No. 83289 (May 17, 2018), 83 FR 23968 (May 23, 2018) (SR–NYSENat–2018–02). Certain grammatical or other non-substantive changes were made to the NYSE National disciplinary rules that are proposed to be incorporated into the Exchange's disciplinary rules.

[5] Securities Exchange Act Release Nos. 78959 (September 28, 2016), 81 FR 68481 (October 4, 2016) (SR–NYSEMKT–2016–71) (Notice).

[6] The Exchange operates its options and equities markets directly and maintains a single rule book following the merger of NYSE Arca Equities, Inc., with and into the Exchange. *See* Securities Exchange Act Release Nos. 81419 (August 17, 2017), 82 FR 40044 (August 23, 2017) (SR–NYSEArca–2017–40).

[7] There are currently 190 equity and option permit holders on the Exchange.

[8] An ''ETP Holder'' means a sole proprietorship, partnership, corporation, limited liability company or other organization in good standing that is a registered broker-dealer and has been issued an Equity Trading Permit (''ETP'') by the Exchange. *See* Rules 1.1(n) and (o). By way of comparison, FINRA uses the term ''member'' in its rules and NYSE uses the term ''member organization'' in its rules.

[9] ''OTP'' means an Options Trading Permit issued by the Exchange for effecting approved securities transactions on the Exchange's Trading Facilities. An OTP may be issued to a sole proprietor, partnership, corporation, limited liability company or other organization that is a registered broker-dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange. *See* Rule 1.1(mm). ''OTP Holder'' means a natural person, in good standing, who has been issued an OTP, or has been named as a Nominee. An OTP Holder must be a registered broker or dealer pursuant to Section 15 of the Act, or a nominee or an associated person of a registered broker or dealer that has been approved by the Exchange to conduct business on the Exchange's Trading Facilities. An OTP Holder has status as a ''member'' of the NYSE Arca, Inc. as that term is defined in Section 3 of the Act. *See* Rule 1.1(nn). ''OTP Firm'' means a sole proprietorship, partnership, corporation, limited liability company, or other organization in good standing that holds an OTP or upon whom an individual OTP Holder has conferred trading privileges on the Exchange's Trading Facilities. An OTP Firm must be a registered broker-dealer pursuant to Section 15 of the Act. An OTP Firm also has status as a ''member'' of the Exchange, as that term is defined in Section 3 of the Act. *See* Rule 1.1(oo). By way of comparison, FINRA uses the term ''member'' in its rules and NYSE uses the term ''member organization.''

appeals in Rules 10.1 through 10.18. Rule 13 sets forth the Exchange's current procedures for the cancellation, suspension, and reinstatement of ETP Holder, OTP Firm, or OTP Holder status on the Exchange in Rules 13.1 through 13.9.

Rule 10.1

Rule 10.1 concerns the Exchange's disciplinary jurisdiction. Under Rule 10.1(a), an ETP Holder, OTP Holder, OTP Firm or associated person of an ETP Holder, OTP Holder or OTP Firm (''Associated Person'') [10] who is alleged to have violated or aided and abetted a violation of any provision of the Act, the rules thereunder, any provision of the Exchange's Bylaws or rules or any commentary thereof, any resolution of the Board of Directors regulating the conduct of business of the Exchange, or any policy or procedure of the Exchange is subject to the disciplinary jurisdiction of the Exchange, and after notice and opportunity for a hearing may be appropriately disciplined by cancellation of trading privileges, expulsion, suspension, limitation of activities, functions, and operations, suspension or bar from association with an ETP Holder, OTP Holder or OTP Firm, fine, censure or any other fitting sanction. An ETP Holder, OTP Holder or OTP Firm may be charged with any violation committed by its employees or an Associated Person, as though such violation were its own.

Under Rule 10.1(b), any ETP Holder, OTP Holder, OTP Firm or Associated Person continues to be subject to the disciplinary jurisdiction of the Exchange following suspension or cancellation of an ETP or OTP or termination of or association with an ETP Holder, OTP Holder or OTP Firm with respect to matters that occurred prior to such termination if the Exchange gives written notice of the commencement of an inquiry into such matters to such former ETP Holder, OTP Holder, OTP Firm or Associated Person within one year of receipt by the Exchange of written notice of the termination of such person's status as an ETP Holder, OTP Holder, OTP Firm or Associated Person.

Under Rule 10.1(c), the Board of Directors may authorize any officer to enter into a regulatory services agreement on behalf of the Exchange with another SRO. Notwithstanding the fact that the Exchange may enter into one or more such agreements, the Exchange retains ultimate legal responsibility for, and control of, its SRO responsibilities, and any such regulatory services agreement must so provide.

Rule 10.2

Rule 10.2 concerns investigations and regulatory cooperation. Rule 10.2(a) provides that the Exchange's Chief Regulatory Officer (''CRO'') and his or her delegees will function independently of the commercial interests of the Exchange and the commercial interests of the ETP Holders, OTP Holders and OTP Firms and have sole discretion to investigate possible violations within the Exchange's disciplinary jurisdiction. No member of the Board of Directors or non-Regulatory Staff may interfere with or attempt to influence the process or resolution of any pending investigation or disciplinary proceeding.

Under Rule 10.2(b), any person, any Exchange committee, or the Board of Directors may submit for investigation a complaint alleging possible violations. Each complaint must specify in reasonable detail the facts constituting the violation and any specific provision allegedly violated.

Under Rule 10.2(c), an ETP Holder, OTP Holder, OTP Firm or Associated Person is entitled to be represented by counsel during any investigation by the Exchange.

Under Rule 10.2(d), no ETP Holder, OTP Holder, OTP Firm, Associated Person, or other person or entity over whom the Exchange has jurisdiction may impede or delay a regulatory investigation with respect to possible violations within the disciplinary jurisdiction of the Exchange or refuse to furnish testimony, documentary materials, or other information requested by the Exchange during the course of its investigation. Failure to do so is considered obstructive of an inquiry or investigation and subject to formal disciplinary action.

Under Rule 10.2(e), an ETP Holder, OTP Holder, OTP Firm or Associated Person must submit trade data in an automated format (known as ''electronic blue sheets'') prescribed by the Exchange with respect to any request for information made by the Exchange. The Exchange may grant exceptions to these requirements. Failure to submit the data in the required format is considered obstructive of an inquiry or investigation and subject to formal disciplinary action. If a transaction was a proprietary transaction effected or caused to be effected by the ETP Holder, OTP Holder or OTP Firm for any account in which such ETP Holder, OTP Holder, OTP Firm or Associated Person is directly or indirectly interested, such ETP Holder, OTP Holder or OTP Firm must submit or cause to be submitted the information set forth in Commentary .01(A) of Rule 10.2(e). If a transaction was effected or caused to be effected by the ETP Holder, OTP Holder or OTP Firm for any customer account, such ETP Holder, OTP Holder or OTP Firm must submit or cause to be submitted the information set forth in Commentary .01(B) of Rule 10.2(e).

Under Rule 10.2(f), no ETP Holder, OTP Holder, OTP Firm, Associated Person, or other person or entity over whom the Exchange has jurisdiction pursuant to Rule 10.1 may refuse to appear and testify before another exchange or SRO [11] in connection with a regulatory investigation, examination, or disciplinary proceeding or refuse to furnish documentary materials or other information or otherwise impede or delay such investigation, examination, or disciplinary proceeding if the Exchange requests such information or testimony in connection with any inquiry resulting from an agreement entered into by the Exchange or its SRO pursuant to Rule 3.6. The requirements of the rule apply regardless of whether the Exchange has initiated an investigation pursuant to Rule 10.2(a) or a disciplinary proceeding pursuant to Rule 10.4.

Rule 10.3

Rule 10.3 concerns ex parte communications.[12] Rule 10.3(a)

[10] ''Associated Person'' means a person who is a partner, officer, director, member of a limited liability company, trustee of a business trust, employee of an OTP Firm or ETP Holder or any person directly or indirectly controlling, controlled by or under common control with an OTP Firm or ETP Holder. *See* Rule 1.1(d). The term is sometimes capitalized in the Exchange's rules and will be capitalized herein. Since an OTP Holder can have associated persons, the Exchange proposes to add OTP Holder to the definition of Associated Person in Rule 1.1.

[11] Under Commentary .01 of Rule 10.2(f), the terms ''exchange'' and ''SRO'' include, but are not limited to, any member or affiliate member of the Intermarket Surveillance Group. Under Commentary .02 of the rule, any person required to furnish information or testimony pursuant to the rule is afforded the same rights and procedural protections as that person would have if the Exchange had initiated the request for information or testimony.

[12] Under Commentary .01 of Rule 10.3, ''ex parte communication'' means an oral or written communication made without notice to all parties, *i.e.,* Exchange Regulatory Staff and the Subjects of investigations or Respondents in disciplinary proceedings. The term ''Exchange Regulatory Staff'' used in Commentary .01 of Rule 10.3 is not defined in the current rules. A written communication is ex parte unless a copy has been previously or simultaneously delivered to all interested parties. An oral communication is ex parte unless it is made in the presence of all interested parties except those who, on adequate prior notice, declined to be present. Under Commentary .02 of Rule 10.3, a disciplinary proceeding is considered to be pending

Continued

describes prohibited communications. Under the rule, unless upon adequate notice and reasonable opportunity for all parties to participate:

• No person who is a subject of a pending investigation by the Exchange (''Subject'') or a Respondent in a pending disciplinary proceeding (''Respondent''),[13] or counsel for or a representative of the Subject or the Respondent, or any interested NYSE Arca staff,[14] with knowledge of a pending investigation or disciplinary proceeding, may make or knowingly cause to be made an ex parte communication relevant to the facts or allegations of the investigation or the disciplinary proceeding to (a) a member of the Board of Directors, (b) a person who advises the Board of Directors, (c) any member of the Exchange's Regulatory Staff who is not participating in the resolution of the investigation or the disciplinary proceeding, or (d) a member of the Business Conduct Committee (''BCC''),[15] the Ethics and Business Conduct Committee (''EBCC''),[16] or the Committee for Review (''CFR'').[17]

• No person who is a member of the BCC, EBCC or Conduct Panel with knowledge of a pending investigation or disciplinary proceeding, or any interested Exchange staff,[18] may make or knowingly cause to be made an ex parte communication relevant to the facts or allegations of the investigation or the disciplinary proceeding to (a) a member of the Board of Directors, (b) a person who advises the Board of Directors, (c) any member of the Exchange's Regulatory Staff, or (d) the Subject of a pending investigation by the Exchange or a Respondent in a pending disciplinary proceeding, or counsel for or a representative of the Subject or the Respondent.

• No person who is a member of the Board of Directors, or any person who advises the Board of Directors, or any interested NYSE Arca staff, with knowledge of a pending investigation or disciplinary proceeding, may knowingly make or cause to be made an ex parte communication relevant to the facts or allegations of the investigation or the disciplinary proceeding to (a) any member of the Exchange's Regulatory Staff, (b) the Subject of a pending investigation by the Exchange or a Respondent in a pending disciplinary proceeding, or counsel for or a representative of the Subject or the Respondent, or (c) a member of the BCC, EBCC or Conduct Panel.

Under Rule 10.3(b), any person who receives, makes, or knowingly causes to be made a communication prohibited by the rule must promptly submit to the Regulatory Staff for inclusion in the record of the investigation or disciplinary proceeding (1) all such written communications, (2) memoranda stating the substance of all such oral communications, and (3) all written responses and memoranda stating the substance of any oral responses to such communications.

Rule 10.3(c) sets forth remedies. Under the rule, any ETP Holder, OTP Holder, OTP Firm or Associated Person who made or knowingly caused to be made an ex parte communication prohibited by Rule 10.3(a) is subject to disciplinary action. Furthermore, the BCC or EBCC, to the extent consistent with the interests of justice, may issue to the ETP Holder, OTP Holder, OTP Firm, Associated Person of an ETP Holder, OTP Firm, or interested NYSE Arca staff responsible for the communication, or who benefited from the communication, an order to show cause why the claim, defense or interest of the ETP Holder, OTP Holder, OTP Firm, Associated Person of an ETP Holder, OTP Firm, or interested NYSE Arca staff should not be adversely affected by reason of such ex parte communication, including but not limited to the entry of an adverse summary decision. All parties to a disciplinary proceeding and the Regulatory Staff are provided with adequate notice and a reasonable opportunity to respond to any allegations or contentions contained in the prohibited communication, and any responses are included in the record of the investigation or disciplinary proceeding.

Rule 10.3(d) describes permitted communications. Nothing in the rule prohibits the members of a disciplinary committee or the Regulatory Staff from discussing a pending investigation or disciplinary proceeding at a meeting of the committee in connection with (1) the adjudication of the investigation pursuant to the Rule 10.12, the Minor Rule Plan, (2) the determination of whether to impose informal discipline, (3) the determination of whether to authorize a complaint or take no further action, or (4) the determination of whether to accept an offer of settlement.

Under Rule 10.3(e), no member of the BCC, EBCC or Conduct Panel may participate in a matter governed by Rule 10.3(c) as to which that person has a conflict of interest or bias, or if circumstances otherwise exist where his or her fairness might reasonably be questioned. In such a case, the person must recuse himself or herself or be disqualified as follows: The CRO has the authority to direct the disqualification of the interested member of the BCC, EBCC or Conduct Panel, and the Chief Executive Officer (''CEO'') has the authority to direct the disqualification of the CRO.

Rule 10.4

Rule 10.4 governs complaints. Under Rule 10.4(a), the CRO and his or her delegee(s) have the authority to determine whether there is probable cause[19] for finding that a violation within the disciplinary jurisdiction of the Exchange has occurred and if further proceedings are warranted. If the Exchange Regulatory Staff (the ''Complainant'') determines that further proceedings are warranted, then Regulatory Staff initiates a formal disciplinary action by preparing a statement of charges (''Complaint'') against a Respondent specifying the acts in which the Respondent is alleged to have engaged in [sic], or which the Respondent is alleged to have omitted, and alleging the specific provisions of the Bylaws, rules, policies or procedures of the Exchange, or the rules, regulations, and procedures promulgated under the Act, of which

from the date that a Complaint is issued pursuant to Rule 10.4 until the proceeding, including any appeals, becomes final.

[13] *See* Rule 10.4(a).

[14] The term ''interested NYSE Arca staff'' is not defined in the current rules.

[15] Disciplinary proceedings against ETP Holders and Associated Persons are currently heard by a ''Conduct Panel'' appointed by the BCC. *See* Rules 3.2(b)(2)(B) and 10.5 (Hearing). Under the proposed rules, Hearing Panels or Extended Hearing Panels will be the primary adjudicators and function in the role of the Conduct Panel. As proposed, panelists for Hearing Panels or Extended Hearing Panels in equities matters will be drawn from the Hearing Board as described in proposed Rule 10.9232. *See, e.g.,* proposed Rule 10.9232 (Criteria for Selection of Panelists, Replacement Panelists, and Floor-Based Panelists); see also proposed Rule10.9120(v) (definition of ''Panelist'') and 10.9231 (Appointment by the Chief Hearing Officer of Hearing Panel or Extended Hearing Panel or Replacement Hearing Officer).

[16] Disciplinary proceedings against OTP Holders, OTP Firms and Associated Persons are currently heard by a ''Conduct Panel'' appointed by the EBCC. *See* Rules 3.2(b)(1)(B) and 10.5. Under the proposed rules, Hearing Panels or Extended Hearing Panels will be the primary adjudicators and function in the role of the Conduct Panel. As proposed, panelists for Hearing Panels or Extended Hearing Panels in options matters will be drawn from the Hearing Board as described in proposed Rule 10.9232. *See, e.g.,* proposed Rules 10.9120(v) (definition of ''Panelist'') and 10.9231 (Appointment by the Chief Hearing Officer of Hearing Panel or Extended Hearing Panel or Replacement Hearing Officer).

[17] *See* Rule 3.3(a)(2).

[18] The term ''interested Exchange staff'' is not defined in the current rules.

[19] Under Commentary .01 of Rule 10.4, the term ''probable cause'' means that facts and circumstances establish a reasonable likelihood that the person committed the violation in issue.

such acts or omissions are alleged to be in violation.

Under Rule 10.4(b), at any time prior to service of the written answer to the Complaint, the Complaint may be amended to allege new matters of fact or law. After service of the written answer, the BCC or EBCC may allow amendment of the Complaint upon written motion by the Regulatory Staff and a showing of good cause. The Respondent has 15 business day [20] after service of the charges to file a written answer. The answer must specifically admit or deny each allegation contained in the charges, and the Respondent is deemed to have admitted any allegation not specifically denied. The answer may also contain any defense that the Respondent wishes to submit and may be accompanied by documents in support of the answer or defense. If the Respondent fails to file an answer, the charges are considered to be admitted. The period to file any answer may be extended for such further periods as may be granted by the Regulatory Staff if such request for extension of the filing period is received by the Regulatory Staff within five business days before the date on which the answer is due.

Rule 10.4(c) provides for summary determinations. The rule provides that notwithstanding the provisions of Rule 10.5, the BCC or EBCC may make a determination without a hearing and may impose a penalty as to such charges that the Respondent has admitted or has failed to answer or that otherwise do not appear to be in dispute. Notice of such summary determination, specifying the violations and penalty, must be served upon the Respondent.

Rule 10.5

Rule 10.5 governs hearings. Under Rule 10.5(a), upon the Respondent's filing an answer, the Respondent may request a hearing. The BCC or EBCC appoints three or more members to hear the matter (''Conduct Panel''). Parties are given at least 15 days' notice of the time and place of the hearing and a statement of the matters to be considered therein.

Under Rule 10.5(b), prior to the hearing, the Parties are notified of the composition of the Conduct Panel. Any objection to the composition of the Conduct Panel must be submitted to the Hearing Administrator within five business days of receipt of the notification regarding the composition of the Conduct Panel. Under Rule 10.5(c), at least five business days prior to the hearing, the parties must submit to the Hearing Administrator a list of witnesses and any documentary evidence or other materials to be presented at the hearing. The Hearing Administrator must immediately furnish such list of witnesses, documentary evidence, or other materials to the other parties.

Under Rule 10.5(d), at the hearing, both the Complainant and the Respondent are entitled to be heard in person and to present any relevant matter. Any witness, testimony, or evidence offered by the Complainant or the Respondent is subject to cross-examination by the other party. The Conduct Panel determines all questions concerning the admissibility of evidence and otherwise regulates the conduct of the hearing. Formal rules of evidence do not apply. The charges are presented by the Exchange. The Exchange, the Respondent, and any other party may present evidence and produce witnesses, who must testify under oath and are subject to questioning by the Conduct Panel and other parties. The Conduct Panel, upon its own motion or the motion of the Complainant or Respondent, may request the production of documentary materials and witnesses. No ETP Holder, OTP Holder, OTP Firm or Associated Person may refuse to furnish relevant testimony, documentary materials, or other information requested by the Conduct Panel during the course of the hearing. The Respondent and intervening parties are entitled to be represented by counsel, who may participate fully in the hearing. A transcript of the hearing must be made and becomes part of the record.

Under Rule 10.5(e), any person not otherwise a party may intervene as a party to the hearing upon demonstrating to the satisfaction of the Conduct Panel that the party has an interest in the subject of the hearing and that the disposition of the matter may, as a practical matter, impair or impede the party's ability to protect that interest. The Conduct Panel also may, in its discretion, permit a person to intervene as a party to the hearing when the person's claim or defense and the main action have questions of law or fact in common. Any person wishing to intervene as a party to a hearing must file with the Conduct Panel a notice requesting the right to intervene, stating the grounds therefor, and setting forth the claim or defense for which intervention is sought. The Conduct Panel, in exercising its discretion concerning intervention, must take into consideration whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

Rule 10.6

Rule 10.6 governs offers of settlement. Under Rule 10.6(a), a Respondent who is notified that a matter has been referred to Enforcement against him or her may propose in writing to Enforcement an offer of settlement at any time. If a Respondent proposes an offer of settlement after a hearing on the merits has begun, the making of an offer of settlement does not stay the proceeding, unless otherwise decided by the Conduct Panel. Under Rule 10.6(b), a Respondent who makes an offer of settlement must do so in conformity with the rule and must not make such an offer frivolously or propose a sanction inconsistent with the seriousness of the violations to be found. Rule 10.6(c) sets forth contents and signature requirements for an offer of settlement. Under the rule, an offer of settlement must be in writing and signed by the person making the offer, and, if the person is represented by counsel or a representative, signed also by the counsel or representative. The offer of settlement must contain reasonable detail about the facts, violations, and sanctions; a statement consenting to the findings of fact and violations; a proposed sanction to be imposed that is consistent with the Exchange's then current Sanctioning Guidelines or, if inconsistent with them, a detailed statement supporting the proposed sanction(s); and the effective date of any sanctions imposed.

Under Rule 10.6(d), if a Respondent submits an offer of settlement, by the submission thereof, such Respondent expressly waives any right (1) to appeal or otherwise challenge the acceptance or the rejection of the offer or the related decision before a Conduct Panel, the BCC or EBCC, any other Board committee, the Board, the Securities and Exchange Commission (the ''Commission''), the courts, or any other relevant authority; (2) to claim bias or prejudgment of the CRO, BCC, EBCC, Chairman of the BCC or EBCC, the Conduct Panel, the Chairman of the Conduct Panel, a panelist of the Conduct Panel, the General Counsel, the Board, or any member of the Board, in connection with such person's or body's participation in discussions regarding the terms and conditions of the offer of settlement and the decision, or other consideration of the offer of settlement and decision, including acceptance, or rejection of such offer of settlement and decision; and (3) to claim that a person or body violated the ex parte prohibitions of NYSE Arca Rule 10.3, in

[20] All references to ''days'' herein mean calendar days unless business days are specified, as above.

connection with such person's or body's participation in discussions regarding the terms and conditions of the offer of settlement and the decision, or other consideration of the offer of settlement and decision, including acceptance or rejection of such offer of settlement and decision.

Rule 10.6(e) addresses uncontested offers of settlement, and Rule 10.6(f) addresses contested offers of settlement. If a Respondent makes an offer of settlement and Enforcement does not oppose it, the offer of settlement is uncontested; conversely, if Enforcement opposes it, the offer of settlement is contested. Enforcement must transmit the offer and a proposed decision with its recommendation to the following adjudicators at the following stages:

	Before complaint issued	After complaint issued, before hearing commences	After hearing commences
Uncontested Offer	General Counsel	General Counsel	Conduct Panel.
Contested Offer	n/a	BCC or EBCC [21]	Conduct Panel.

The proposed decision accepting an offer of settlement must recite the facts and findings to which Respondent has stipulated, impose sanctions consistent with those to which Respondent has consented, and recite the rules, regulations, or statutory provisions relating to such sanctions. The adjudicator indicated above must accept or reject the offer of settlement and proposed decision. If the offer and decision are accepted, they become final. The decision is issued, and the Respondent is notified.

Rule 10.6(g) governs final disciplinary action. Under Rule 10.6(g)(1), a proceeding pursuant to Rule 10.6(e)(2) concludes as of the date a decision is issued. The decision constitutes final disciplinary action of the Exchange, and the sanction(s) takes effect as set forth in the decision. Under Rule 10.6(g)(2), a proceeding pursuant to Rule 10.6(e)(3), (e)(4), (f)(3) or (f)(4) concludes as of the date the decision is issued by the General Counsel of the Exchange. The decision shall constitute final disciplinary action of the Exchange. The sanction(s) shall take effect as set forth in the decision.

Rule 10.6(h) addresses rejection of an offer of settlement. Under the rule, if an uncontested offer of settlement or a decision is rejected by the General Counsel of the Exchange or the Conduct Panel, the Respondent is notified in writing and the offer of settlement and proposed decision are deemed withdrawn. If a contested offer of settlement or a decision is rejected by the BCC, EBCC or Conduct Panel, the Respondent is notified in writing and the offer of settlement and proposed decision are deemed withdrawn. A rejected offer of settlement or a rejected proposed decision is not a part of the record in any proceeding against the Respondent making the offer. If an offer of settlement or a decision is rejected by the General Counsel of the Exchange, the BCC, EBCC or the Conduct Panel, the Respondent has no right to challenge or contest the rejection of the offer of settlement or the decision before a Conduct Panel, the BCC or EBCC, any Board Committee, the Board, the Commission, the courts, or any other relevant authority.

Rule 10.6(i) addresses a settlement offer in a disciplinary proceeding with multiple Respondents. In such proceedings, settlement offers may be accepted or rejected as to any one or all of the Respondents submitting offers. The proceedings are terminated as to those Respondents whose offers of settlement are accepted, but such Respondents may be required to participate in any hearing conducted as to those Respondents that did not submit offers of settlement or whose offers of settlement were rejected.

Under Rule 10.6(j), if an offer of settlement is rejected by the General Counsel of the Exchange, the BCC or EBCC or the Conduct Panel, the Respondent may not be prejudiced by the offer, which may not be introduced into evidence in connection with the determination of the issues involved in the pending complaint or in any other proceeding.

Lastly, Rule 10.6(k) provides for review of final disciplinary actions. Under the rule, the BCC or EBCC and the CFR review quarterly the final disciplinary actions pursuant to Rule 10.6(g) in order to provide Enforcement and the General Counsel of the Exchange with guidance related to future settlement practices and sanction amounts. The CFR and the Board do not have the ability to reject final disciplinary actions pursuant to Rule 10.6.

Rule 10.7

Rule 10.7 addresses decisions. Under the rule, within 30 days after the date of a hearing conducted pursuant to Rule 10.5, the Conduct Panel must prepare a written decision determining whether the Respondent has committed a violation and imposing the penalty, if any, therefor. The decision must include a statement of findings and conclusions, with the reasons therefor upon all material issues presented on the record. Where a penalty is imposed, the decision must include a statement specifying the acts or practices in which the Respondent engaged or omitted and setting forth the specific provisions of the Bylaws, Rules, policies or procedures of the Exchange, or the rules, regulations and procedures promulgated under the Act, which the act or omission to act are deemed to violate. The Respondent must be promptly sent a copy of the decision. The determination of the Conduct Panel and any penalty imposed become final 15 days after notifying the Respondent, except if a request for review of such determination or penalty, or both, is filed as hereinafter described, the penalty is stayed pending outcome of that review.

Rule 10.8

Rule 10.8 provides for review of disciplinary decisions. Under Rule 10.8(a), either the Complainant or the Respondent may request a review of a decision issued under Rule 10.7 or a summary determination issued under Rule 10.4(c) by petitioning the CFR for such review within 15 days after service of notice of a decision made pursuant to Rule 10.7 or Rule 10.4(c). Such petition must be in writing and must specify the findings and conclusions to which exceptions are taken together with reasons for such exceptions. Any objections to a decision not specified by written exception are considered to have been abandoned. The Respondent must submit a filing fee of $500 with its

[21] The Exchange proposes to correct an oversight in current Rule 10.6(f)(2) and (3) to include omitted references to the BCC.

request for review. The CFR may waive such filing fee upon a showing of hardship or other compelling reason. If the decision is overruled in whole, the filing fee is refunded. If the decision is overruled in part as a result of the Respondent's request for review, refund of the filing fee, or any portion thereof, is at the discretion of the CFR.

Under Rule 10.8(b), the CFR may appoint a CFR Appeals Panel (''Appeals Panel'') to conduct reviews of disciplinary proceedings or may decide to conduct review proceedings on its own. The composition of the Appeals Panel is determined by the CFR in accordance with Rule 3.3. The body conducting the review, either the CFR itself or the Appeals Panel, is referred to in the rule as ''the Review Board.'' Unless the Review Board decides to open the record for the introduction of new evidence or to hear argument, the review is based solely upon the record and the written exceptions filed by the parties. The standard of review is de novo. Based upon such review, the Review Board may affirm, reverse, or modify, in whole or in part, the decision of the Conduct Panel. Such modification may include an increase or decrease of the sanction. The decision of the Review Board is in writing and becomes final 15 days after notifying the parties, except if a request for review of such determination is filed pursuant to Rule 10.8(c) or Rule 10.8(d) as described below, the penalty is stayed pending the outcome of that review.

Each Review Board member is required to disclose to the CFR any circumstances that might preclude such Review Board member from rendering an objective and impartial determination. Prior to the commencement of the first hearing session, the CFR may remove a Review Board member who discloses such information. The CFR must also inform the parties of any information disclosed pursuant to this rule if the Review Board member who disclosed the information is not removed. If any Review Board member, after the commencement of the review, but prior to the rendition of the decision, becomes disqualified, resigns, dies, refuses or is unable to perform or discharge his or her duties, the CFR, upon such proof as it deems satisfactory, must either (a) appoint a new member to the Review Board to replace such member, or (b) direct that the review proceed without the substitution of a new member.

Under Rule 10.8(c), notwithstanding anything else contained in the rule, the Board may, on its own initiative, order review of a decision made pursuant to Rule 10.5 or 10.7 within 30 days after notice of the decision has been served on the Respondent. If the Board does not order review of a decision made pursuant to Rule 10.5 or 10.7 within the period specified, the decision shall become final. Such review shall be conducted in accordance with the procedure set forth in Rule 10.8(b). Either the Complainant or the Respondent may request a review of the decision of the Review Board by the Board within 15 days after service of notice of a decision made pursuant to Rule 10.8(b). Such petition must be in writing and shall specify the findings and conclusions to which exceptions are taken together with reasons for such exceptions. Any objections to a decision not specified by written exception will be considered to have been abandoned. Respondent shall submit a filing fee of $500 with its request for review, which filing fee may be waived by the Board upon a showing of hardship or other compelling reason. If the decision is overruled in whole, the filing fee will be refunded. If the decision is overruled in part as a result of Respondent's request for review, refund of the filing fee, or any portion thereof, is in the discretion of the Board.

Under Rule 10.8(d), the Board may, on its own initiative, order review of a decision made by the Review Board within 30 days after notice of the decision is served on the Respondent. If such review is held, it shall be conducted in accordance with the procedure set forth in Rule 10.8(b) as if the Board had conducted the initial review, except that the record shall include the decision of the Review Board and any exceptions filed by the parties to such decision. If the Board does not order review of a decision of the Review Board within the period specified in this paragraph, the decision of the Review Board shall become final.

Rule 10.8(e) provides that nothing in Rule 10.8 affects any right that a Respondent may have to seek review of an Exchange decision by the Commission.

Rule 10.9

Rule 10.9 addresses judgments and penalties. Under Rule 10.9(a), an ETP Holder, OTP Holder, OTP Firm, or Associated Person is subject to appropriate discipline by the Exchange for violations under the rule including cancellation or suspension of trading privileges, expulsion, suspension, limitation of activities, functions and operations, suspension or bar from association with an ETP Holder, OTP Holder or OTP Firm, fine, censure, or any other fitting sanction. Under Rule 10.9(b), penalties imposed under the rule are not effective until the Exchange review process is complete or the decision otherwise becomes final. Rule 10.9(c) provides that notwithstanding anything contained in Rule 10.9 to the contrary, the Exchange may impose such conditions and/or restrictions on the activities of the Respondent as the Exchange considers reasonably necessary for the protection of investors and of the Exchange.

Rule 10.10

Rule 10.10 provides that any charges, notices or other documents may be served upon the Respondent either personally or by leaving the same at the Respondent's place of business or by deposit in the United States Post Office, postage prepaid via registered or certified mail addressed to the Respondent at its address as it appears on the books and records of the Exchange.

Rule 10.11

Rule 10.11 sets forth procedures for a person aggrieved by Exchange action taken pursuant to the provisions of the Bylaws and Rules of the Exchange for which action an ETP Holder, OTP Holder, OTP Firm, or Associated Person has been sanctioned via floor citation or pursuant to Rule 10.12 (the Minor Rule Plan), and applies for an opportunity to make an oral presentation or to have the matter reviewed on the papers alone. The rule further provides that this Section does not apply to disciplinary action taken pursuant to Rule 10.4, non-disciplinary action taken pursuant to Rule 10.14, or to an action in arbitration.

Under Rule 10.11(b), any ETP Holder, OTP Holder, OTP Firm or Associated Person aggrieved by any action of the Exchange within the scope of the rule and who desires the opportunity to make an oral presentation with respect to such action or to have such action reviewed on the papers alone must file a written application with Enforcement within five business days after notification that such action has been taken. The notification submitted by the Exchange must state the specific grounds for the action taken by the Exchange and must notify the party of the party's right to make an oral presentation or to have the matter reviewed on the papers alone. The application must contain (1) an identification of the Exchange action over which the review is being requested, (2) the reason(s) why the applicant disagrees with such action, and (3) the relief sought. In addition, the application must indicate whether the applicant desires to make an oral presentation, in which event it must be considered a ''request for a hearing,'' or to proceed only upon the existing and/or any additional documents or materials, in which event it must be considered a ''request for a review on the papers.'' The terms ''hearing'' and ''review on the papers'' are referred to jointly as the ''Proceeding(s)'' under the rule.

Under Rule 10.11(c), any person associated with the applicant whose interest might be affected by the Proceeding is entitled to participate as a party. Further, in the discretion either of the Conduct Panel or the Board of Directors, any other person whose interests might be affected by the Proceeding may be permitted to intervene in the Proceeding and may be granted such rights of a party as either the Conduct Panel or the Board of Directors deems appropriate. Any determination of the Conduct Panel as to participation in the Proceeding is subject to review by the Board of Directors at the close of the Proceeding or, in the Board of Directors' discretion, during the course of the Proceeding.

Rule 10.11(d) sets forth the procedure following application for hearing and/or review on the papers. Under Rule 10.11(d), applications for a hearing and/or review on the papers must be referred to the BCC or EBCC. The BCC or EBCC must appoint a Conduct Panel pursuant to Rule 10.5(a). The Conduct Panel must be furnished with all materials considered by the Regulatory Staff in connection with its initial action. Parties to the Proceeding must be notified of the composition of the Conduct Panel. Any objection to the composition of the Conduct Panel must be submitted within five business days of receipt of the notification regarding the composition.

Within 15 business days after receipt of the notification regarding the composition of the Conduct Panel, the applicant, if the application is for a review on the papers, must submit to the Conduct Panel any additional documents, statements, arguments or other materials. Regulatory Staff then has 15 business days to submit to the Conduct Panel any additional documents, statements, arguments or other materials in response to the applicant's submission. If the application is for a hearing, the parties may, at this time, request an opportunity to call witnesses to the hearing; the Conduct Panel, in its discretion, may or may not grant this request. If a hearing is held, each party must furnish to the Conduct Panel and other parties, not less than five business days before the scheduled hearing date, copies of all documentary evidence that such party intends to present at the hearing. Parties must be given at least 15 business days' notice of the time and place of the hearing.

Whether the Proceeding is a hearing or a review on the papers alone, the Conduct Panel determines all questions concerning the admissibility of evidence and otherwise regulates the conduct of the Proceeding. Formal rules of evidence do not apply. If a hearing is held, each of the parties is permitted to make an opening statement, present witnesses, present documentary evidence, cross-examine witnesses, and present closing arguments; a transcript is made and becomes part of the record. The Conduct Panel may question all parties and witnesses to the Proceeding. The Conduct Panel may also request the production of documentary evidence and witnesses. No ETP Holder, OTP Holder, OTP Firm, or associated person of an ETP Holder or OTP Firm, or employee of the Exchange, shall refuse to furnish relevant testimony, documentary materials or other information requested by the Conduct Panel during the course of the Proceeding. All parties are entitled to be represented by counsel who may participate fully in the Proceeding. In the event of a hearing, a transcript of the hearing shall be made and shall become part of the record.

Within 30 days after the date of the hearing or the review on the papers, the Conduct Panel must render its decision. The standard of review is de novo. The Conduct Panel may confirm, reverse, or modify, in whole or in part, the decision of the Exchange Regulatory Staff, and may make any findings or conclusions that in its judgment are proper. The decision of the Conduct Panel is in writing, contains a concise statement setting forth the specific findings and conclusions of the Conduct Panel and the reasons in support thereof, and is sent to the parties to the Proceeding.

If the Conduct Panel determines after a hearing or review on the papers that an ETP Holder, OTP Holder, OTP Firm or Associated Person has violated one or more rules of the Exchange as alleged, the Conduct Panel (i) may impose one or more of the disciplinary sanctions authorized by the Exchange's Bylaws and rules, and (ii) must impose a $250 forum fee against the person charged if the determination was reached based on a review of the papers, or a $500 forum fee if a hearing was conducted. However, if the sole disciplinary sanction imposed by the Conduct Panel is a fine less than the total fine initially imposed by the Exchange Regulatory Staff, then the Conduct Panel may waive the forum fee. The decision of the Conduct Panel is subject to review by the Board of Directors either on the Board's own motion within 30 days after issuance (or upon presentation to the Board, whichever is later), or upon written petition of any party to the Proceeding filed within 15 business days after issuance.

Rule 10.11(e) sets forth the procedure following petition for review by the Board. Under the rule, petitions for appellate review of the Proceeding are referred to the Board, which is furnished with all material considered by the Exchange Regulatory Staff and the Conduct Panel. Parties may submit a written statement to the Board and may request an opportunity to make an oral presentation. The Board, in its discretion, may grant or deny the request for oral presentation. In the absence of a request for such a presentation, or at any time, the Board may require an oral presentation. Whether appellate review is conducted by hearing or by review on the papers alone, the matter shall be referred to the CFR. A transcript shall be made of any oral presentation and shall become part of the record.

Review by the CFR is made upon the material furnished it by the Exchange Regulatory Staff or Conduct Panel as well as by the parties after such further proceedings as the CFR shall order. The standard of review is de novo. The CFR may appoint a CFR Appeals Panel to conduct reviews, or may decide to conduct review proceedings on its own. The CFR or CFR Appeals Panel may confirm, reverse, or modify, in whole or in part, the decision of the Regulatory Staff or Conduct Panel and may make any findings or conclusions which in its judgment are proper. The decision of the CFR or CFR Appeals Panel shall be in writing, contain a concise statement of the findings and conclusions of the CFR or CFR Appeals Panel and the reasons therefor, and is sent to the parties to the Proceeding.

Rule 10.11(f) provides that nothing contained in the rule affects any right that a Respondent may have to seek review of the Exchange's decision by the Commission.

Rule 10.12

As noted, Rule 10.12 sets forth the Exchange's Minor Rule Plan. Under Rule 10.12(a), in lieu of initiating a formal disciplinary action or proceeding, the Exchange may impose a fine not to exceed $5,000 [22] on any ETP

[22] The proposed rule would retain the Exchange's maximum fine for minor rule violations which, under current Rule 10.12, is $5,000.

Holder, OTP Holder, OTP Firm or Associated Person for any violation of a rule of the Exchange that has been determined to be minor in nature.[23]

Under Rule 10.12(b), whenever it appears that an ETP Holder, OTP Holder, OTP Firm or Associated Person has violated a rule under the Minor Rule Plan, the Exchange must serve on such person or organization a written statement setting forth (i) the rule(s) alleged to have been violated, (ii) the act or omission constituting each such violation, and (iii) notice that such person or organization may submit a written statement to a designated committee for its consideration. Under Rule 10.12(c), the BCC or EBCC and Exchange Regulatory Staff have the authority to impose a fine pursuant to the rule. Pursuant to Rule 10.12(d), if a person or organization fined pursuant to the rule pays the fine, such payment is deemed a waiver of any right to a disciplinary proceeding under Rule 10.11 and of any right to a review of the matter by the BCC or EBCC, CFR, or Board of Directors.

Under Rule 10.12(e), any person or organization fined pursuant to the rule may contest such fine by filing with Enforcement a written application submitted not more than five business days after receipt of written notification that a fine has been imposed. If a determination is contested, the matter becomes a formal disciplinary action, and any penalty imposed by a hearing panel must be publicly reported after such decision has become ''final'' pursuant to Rule 10.7. Any person or organization found in violation of a minor rule is not required to report such violation on SEC Form BD or Form U–4 if the sanction imposed consists of a fine not exceeding $2,500 and the sanctioned person or organization has not sought an adjudication, including a hearing, or otherwise exhausted the administrative remedies available with respect to the matter. Any fine imposed in excess of $2,500 is subject to current rather than quarterly reporting to the Commission pursuant to Rule 19d–1 under the Act. Rule 10.12(f) provides that nothing in the rule requires the Exchange to impose a fine for a violation of any rule under this Minor Rule Plan. If the Exchange determines that any violation is not minor in nature, the Exchange may, at its discretion, proceed under Rule 10.4 rather than under Rule 10.12.

Under Rule 10.12(g), subject to certain procedural requirements, a Trading Official or any Regulatory Staff designated by the Exchange may issue a Floor Citation to any ETP Holder, OTP Holder, OTP Firm, or Associated Person, when it appears to such Official(s) that a Minor Rule Plan violation specified in Rule 10.12(h) or (i) has occurred. Except as provided in Rule 10.13 (the summary sanction procedure for options pursuant to which a Trading Official may summarily sanction any OTP Holder, OTP Firm, or Associated Person), the circumstances underlying the issuance of each floor citation is reviewed by the BCC or EBCC for a determination of whether the evidence is sufficient to find a violation of Exchange rules.

Rule 10.12(h) sets forth a list of options floor decorum and minor trading rule violations. Rule 10.12(i) sets forth a list of minor trading rule violations. Rule 10.12(j) sets forth a list of record-keeping and other minor rule violations. Rule 10.12(k) sets forth the recommended fine schedule for the options minor rule plan. Rule 10.12(l) sets forth the recommended fine schedule for the equities minor rule plan. Under both Rules 10.12(k) and (l), the fines for violations increase if there have been prior offenses.

Rule 10.13

Rule 10.13 sets forth a summary sanction procedure for options pursuant to which a Trading Official may summarily sanction any OTP Holder, OTP Firm, or Associated Person. Under subsection (c), if a Trading Official does not become aware of a violation of Rule 6.69–O (failure to time stamp an order ticket) until Exchange Regulatory Staff discovers the violation and notifies the Trading Official, a Trading Official may impose a summary sanction at the time they [sic] are notified and will be responsible for issuing a floor citation. Under Rule 10.13(d), any OTP Holder, OTP Firm or Associated Person sanctioned pursuant to this procedure may appeal pursuant to Rule 10.11.

Rule 10.14

Rule 10.14 provides procedures for persons ''aggrieved'' by any of the Exchange actions specified therein to apply for an opportunity to be heard and have the action reviewed. By its terms, Rule 10.14 does not apply to reviews of disciplinary actions for which review is already provided under Rule 10, actions in arbitration, and reviews of delisting decisions for which review is provided under Rule 5–E. Accordingly, the Exchange has determined to retain Rule 10.14 and amend subsections (a)(2)–(4) as described below to reflect those actions that will be governed by Rule 10.14 prior to the effective date of the new disciplinary rules but that will be governed by the proposed Rule 10.8000 Series and 10.9000 Series following the effective date of the new rules.

Rule 10.15

Rule 10.15 sets forth miscellaneous provisions. Under Rule 10.15(a), any charges, notices or other documents may be served upon the Respondent either personally or by leaving the same at Respondent's place of business or by deposit in the United States Post Office, postage prepaid via registered or certified mail addressed to the Respondent at his address as it appears on the books and records of the Exchange. Under Rule 10.15(b), unless otherwise stated, any time limits imposed under Rule 10.0 for the submission of answers, petitions or other materials may be extended only by the prior written approval of the Exchange. Under Rule 10.15(c), the procedures set forth in Rule 10.4 and 10.8 do not apply in cases where Floor Citations are issued for violations of Rules, policies or procedures adopted by the Exchange and the fine or fines imposed are $500.00 or less. Under Rule 10.15(d), the Board may designate any Standing or Special Committee of the Exchange as the Conduct Panel in any given proceeding or type of proceeding.

Rule 10.16

Rule 10.16 sets forth the options Sanctioning Guidelines.[24]

Rule 10.17

Rule 10.17 governs the release of disciplinary complaints, decisions and other information. The rule is modeled

[23] As set forth in Rule 10.12(f), the Exchange is not required to impose a fine for a violation under its Minor Rule Plan. The Exchange always can bring formal disciplinary action against a member or associated person that has violated its rules.

[24] *See* Securities Exchange Act Release Nos. 45416 (February 7, 2002), 67 FR 6777 (February 13, 2002); 45567 (March 15, 2002), 67 FR 13392 (March 22, 2002) (SR–PCX–2001–23). The Exchange filed that proposed rule change pursuant to the provisions of Section IV.B.i of the Commission's September 11, 2000 Order Instituting Public Administrative Proceedings Pursuant to Section 19(h)(1) of the Act, which required the Exchange to adopt rules establishing, or modifying existing, sanctioning guidelines such that they are reasonably designed to effectively enforce compliance with options order handling rules. *See* Securities Exchange Act Release No. 43268 (September 11, 2000), Administrative Proceeding File No. 3–10282. The Sanctions Guidelines do not apply to equities-related violations. As such, the CRO, Hearing Officer, Hearing Panel or Extended Hearing Panel, as applicable, would consider relevant Exchange precedent or such other precedent as it deemed appropriate in determining sanctions that should be imposed in connection with a decision pursuant to proposed Rule 10.9268 or 10.9269, or in connection with an AWC, fine or settlement pursuant to proposed Rule 10.9216 or 10.9270.

on FINRA, NYSE and NYSE American Rule 8313, and is substantially the same as proposed Rule 10.8313.

Rule 10.18

Rule 10.18 governs expedited client suspension proceedings and sets forth procedures for issuing suspension orders, immediately prohibiting a Respondent from conducting continued disruptive quoting and trading activity on the Exchange in violation of Rule 11.21 (Disruptive Quoting and Trading Activity Prohibited). The rule is substantially the same as proposed Rule 10.9560.

Rule 13

Rule 13 addresses cancellations, suspensions, and reinstatements. Rule 13.1 concerns certain required notices. Under this rule, an ETP Holder, OTP Holder or OTP Firm that is expelled or suspended from any SRO, encounters financial difficulty or operating inadequacies, fails to perform contracts, or becomes insolvent must give prompt written notice to the Exchange. An ETP Holder, OTP Holder or OTP Firm also must give prompt written notice to the Exchange with respect to the expulsion or suspension of any Associated Person by any SRO.

Rule 13.2 sets forth the procedures for certain suspensions, cancellations, bars, limitations and prohibitions on access to the Exchange's services. Under Rule 13.2(a)(1), in accordance with Section 6(d)(3) of the Act, the Board of Directors may summarily:

• Suspend the trading privileges of an ETP Holder, OTP Holder, OTP Firm or Associated Person who has been and is expelled or suspended from any SRO or barred or suspended from being associated with a member of any SRO;

• suspend the trading privileges of an ETP Holder, OTP Holder, OTP Firm or Associated Person who is in such financial or operating difficulty that the Exchange determines and so notifies the appropriate regulatory agency that such suspension is necessary for the protection of the investors, creditors, ETP Holders, OTP Firms, OTP Holders or the Exchange;

• suspend the trading privileges of an ETP Holder or Associated Person who is found in violation of any of the prohibited acts as specified in Rule 11.2(a)–(f) that are violations of the rules of the Exchange; or

• limit or prohibit any person with respect to access to services offered by the Exchange if one of the first two bullets are [sic] applicable to such person or, in the case of a person who is not an ETP Holder, OTP Holder or OTP Firm, if the Exchange determines that such person does not meet the qualification requirements or prerequisites for such access with safety to investors, creditors, ETP Holders, OTP Firms, OTP Holders, or the Exchange.

Under Rule 13.2(a)(2), the Exchange also may take the following non-summary actions, after written notice, after the passage of any grace period and/or applicable cure period, and after opportunity for hearing:

• Cancel ETP trading privileges of an ETP Holder, OTP Holder or OTP Firm that becomes ineligible for trading privileges or that continues to be associated with an ineligible person, or suspend or bar a person from continuing to be associated with an ETP Holder, OTP Holder or OTP Firm because such person is or becomes ineligible for association under Rule 2.22;

• suspend or cancel trading privileges of an ETP Holder, OTP Holder or OTP Firm for failure to pay any fees, charges, assessments, or fines to the Exchange under Rule 3.7 or 3.8,[25] or failure to comply with an arbitration award or settlement agreement related to an arbitration or mediation under Rule 12;

• cancel trading privileges of an ETP Holder, OTP Holder or OTP Firm for failure to file or submit on request any report, document, or other information required to be filed with or requested by the Exchange under Rule 10.2(d);

• limit or prohibit any ETP Holder, OTP Holder, OTP Firm or Associated Person of an ETP Holder, OTP Firm or other person with respect to access to services offered by the Exchange, if the Exchange determines that such person does not meet the qualification requirements or prerequisites for such access or such person cannot be permitted to continue to have access with safety to investors, creditors, ETP Holders, OTP Holders, OTP Firms, or the Exchange; or

• suspend all trading rights and privileges of an ETP Holder, OTP Holder or OTP Firm for failure to comply with Rule 3.10 (which concerns Exchange affiliation rules).[26]

Under Rule 13.2(b), any person aggrieved by any summary action taken under Rule 13.2(a)(1) must be promptly notified of the suspension and the reason therefor and afforded an opportunity for a hearing by the Exchange. The Exchange must provide the suspended or affected person or organization with a written statement of the specific grounds for the suspension or disciplinary proceeding and an opportunity to be heard. A record of any such hearing must be maintained. A determination by the Exchange to continue the suspension or impose a disciplinary sanction must be supported by a statement setting forth the specific grounds for such suspension or sanction.

Under Rule 13.2(c), any action taken pursuant to Rule 13.2(a)(1) or (2) is subject to the applicable hearing and review provisions of Rule 10.14.

Under Commentary .01 of Rule 13.2, if a determination is made by the Exchange to take action pursuant to the rule, notice thereof is sent to the Commission. In addition, the Commission may on its own motion order, or such a person or organization may apply to the Commission, for a stay of such action pending the results of a hearing.

Rule 13.3 concerns the effect of a suspension or cancellation. When an ETP Holder, OTP Holder, OTP Firm or Associated Person has its trading privileges suspended or canceled by the Exchange under Rule 13.2(a)(1) or (2), such person or organization must be deprived during the term of the suspension of all rights and trading privileges conferred by the ETP or OTP, except as otherwise provided in the rules of the Exchange. The person or organization having trading privileges suspended or canceled remains subject to the disciplinary power of the Exchange.

Under Rule 13.4, an ETP Holder, OTP Holder, OTP Firm or Associated Person whose trading privileges are suspended under the provisions of Rule 13.2(a)(1) or (2)[27] may be disciplined pursuant to the rules of the Exchange for any offense committed either before or after the announcement of the suspension, in all respects as if no suspension were in effect.

Under Rule 13.5, every ETP Holder, OTP Holder, OTP Firm or Associated Person whose trading privileges are suspended under the provisions of Rule

[25] Rule 13.2(a)(2)(B) currently refers to ''Rule 3.8–E or 3.7–O.'' The Exchange proposes to replace these references with the references to Rule 3.7 (Dues, Fees and Charges) and Rule 3.8 (Liability for Payment).

[26] In such case, the Exchange must: (1) Provide notice to the ETP Holder, OTP Holder or OTP Firm within five business days of learning of the events contemplated by the rule; (2) allow the ETP Holder, OTP Holder or OTP Firm 15 days to cure any such failure; (3) if the ETP Holder, OTP Holder or OTP Firm does not cure such failure to comply within such 15-day cure period, schedule a hearing to occur within 30 days following the expiration of such 15-day period; and (4) render its decision as to the suspension of all trading rights and privileges of the ETP Holder, OTP Holder or OTP Firm no later than 10 days following the hearing.

[27] Current Rule 13.4 refers to ''Rule 13.3(a)(1) or (2).'' The Exchange proposes to correct the reference to read ''Rule 13.2(a)(1) or (2).''

13.2(a)(1) must immediately afford every resource required by the Exchange for the investigation of its affairs as required by the Board of Directors and must, after the notification of the suspension, file with the Exchange a written statement covering all information required by the Exchange.

Under Rule 13.6, if an ETP Holder, OTP Holder, OTP Firm or Associated Person has had trading privileges suspended under the provisions of Rule 13.2(a)(1) and such person or organization does not request a hearing within 30 days to review such suspension or at such hearing it is determined that the suspension was properly imposed, and such person or organization has not, within 45 days after the suspension, remedied the reason for such suspension and has not applied for reinstatement, the Board may cancel the trading privileges of such person or organization. If application for reinstatement is made within 45 days of suspension, and such application is disapproved, the Board of Directors may cancel the trading privileges of such person or organization.

Under Rule 13.7, when an ETP Holder, OTP Holder, OTP Firm or Associated Person that has had trading privileges suspended under the provisions of Rule 13.2(a)(1) or (2) applies for reinstatement, it must be demonstrated to the satisfaction of the Exchange that the problem or problems responsible for such suspension have [sic] been satisfactorily resolved. If such problem involves financial difficulty or operating inadequacies, the person or organization must furnish the Exchange comprehensive financial and operating reports in a form and manner to be prescribed by the Exchange. If the ETP Holder, OTP Holder, OTP Firm or Associated Person furnishes satisfactory proof of a resolution of the problem or problems responsible for such suspension, the Exchange notifies in writing all ETP Holders, OTP Holders and OTP Firms of the application for reinstatement and that a meeting of the Board of Directors to consider it will be held on a designated date which shall be not less than ten (10) business days subsequent to such notice. At such meeting at which a quorum is present the ETP Holder, OTP Holder, OTP Firm or Associated Person may be reinstated provided not less than a majority of the Directors voting approve the application.

Under Rule 13.8, if an ETP Holder, OTP Holder, OTP Firm or Associated Person whose trading privileges have been suspended under the provisions of the rule fails or is unable to apply for reinstatement in accordance with Rule 13.7, or fails to obtain reinstatement as therein provided, then the trading privileges conferred by an ETP or OTP are terminated.

Finally, Rule 13.9 governs when an ETP Holder, OTP Firm, OTP Holder or an Associated Person of an ETP Holder, OTP Firm or OTP Holder does not meet the eligibility or qualification standards set forth in the Exchange's rules; does not meet the prerequisites for access to services offered by the Exchange or an ETP Holder, OTP Firm or OTP Holder thereof; or cannot be permitted to continue to have access to services offered by the Exchange or an ETP Holder, OTP Firm or OTP Holder thereof with safety to investors, creditors, ETP Holders, OTP Firms, OTP Holders, or the Exchange. Current Rule 13.9 was modeled on NYSE and NYSE American Rule 9555 and, as discussed below, is substantially the same as proposed Rule 10.9555.[28]

Proposed Rule Change

The Exchange proposes the Rule 10.8000 Series (Investigations and Sanctions) and the Rule 10.9000 Series (Code of Procedure), which would be based on the text of the NYSE American Rule 8000 and 9000 Series. The Exchange proposes to include these rules in Rule 10. Because the proposed rules would address topics currently set forth in both Rules 10 and 13, the Exchange proposes to rename Rule 10 as ''Disciplinary Proceedings; Suspension, Cancellation and Reinstatement.'' The Exchange further proposes to add a new subheading of ''Rule 10.0. Legacy Disciplinary Proceedings, Other Hearings and Appeals,'' which would precede current Rules 10.1 through 10.18.

Unless otherwise specified below, the individual rules in the proposed Rule 10.8000 Series and Rule 10.9000 Series are based on the individual rules of the counterpart NYSE American Rule 8000 and 9000 Series without any differences, except that the Exchange:

- Would describe its own transition process in Rules 10.0 and 13 and in proposed Rules 10.8001, 10.8130(d), and 10.9001;
- would use the terms ''ETP Holder,'' ''OTP Holder'' and ''OTP Firm,'' together or separately, as applicable, rather than ''member organization'' or ''Exchange member,'' consistent with the Exchange's other rules;
- would define ''covered person'' to include those persons subject to the Exchange's jurisdiction, rather than use NYSE American's text for that term;
- would retain the text of the Exchange's currently applicable list of minor rule violations in proposed Rule 10.9217;
- would retain its options Sanctioning Guidelines;[29]
- would make certain other technical and conforming changes;[30] and
- proposes non-substantive differences in specified rules, as needed, which do not change the meaning of the proposed rule text as compared to the NYSE American version of the same rule.

The Exchange also proposes to harmonize its rules for non-payment of fees or other sums due to the Exchange, other than fines or monetary sanctions, with NYSE American. In particular, the Exchange proposes to delete the current text and heading of Rule 3.8 and adopt the heading and text of NYSE American Rule 41. The heading of Rule 3.8 would become ''Failure to Pay Exchange Fees.'' As amended, Rule 3.8 would provide that an ETP Holder, OTP Holder or OTP Firm[31] who does not pay a fee or any other sums due to the Exchange, within forty-five days after the same shall become payable, would be reported to the Chief Financial Officer of the Exchange or designee who, after notice has been given to such ETP Holder, OTP Holder or OTP Firm of such arrearages, could suspend access to some or all of the facilities of the Exchange until payment is made. Amended Rule 3.8 would also specifically provide that failure to pay any fine levied in connection with a disciplinary action shall be governed by Rule 10.8320. Finally, as amended, Rule 3.8 would provide that denial of access to some or all of the facilities of the Exchange through suspension under the provisions of the rule would not prevent the ETP Holder, OTP Holder or OTP Firm from being proceeded against for any offense other than that for which such ETP Holder, OTP Holder or OTP Firm was suspended. By adopting this

[28] Subsection (h) of Rule 13.9 is modeled on NYSE and NYSE American Rule 9559, which provides uniform hearing procedures for expedited proceedings under the NYSE and NYSE American Rule 9550 Series, including proceedings under NYSE and NYSE American Rule 9555. Subsection (h) of Rule 13.9 has no analogue in NYSE and NYSE American Rule 9555, and was added to Rule 13.9 because NYSE Arca did not have a procedural rule comparable to NYSE and NYSE American Rule 9559.

[29] *See* note 24, *supra.*

[30] As described below and herein, the Exchange proposes to make technical and conforming changes to Rules 2.5, 3.2, 3.3, 3.6, 3.8, 3.10, 4.11–O, 6.2–O, 6.17–O, 6.24–O, 6.35–O, 6.44–O, 6.67–O, 6.69–O, 6.82–O, 4.11–E [sic], 7.20–E, 7.22–E, 7.23–E, 9.21–E, 10, 12, 13.2 and 13.4.

[31] NYSE American Rule 41 included a reference to ''principal executive,'' a registration category that has no direct analogue on the Exchange.

new rule text, the Exchange would have a single rule applicable to both its equities and options markets that is consistent with the counterpart rule of its affiliated exchanges.

Transition

Once the proposed rule change is effective, the Exchange intends to announce by Information Memorandum with at least 30 days advance notice the effective date of the new rules.[32] To further facilitate an orderly transition from the current rules to the new rules, the Exchange proposes that matters already initiated under the current rules would be completed under such rules. The proposed transition is substantially the same as the NYSE American transition to its Rule 8000 and 9000 Series.[33]

Specifically, Rule 10.0 would continue to apply with respect to a proceeding for which the Exchange had (1) served a Complaint under Rule 10.4, (2) received a written offer of settlement under Rule 10.6, or for which (3) a written statement or citation had been filed or served under Rule 10.11 or Rule 10.12 prior to the effective date of the new rules. Rule 10.0, as applicable, would continue to apply until any such proceeding under the respective rule was final. Rule 10.0 would also continue to apply to any ETP Holder, OTP Holder, OTP Firm or covered person over whom the Exchange asserted jurisdiction by providing written notice of the commencement of an inquiry pursuant to Rule 10.1(b) prior to the effective date of the new rules.

In all other cases, the proposed Rule 10.8000 and Rule 10.9000 Series, as described below, would apply, except that summary sanctions in options-related matters would continue to be governed by current Rule 10.13, appeals of Floor citations would continue to be governed by Rule 10.11 and, as discussed below, the options Sanctioning Guidelines set forth in Rule 10.16 would apply to all sanctions imposed in options-related matters.

Finally, Rule 10.14 would continue to apply to actions by persons aggrieved by Exchange decisions as provided for therein, subject to the exceptions noted therein. Currently, Rule 10.14 applies to three types of actions that will be governed by the Rule 10.8000 Series and 10.9000 Series following the effective date of the new rules: The barring of any person from becoming associated with an ETP Holder or OTP Firm (Rule 10.14(a)(2)); the suspension or cancellation of ETP or OTP trading privileges (Rule 10.14(a)(3)); and the prohibition or limitation with respect to access to services provided by the Exchange, or the access to services of any ETP Holder or OTP Firm taken pursuant to the Bylaws, or Rules or procedures of the Exchange. The Exchange proposes to amend Rule 10.14 to provide that, following the effective date of the new rules, the barring of any person from becoming associated with an ETP Holder or OTP Firm, the suspension or cancellation of ETP or OTP trading privileges, and the prohibition or limitation with respect to access to services provided by the Exchange, or the access to services of any ETP Holder or OTP Firm taken pursuant to the Bylaws, or Rules or procedures of the Exchange, will be governed by the Rule 10.8000 Series and 10.9000 Series.

Summary suspensions under current Rule 13 would continue to apply to a proceeding for which the Exchange has issued a written notice of suspension, cancellation, or other action thereunder prior to the effective date of the of the new rules. Thereafter, the proposed Rule 10.9500 Series would apply, with the exception of the non-payment of a fine levied in connection with a disciplinary action, other monetary sanction imposed pursuant to Rule 10.8310 or a cost imposed pursuant to Rule 10.8330, in which case Rule 10.8320 would apply.

When the transition is complete, the Exchange intends to submit a proposed rule change that would delete the provisions of Rules 10 and 13 that are no longer necessary. Other provisions would be retained and moved to an appropriate place in the Exchange's rules.

Proposed Changes to Rule 3.2 (Exchange Committees)

Under Rules 3.2(b)(1) and 3.2(b)(2), the EBCC and BCC, respectively, have certain delegated authority and functions, including conducting hearings and rendering decisions in summary disciplinary actions and proceedings pursuant to Rule 10.5 and in expedited proceedings pursuant to Rule 13.9. Under Rules 3.2(b)(1)(C) and 3.2(b)(2)(C), the EBCC and BCC, respectively, have the authority, whenever it appears that an OTP Holder, OTP Firm or ETP Holder is in violation of Rule 4 or Rule 4–E, respectively, to direct a representative of such OTP Holder, OTP Firm or ETP Holder to appear before the EBCC or BCC for examination upon 48 hours' notice, either orally or in writing. After such examination, the EBCC or BCC has the authority to suspend such OTP Holder, OTP Firm or ETP Holder until the requirements of Rule 4 or 4–E are fully met. Appeals of such suspensions or sanctions imposed by the Regulatory Staff are governed by Rule 3.2(b)(1)(D) and 3.2(b)(2)(D).

The Exchange proposes certain clarifying and/or non-substantive changes to Rules 3.2(b)(1) and 3.2(b)(2), which set forth the delegated authority and functions the EBCC and BCC, respectively.

First, the Exchange proposes to amend Rule 3.2(b)(1)(A) governing the composition of the EBCC to clarify that Associated Persons of an OTP Holder may also be members of the EBCC.

The Exchange also proposes to amend Rule 3.2(b)(2)(B)(ii), which describes the functions and authority of the BCC, to clarify that the BCC would conduct hearings and render decisions in summary disciplinary actions and proceedings pursuant to Rule 10.5.

Following the effective date of the new disciplinary rules, panelists for disciplinary proceedings involving both equity and options permit holders would be drawn from a hearing board as provided for in proposed Rule 10.9232. The Exchange proposes to retain the EBCC and the BCC to effectuate their current responsibilities, including with respect to legacy disciplinary matters under Rule 10.5. As a practical matter, members of the hearing board under proposed Rule 10.9232 would generally be members of the EBCC and the BCC.

Finally, the Exchange proposes the non-substantive change of moving Rule 10.15(d), which provides that the Board of Directors may designate any Standing or Special Committee of the Exchange as the Conduct Panel in any given proceeding or type of proceeding, to a new subsection (d) to Rule 3.2. The Exchange proposes to amend the language to also provide for Hearing Panels, which is how Conduct Panels for current disciplinary actions under Rule 10 are referred to in the proposed Rule 10.8000 and 10.9000 Series. The proposed changes would add clarity to the Exchange's rules by relocating a provision relating to Board powers with respect to Standing or Special Committees of the Exchange to the rule governing Exchange committees and would clarify the provision's applicability to disciplinary matters under the proposed rules.

[32] The proposed Information Memorandum would be substantially the same as that published for NYSE American. *See* NYSE MKT (now American) Information Memorandum 16–02 (March 14, 2016). *See generally* 2016 Notice and note 4, *supra.*

[33] *See* 2016 Notice, *supra* note 4, & NYSE MKT (now American) Information Memorandum 16–02 (March 14, 2016).

Proposed Changes to Rule 3.3 (Board Committees)

The Exchange proposes to amend Rule 3.3, which governs the CFR, to reflect the transition. Specifically, Rule 3.3(a)(2)(B), which provides that the CFR may appoint a CFR Appeals Panel to conduct certain reviews, would be amended to reflect that the CFR Appeals Panel would conduct reviews of matters subject to the applicable provisions of Rule 3.2(b)(1)(C) or Rule 10.0 or the Rule 10.9000 Series, as applicable. Rule 3.3(a)(2)(C) would be amended to reflect that decisions of the CFR are subject to review of the Board of Directors, subject to Rule 10.0 or the Rule 10.9000 Series, as applicable. The clause ''of the Exchange'' would also be deleted as superfluous.

The proposed amendments to Rule 3.3 would not change the authority of the EBCC, BCC or CFR.

Jurisdiction

The Exchange proposes a new Rule 2.0 titled ''Disciplinary Jurisdiction'' based on current Rule 10.1, which describes the Exchange's current disciplinary jurisdiction. Proposed Rule 2.0(a) would be substantially the same as current Rule 10.1(a) with the following changes.[34] First, the Exchange would replace ''associated person'' with the term ''covered person'' and note that the term is defined in proposed Rule 10.9120(g). Second, the Exchange would replace the reference to ''this Rule'' with ''the Rule 10.8000 and 10.9000 Series.''

Proposed Rule 2.0(b) would provide that an ETP Holder, OTP Holder or OTP Firm that resigns or has its membership canceled or revoked, and a person whose status as a covered person has been terminated and who is no longer a covered person of any ETP Holder, OTP Holder or OTP Firm or a covered person whose registration has been revoked or canceled, would continue to be subject to the Exchange's disciplinary jurisdiction as set forth in proposed Rule 10.8130.

Finally, proposed Rule 2.0(c) would be substantially the same as current Rule 10.1(c), and would provide that the Board of Directors may authorize any officer, on behalf of the Exchange, subject to the approval of the Board of Directors, to enter into one or more agreements with another self-regulatory organization to provide regulatory services to the Exchange to assist the Exchange in discharging its obligations under Section 6 and Section 19(g) of the Exchange Act. The proposed rule would further provide that any action taken by another self-regulatory organization, or its employees or authorized agents, acting on behalf of the Exchange pursuant to a regulatory services agreement shall be deemed to be an action taken by the Exchange; provided, however, that nothing in this provision shall affect the oversight of such other self-regulatory organization by the Commission. Finally, proposed Rule 2.0(c) would provide that, notwithstanding the fact that the Exchange may enter into one or more regulatory services agreements, the Exchange shall retain ultimate legal responsibility for, and control of, its self-regulatory responsibilities, and any such regulatory services agreement shall so provide.

As proposed, Rule 2.0 would set forth the scope of the Exchange's disciplinary jurisdiction under the Rule 10.8000 and 10.9000 Series. As discussed below, proposed Rule 10.8130 would address the Exchange's retention of jurisdiction, and would enable the Exchange to generally retain jurisdiction to file a complaint against an ETP Holder, OTP Holder, OTP Firm or covered person for two years after such status was terminated.

Current Rule 10.1 would continue to apply to a proceeding for which the Exchange has served a Complaint under Rule 10.4, received a written offer of settlement under Rule 10.6, or for which a written application has been filed under Rule 10.11 or Rule 10.12 prior to the effective date of the new disciplinary rules, and shall continue to apply until such proceeding is final.

Terms and Definitions Used Throughout the Proposed Rule 10.8000 and 10.9000 Series

To continue the current coverage of the Exchange's disciplinary rules and conform to the NYSE American rules' terminology, the proposed rule change would use the terms ''ETP Holder,'' [35] ''OTP Holder,'' ''OTP Firm,'' and ''covered person'' to describe the persons to which the proposed Rule 10.8000 and 10.9000 Series apply. The term ''covered person,'' referenced in proposed Rule 10.8120(b) and defined in proposed Rule 10.9120(g), would include an Associated Person of an ETP Holder, an OTP Holder or OTP Firm, an Approved Person, and any other person subject to the jurisdiction of the Exchange. By defining and utilizing the term ''covered person'' in this manner, the Exchange would effect no substantive change in the scope of persons subject to the Exchange's disciplinary rules.

Proposed Rule 10.8000 Series

The Proposed Rule 10.8000 Series would address Investigations and Sanctions.

Proposed Rule 10.8001 (Effective Date of Rule 10.8000 Series) would include the effective date of the proposed rule change for the Rule 10.8000 Series, noting the exception for the retention of jurisdiction dates in proposed Rule 10.8130(d), as described below.

The text of NYSE American Rules 8110 through 8330 would be adopted as Rules 10.8110 through 10.8330 with proposed changes to reflect the Exchange's membership and to update a cross-reference in proposed Rules 10.8130 and 10.8320.[36] Proposed Rule 10.8100 (General Provisions) would include proposed Rules 10.8110 through 10.8130.

Proposed Rule 10.8110 (Availability of Rules for Customers) would require ETP Holders, OTP Holders and OTP Firms to make available a current copy of the Exchange's rules for examination by customers upon request. Although there is no comparable requirement in the current Rules, the Exchange's rules are currently available on the Exchange's website.[37]

Proposed Rule 10.8120 (Definitions) would provide cross-references to definitions of the terms ''Adjudicator,'' ''covered person,'' and ''Regulatory Staff'' in proposed Rule 10.9120. Proposed Rule 10.8120 is simply technical in nature.[38]

Proposed Rule 10.8130 (Retention of Jurisdiction) would set forth retention of jurisdiction provisions that are substantially the same as NYSE American Rule 8130, except for (1) references to reflect the Exchange's membership, (2) the cross-references in paragraph (b)(1) and (d), (3) clarifying in paragraph (d) for purposes of the transition that Rule 10.0 would continue to apply to persons or entities over whom the Exchange asserted

[34] The new Rule 2.0 titled ''Rule 2.0 Jurisdiction'' would appear below ''Rule 2 Trading Permits.'' The current subheading titled ''[Rules 2.1–2.6]'' would be deleted.

[35] The term ''ETP Holder'' encompasses Market Makers, Designated Market Makers, and Lead Market Makers. *See* Rules 1.1(o), (w) and (z).

[36] Rules 8212, 8213, and 8312 are marked ''Reserved'' in the NYSE American rulebook. As such, to maintain consistency with NYSE American's rule numbering, the Exchange has designated proposed Rules 10.8212, 10.8213, and 10.8312 as ''Reserved.''

[37] The rules are available at *http://wallstreet.cch.com/PCXtools/PlatformViewer.asp?SelectedNode=chp_1_1&manual=/PCX/PCXRules/pcx-rules/*.

[38] Based on NYSE National Rule 10.8120, proposed Rule 10.8120 would incorporate non-substantive grammatical differences in subsections (a) and (b) to replace the phrase ''have the meaning as defined in'' with ''have the same meaning as'' before applicable Exchange rules.

jurisdiction by providing written notice of the commencement of an inquiry pursuant to current rule 10.1(b) prior to the effective date of the new disciplinary rules, and (4) a non-substantive grammatical difference in paragraph (b) to add the word ''who'' to conform to NYSE National Rule 10.8130.

Generally, subject to proposed Rule 10.8130(d), under the proposed rule change, the Exchange would retain jurisdiction to file a complaint against an ETP Holder, OTP Holder, OTP Firm or covered person for two years after such ETP Holder's, OTP Holder's, OTP Firm's or covered person's status is terminated. This differs from current Rule 10.1(b), which provides that jurisdiction is retained if a written notice of the commencement of an inquiry into such matters is given by the Exchange to the former ETP Holder, OTP Holder, OTP Firm or Associated Person within one year of receipt by the Exchange of written notice of the termination of such person's status as an ETP Holder, OTP Holder, OTP Firm or Associated Person. The Exchange believes that the period under the proposed rule is appropriate because it will harmonize the Exchange's rule with NYSE American's rule.

Proposed Rule 10.8200 (Investigations) would set forth the following rules. Proposed Rule 10.8210 (Provision of Information and Testimony and Inspection and Copying of Books) would set forth procedures for the provision of information and testimony and inspection and copying of books by the Exchange. Proposed Rule 10.8210(a) would require an ETP Holder, OTP Holder, OTP Firm or covered person to provide information and testimony and permit the inspection of books, records, and accounts for the purpose of an investigation, complaint, examination, or proceeding authorized by the Exchange's rules. As noted above, under proposed Rule 10.8130, the Exchange would retain jurisdiction over an ETP Holder, OTP Holder, OTP Firm or a covered person to file a complaint or otherwise initiate a proceeding for two years after such ETP Holder's, OTP Holder's, OTP Firm's or covered person's status is terminated; as such, the Exchange can continue to obtain information and testimony during such period and thereafter if a complaint or proceeding is timely filed. Currently, the Exchange also requires persons subject to its jurisdiction to provide books and records and appear and testify upon request under current Rule 10.2(d), and as noted above, the Exchange retains jurisdiction after termination of a registration or association as long as a written notice of the commencement of an inquiry has been served within one year after termination of such status. The Exchange believes the proposed rule is appropriate because it will harmonize the Exchange's rules with its affiliate's rules with respect to jurisdiction and obtaining books and records from ETP Holders, OTP Holders, OTP Firms and covered persons.

Finally, proposed Rule 10.8210 would provide that, in performing the functions of investigation, complaint, examination, or proceeding authorized by Exchange rules, the CRO and Regulatory Staff would function independently of the commercial interests of the Exchange and the commercial interests of ETP Holders, OTP Holders and OTP Firms. As noted below, the concept of CRO and regulatory staff independence from the commercial interests of the Exchange and its permit holders is based on current Rule 10.2(a), which provides that no member of the Board of Directors or non-Regulatory Staff may interfere with or attempt to influence the process or resolution of any pending investigation or disciplinary proceeding, and also appears in proposed Rule 10.9110(a). The Exchange proposes to add the last sentence of Rule 10.2(a), which provides that no member of the Board of Directors or non-Regulatory Staff may interfere with or attempt to influence the process or resolution of any pending investigation or disciplinary proceeding, to proposed Rule 10.8210(a).[39]

Proposed Rule 10.8210(b) would authorize Exchange staff to enter into regulatory cooperation agreements with a domestic federal agency or subdivision thereof, a foreign regulator, or a domestic or foreign SRO. Under current Rule 3.6, the Exchange may enter into agreements with domestic and foreign SROs, but it does not cover domestic agencies and foreign regulators. As such, the Exchange would delete the text of current Rule 3.6 as of the effective date of the new rules and mark Rule 3.6 as ''Reserved.''

The remainder of proposed Rule 10.8210 would set forth certain procedures for investigations. Proposed Rule 10.8210(c) would require ETP Holders, OTP Holders, OTP Firms, and covered persons to comply with information requests under the Rule. This requirement is substantially the same as current Rule 10.2(d), as described above.

Proposed Rule 10.8210(d) would provide that a notice under this Rule would be deemed received by the ETP Holder, OTP Holder, OTP Firm or covered person (including a currently or formerly registered person) to whom it is directed by mailing or otherwise transmitting the notice to the last known business address of the ETP Holder, OTP Holder, or OTP Firm, or the last known residential address of the covered person as reflected in the Central Registration Depository (''CRD''). With respect to a person who is currently associated with an ETP Holder, OTP Holder or OTP Firm in an unregistered capacity, a notice under this Rule would be deemed received by the person by mailing or otherwise transmitting the notice to the last known business address of the ETP Holder, OTP Holder or OTP Firm as reflected in CRD. With respect to a person subject to the Exchange's jurisdiction who was formerly associated with an ETP Holder, OTP Holder or OTP Firm in an unregistered capacity, a notice under the proposed Rule would be deemed received by the person upon personal service, as set forth in Rule 10.9134(a)(1).

If the Adjudicator or Exchange staff responsible for mailing or otherwise transmitting the notice to the ETP Holder, OTP Holder, OTP Firm or covered person had actual knowledge that the address in CRD is out of date or inaccurate, then a copy of the notice would be mailed or otherwise transmitted to: (1) The last known business address of the ETP Holder, OTP Holder or OTP Firm or the last known residential address of the covered person as reflected in CRD; and (2) any other more current address of the ETP Holder, OTP Holder, OTP Firm or covered person known to the Adjudicator or Exchange staff responsible for mailing or otherwise transmitting the notice. If the Adjudicator or Exchange staff responsible for mailing or otherwise transmitting the notice to the ETP Holder, OTP Holder, OTP Firm or covered person knew that the such person or entity was represented by counsel regarding the investigation, complaint, examination, or proceeding that is the subject of the notice, then the notice would be served upon counsel by mailing or otherwise transmitting the notice to the counsel in lieu of such person or entity, and any notice served upon counsel would be deemed received by the person or entity.

Current Rule 10.10 provides that any charges, notices or other documents

[39] As noted below, the last sentence of current Rule 10.2(a) will also be added to proposed Rule 10.9110(a).

may be served upon the Respondent either personally or by leaving the same at Respondent's place of business or by deposit in the United States Post Office, postage prepaid via registered or certified mail addressed to the Respondent at its address as it appears on the books and records of the Exchange. The changes to proposed Rule 10.8210(d) would harmonize service of process across affiliated exchanges.

Proposed Rule 10.8210(e) would provide that in carrying out its responsibilities under this Rule, the Exchange may, as appropriate, establish programs for the submission of information to the Exchange on a regular basis through a direct or indirect electronic interface between the Exchange and ETP Holders, OTP Holders or OTP Firms.

Proposed Rule 10.8210(f) would permit a witness to inspect the official transcript of the witness's own testimony, and permit a person who has submitted documentary evidence or testimony in an Exchange investigation to obtain a copy of the person's documentary evidence or the transcript of the person's testimony under certain circumstances.

Finally, proposed Rule 10.8210(g) would require any ETP Holder, OTP Holder, OTP Firm or covered person who in response to a request pursuant to this Rule provided the requested information on a portable media device to ensure that such information was encrypted. Proposed Rule 10.8210(g)(3) would also replace ''in'' with ''to'' before ''which'' in the first sentence of the subsection. This non-substantive grammatical difference with NYSE American Rule 8210(g) is based on NYSE National Rule 10.8210(g). The Exchange's current rules do not contain comparable provisions.

Commentary .01 to proposed Rule 10.8210 would require ETP Holders, OTP Holders, OTP Firms and covered persons to provide Exchange staff and adjudicators with requested books, records and accounts. In specifying the books, records and accounts ''of such ETP Holder, OTP Holder, OTP Firm or covered person,'' proposed paragraph (a) of the rule refers to books, records and accounts that the broker-dealer or its covered persons makes or keeps relating to its operation as a broker-dealer or relating to the person's association with the ETP Holder, OTP Holder or OTP Firm. This includes but is not limited to records relating to an Exchange investigation of outside business activities, private securities transactions or possible violations of just and equitable principles of trade, as well as other Exchange rules and the federal securities laws. It does not ordinarily include books and records that are in the possession, custody or control of an ETP Holder, OTP Holder, OTP Firm or covered person, but whose bona fide ownership is held by an independent third party and the records are unrelated to the business of the ETP Holder, OTP Holder, OTP Firm or covered person. The rule would require, however, that an ETP Holder, OTP Holder, OTP Firm or covered person must make available its books, records or accounts when these books, records or accounts are in the possession of another person or entity, such as a professional service provider, but the ETP Holder, OTP Holder, OTP Firm or covered person controls or has a right to demand them. The Exchange's current rules do not contain comparable provisions. The Exchange believes that the additional specificity would provide better notice to persons subject to its jurisdiction.

Proposed Rule 10.8211 (Automated Submission of Trading Data Requested by the Exchange) would set forth the procedures for electronic blue sheets. Because FINRA now performs surveillance functions based on the information gathered as a result of these rules, the Exchange believes that its procedures for electronic blue sheets should be harmonized with FINRA and across affiliated exchanges that have adopted the FINRA rule. Proposed Rule 10.8211 is substantially the same as NYSE American Rule 8211 except for references reflecting the Exchange's membership.

Proposed Rule 10.8300 (Sanctions) would set forth the following rules.

Proposed Rule 10.8310 (Sanctions for Violation of the Rules) would set forth the range of sanctions that could be imposed in connection with disciplinary actions under the proposed rule change. Such sanctions would include censure, fine, suspension, revocation, bar, expulsion, or any other fitting sanction. These sanctions are substantially the same as the permitted sanctions set forth in current Rules 10.1 and 10.9, which are expulsion, cancellation of trading privileges; suspension; limitation of activities, functions, and operations; suspension or bar from association with an ETP Holder, OTP Holder or OTP Firm; fine; censure; or any other fitting sanction. Although there is some difference between the text of the current and proposed rules, the Exchange believes that in practice the range of sanctions is the same due to the inclusion in both rules of the general category ''any other fitting sanction.''

Proposed Rule 10.8310 would also permit the Exchange to impose a temporary or permanent cease and desist order against an ETP Holder, OTP Holder, OTP Firm or covered person. This authority, which currently exists only with respect to alleged violations of Rule 11.21 (Disruptive Quoting and Trading Activity Prohibited), is described in further detail below in the section concerning the proposed Rule 10.9800 Series. Under proposed Rule 10.8310, each party to a proceeding resulting in a sanction is deemed to have assented to the imposition of the sanction unless such party files a written application for review or relief pursuant to the Rule 10.9000 Series.

Proposed Rule 10.8311 (Effect of a Suspension, Revocation, Cancellation, Bar or Other Disqualification) would provide that if the Commission or the Exchange imposed a suspension, revocation, cancellation or bar or other disqualification on a person, an ETP Holder, OTP Holder or OTP Firm may not permit such person to remain associated with it in any capacity that is inconsistent with the sanction imposed or disqualified status, including a clerical or ministerial capacity and may not, with certain exceptions, pay or credit to any person subject to a sanction or disqualification, during the period of the sanction or disqualification or any period thereafter, any salary, commission, profit, or any other remuneration that the person might accrue during the period of the sanction or disqualification. Under Rule 13.3, when an ETP Holder, OTP Holder, OTP Firm or Associated Person has its trading privileges suspended or canceled by the Exchange for any reason specified in Rule 13.2(a)(1) or (2), such person or entity is deprived during the term of the suspension of all rights and trading privileges conferred by the ETP or OTP, except as otherwise provided in the rules. The proposed rule is broader because it applies to all persons subject to a suspension, revocation, cancellation or bar and more explicitly prohibits the payment of compensation.

Proposed Rule 10.8313 (Release of Disciplinary Complaints, Decisions and Other Information) would provide, in part, that the Exchange would publish all final disciplinary decisions issued under the proposed Rule 10.9000 Series, other than minor rule violations, on its website. Current Rule 10.17, which is substantially the same as proposed Rule 10.8313 and was modeled on NYSE and

NYSE American Rule 8313, would be deleted.[40]

Proposed Rule 10.8320 (Payment of Fines, Other Monetary Sanctions, or Costs; Summary Action for Failure to Pay) would govern payment of fines and other monetary sanctions or costs and provide for a summary action for an ETP Holder's, OTP Holder's or OTP Firm's or covered person's failure to pay. The Exchange proposes a non-substantive grammatical difference with NYSE American Rule 8320 in paragraph (b)(1).

Proposed Rule 10.8320(a) would provide that all fines and other monetary sanctions shall be paid to the Treasurer of the Exchange.

Proposed Rule 10.8320(b) and (c) would permit the Exchange, after seven days' notice in writing, to summarily suspend or expel from membership an ETP Holder, OTP Holder or OTP Firm or revoke the registration of a covered person for failure to pay a fine or other monetary sanction imposed pursuant to proposed Rule 10.8310 or a cost imposed pursuant to proposed Rule 10.8330 when such fine, monetary sanction, or cost becomes finally due and payable. As noted above, under current Rule 13.2, an ETP Holder, OTP Holder, OTP Firm or Associated Person is subject to a non-summary suspension for failing to pay a fine, after written notice, an unspecified grace period, and opportunity for hearing.

As the NYSE and NYSE American explained in proposing their Rules 8320, FINRA's rules do not set forth a notice period but, as a matter of practice, FINRA typically provides a respondent at least 30 days to pay a fine after the conclusion of a proceeding. As both exchanges reasoned, a 30-day period, along with the seven days' notice provided under Rules 8320, provides respondents with an adequate amount of time to pay a fine and avoid any further sanction by the Exchange.[41] The Exchange proposes to follow the same reasoning for its Rule 10.8320. For clarity regarding the transition, proposed Rule 10.9001 would provide that the provisions of Rule 13 governing summary suspensions shall apply only to such a proceeding for which the Exchange has issued a written notice thereunder prior to the effective date of the proposed rule change and that thereafter the proposed Rule 10.9500 Series will apply, except with respect to non-payment of a fine levied in connection with a disciplinary action, other monetary sanction imposed pursuant to proposed Rule 10.8310 or a cost imposed pursuant to proposed Rule 10.8330, in which case proposed Rule 10.8320 would apply. In addition, proposed Rule 10.8320(d) would provide that the Exchange may exercise the authority set forth in paragraphs (b) and (c) as described above with respect to non-payment of a fine, monetary sanction, or cost assessed in a disciplinary action initiated under Rule 13.2(a)(2)(B) for which a decision was issued on or after the transition date.

Proposed Rule 10.8330 (Costs of Proceedings) would provide that a disciplined ETP Holder, OTP Holder, OTP Firm or covered person may be assessed the costs of a proceeding, which are determined by the Adjudicator. Under current Rules 10.1 and 10.9, the Exchange may assess costs as a ''fitting sanction,'' and under Rule 10.11, the Exchange charges certain forum fees ranging from $250 to $500, which may be waived in certain instances. The Exchange believes that Adjudicators should have the discretion to assess costs as they deem appropriate.

Proposed Rule 10.9000 Series

The proposed Rule 10.9000 Series would set forth the Code of Procedure.

Proposed Rules 10.9001 Through 10.9120

Proposed Rule 10.9001 (Effective Date of Rule 10.9000 Series) would set forth the effective date of the Rule 10.9000 Series, noting the transitional provisions described above. The text of proposed Rule 10.9001 would include similar introductory text as that proposed for Rules 10.0 and 13. While the transition would be structured in substantially the same manner as NYSE American's transition, the Exchange's proposed text would differ from NYSE American Rule 9001 due to differences in terminology and cross-references.

Proposed Rule 10.9100 (Application and Purpose) would set forth the following rules.

Proposed Rule 10.9110 (Application) would state the types of proceedings to which the proposed Rule 10.9000 Series would apply (each of which is described below) and the rights, duties, and obligations of ETP Holders, OTP Holders, OTP Firms and covered persons, and would set forth the defined terms and cross-references. The proposed rule would also provide that, in performing the functions under the Rule 10.9000 Series, the CRO and Regulatory Staff shall function independently of the commercial interests of the Exchange and the commercial interests of the ETP Holders, OTP Holders, and OTP Firms. The proposed rule would also incorporate language from current Rule 10.2 providing that no member of the Board of Directors or non-Regulatory Staff may interfere with or attempt to influence the process or resolution of any pending investigation or disciplinary proceeding. Proposed Rule 10.9110(c) would incorporate non-substantive grammatical changes based on NYSE National Rule 10.9110(c) to insert ''same'' before ''meaning'' and delete ''define'' before ''in Rule 10.9120,'' which are not found in the NYSE American version of the rule. The Exchange does not have a comparable rule.

Proposed Rule 10.9120 (Definitions) would set forth definitions applicable to the Rule 10.9000 Series. The definitions are substantially the same as the definitions set forth in NYSE American Rule 9120, except that (1) references would reflect the Exchange's membership; (2) ''covered person'' defined in paragraph (g) would conform to the Exchange's rules; and (3) the Exchange would not define the terms ''Board of Directors'' and ''Exchange'' in proposed Rule 10.9120 because those terms are already defined in Rule 1.1. The Exchange would therefore designate paragraphs (b) and (n) as ''Reserved.''[42]

Proposed Rules 10.9130 Through 10.9138

Proposed Rule 10.9130 (Service; Filing of Papers) would govern the service of a complaint or other procedural documents under the Rules.

Proposed Rule 10.9131 (Service of Complaint) would set forth the requirements for serving a complaint or document initiating a proceeding. Proposed Rule 10.9132 (Service of Orders, Notices, and Decisions by Adjudicator) would cover the service of orders, notices, and decisions by an Adjudicator. Proposed Rule 10.9133 (Service of Papers Other Than Complaints, Orders, Notices, or Decisions) would govern the service of papers other than complaints, orders, notices, or decisions. Proposed Rule 10.9134 (Methods of, Procedures for Service) would describe the methods of

[40] *See* Securities Exchange Act Release No. 79547 (December 14, 2016), 81 FR 92892 (December 20, 2016) (SR–NYSEArca–2016–161).

[41] *See* Securities Exchange Act Release Nos. 68678 (January 16, 2013), 78 FR 5213, 5222 (January 24, 2013) (SR–NYSE–2013–02) (Notice); 2016 Notice, 81 FR at 11321.

[42] As noted above, current Exchange rules do not define the term ''Exchange Regulatory Staff''. *See* note 12, *supra.* Proposed Rule 10.9120(x) would generally define ''Regulatory Staff'' as any officer or employee reporting, directly or indirectly, to the CRO of the Exchange, and FINRA staff acting on behalf of the Exchange in connection with the Rule 10.8000 Series and Rule 10.9000 Series. The proposed definition is congruent with the current practice at the Exchange, and refers to the same individuals that currently work in the Exchange's regulatory department.

service and the procedures for service. Proposed Rule 10.9135 (Filing of Papers with Adjudicator: Procedure) would set forth the procedure for filing papers with an Adjudicator. Proposed Rule 10.9136 (Filing of Papers: Form) would govern the form of papers filed in connection with any proceeding under the proposed Rule 10.9200 and 10.9300 Series. Proposed Rule 10.9137 (Filing of Papers: Signature Requirement and Effect) would state the requirements for and the effect of a signature in connection with the filing of papers. Finally, proposed Rule 10.9138 (Computation of Time) would establish the computation of time.

With respect to service of process, under proposed Rule 10.9134, papers served on a natural person could be served at the natural person's residential address, as reflected in CRD, if applicable. When a Party or other person responsible for serving such person had actual knowledge that the natural person's CRD address was out of date, duplicate copies would be required to be served on the natural person at the natural person's last known residential address and the business address in CRD of the entity with which the natural person is employed or affiliated. Papers could also be served at the business address of the entity with which the natural person is employed or affiliated, as reflected in CRD, or at a business address, such as a branch office, at which the natural person is employed or at which the natural person is physically present during a normal business day. The Hearing Officer could waive the requirement of serving documents (other than complaints) at the addresses listed in CRD if there were evidence that these addresses were no longer valid and there was a more current address available. If a natural person were represented by counsel or a representative, papers served on the natural person, excluding a complaint or a document initiating a proceeding, would be required to be served on the counsel or representative.

Similarly, under proposed Rule 10.9134, papers served on an entity would be required to be made by service on an officer, a partner of a partnership, a managing or general agent, a contact employee as set forth on Form BD, or any other agent authorized by appointment or by law to accept service. Such papers would be required to be served at the entity's business address as reflected in CRD, if applicable; provided, however, that when the Party or other person responsible for serving such entity had actual knowledge that an entity's CRD address was out of date, duplicate copies would be required to be served at the entity's last known address. If an entity were represented by counsel or a representative, papers served on such entity, excluding a complaint or document initiating a proceeding, would be required to be served on such counsel or representative.

By comparison, current Rule 10.10, which governs service of process, is less detailed. As noted above, it provides that any charges, notices or other documents may be served upon the Respondent either personally or by leaving the same at Respondent's place of business or by deposit in the United States Post Office, postage prepaid via registered or certified mail addressed to the Respondent at its address as it appears on the books and records of the Exchange. The Exchange believes that the more detailed procedures for service of process in proposed Rules 10.9130 through 10.9138 would increase the likelihood of successful service of process while providing appropriate due process protections to its ETP Holders, OTP Holders, OTP Firms and covered persons.

Proposed Rules 10.9140 Through 10.9148

Proposed Rule 10.9140 (Proceedings) would contain various rules relating to the conduct of disciplinary proceedings.

Proposed Rule 10.9141 (Appearance and Practice; Notice of Appearance) would govern appearances in a proceeding, notices of appearance, and representation. Proposed Rule 10.9141 would permit a Respondent to represent himself or herself, or be represented by an attorney at law admitted to practice before the highest court of any state of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States. The proposed rule also permits a partnership to be represented by a partner and a corporation, trust, or association to be represented by an officer of such entity. Proposed Rule 10.9141 requires an attorney or representative to file a notice of appearance. Current Rules 10.2, 10.5, 10.6, 10.11, and 10.14 are more general; they permit a respondent to be represented by counsel but do not require a notice of appearance.

Proposed Rule 10.9142 (Withdrawal by Attorney or Representative) would require an attorney or representative to file a motion to withdraw. The Exchange currently does not have a comparable rule.

Subsection (a) of proposed Rule 10.9143 (Ex Parte Communications) would prohibit certain ex parte communications with an Adjudicator or Exchange employee. Under proposed Rule 10.9143(b), an Adjudicator participating in a decision with respect to a proceeding, or an Exchange employee participating or advising in the decision of an Adjudicator, who received, made, or knowingly caused to be made a communication prohibited by the rule would be required to place in the record of the proceeding (1) all such written communications, (2) memoranda stating the substance of all such oral communications, and (3) all written responses and memoranda stating the substance of all oral responses to all such communications.

Under proposed Rule 10.9143(c), upon receipt of a prohibited communication made or knowingly caused to be made by any Party, any counsel or representative to a Party, or any Interested Staff, the Exchange or an Adjudicator may order the Party responsible for the communication, or the Party who may benefit from the ex parte communication made, to show cause why the Party's claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected by reason of such ex parte communication. All participants in a proceeding could respond to any allegations or contentions contained in a prohibited ex parte communication placed in the record, and such responses would be placed in the record.

Under proposed Rule 10.9143(d), in a disciplinary proceeding governed by the Rule 10.9200 Series and the Rule 10.9300 Series, the prohibitions of the rule would apply beginning with the authorization of a complaint as provided in Rule 10.9211, unless the person responsible for the communication had knowledge that the complaint would be authorized, in which case the prohibitions would apply beginning at the time of his or her acquisition of such knowledge.

Under proposed Rule 10.9143(e), there would be a waiver of the ex parte prohibition in the case of an offer of settlement; letter of acceptance, waiver, and consent; or minor rule violation plan letter.

Finally, the Exchange proposes non-substantive grammatical differences from NYSE American Rule 9143 in paragraphs (c) and (e)(3).

As noted above, current Rule 10.3 also addresses ex parte communications. The current and proposed rules are substantially similar in how they address prohibited communications, disclosure of prohibited communications and remedies for disclosure of prohibited communications. Notable differences include that the current rule does not utilize the term ''Adjudicator'' and does not define the terms ''NYSE Arca staff'' and ''interested Exchange staff,'' while the term ''Interested Staff'' as used in proposed Rule 10.9143 would be defined in proposed Rule 10.9120(t). The Exchange believes that specifically defining Interested Staff would provide Respondents with better notice about the proposed rule's scope of coverage. The Exchange does not propose to retain Rule 10.3(d), which outlines certain permitted communications. Finally, as noted below, current Rule 10.3(e) contains substantially the same prohibition as proposed Rule 10.9160.

Proposed Rule 10.9144 (Separation of Functions) would establish the separation of functions for Interested Staff and Adjudicators and provide for waivers. The Exchange currently does not have a comparable rule.

Proposed Rule 10.9145 (Rules of Evidence; Official Notice) would provide that formal rules of evidence would not apply in any proceeding brought under the proposed Rule 10.9000 Series. The proposed rule would also provide that in a proceeding governed by the Rule 10.9000 Series, an Adjudicator may take official notice of such matters as might be judicially noticed by a court, or of other matters within the specialized knowledge of the Exchange as an expert body, and that before an Adjudicator proposes to take official notice of a matter, it shall permit a Party the opportunity to oppose or otherwise comment upon the proposal to take official notice. Current Rules 10.5(d), 10.11(d), and 10.14(j) [43] also provide that formal rules of evidence do not apply. The Exchange's rules do not currently contain a comparable provision to proposed Rule 10.9145(b) governing official notice.

Proposed Rule 10.9146 (Motions) would govern motions a Party may make and requirements for responses and formatting. A Party would be permitted to make written and oral motions, although an Adjudicator could require that a motion be in writing. An opposition to a written motion generally would have to be filed within 14 days, but the moving party would have no right to reply, unless an Adjudicator so permits, in which case such reply generally would be due within five days. Proposed Rule 10.9146 also would permit a Party, a person who is the owner, subject, or creator of a Document subject to production under proposed Rule 10.8210 or any other rule which may be introduced as evidence in a disciplinary proceeding, or a witness who testifies at a hearing in a disciplinary proceeding, to move for a protective order. There is no current comparable rule that contains such detail. Current Rule 10.5(d) provides generally that the Conduct Panel regulates the hearing. The Exchange believes that the more detailed provisions of the proposed rule would provide additional specificity and clarity regarding motions to all Parties to a proceeding. Proposed Rule 10.9146 is substantially the same as NYSE American Rule 9146 except for references to the proposed rules and non-substantive grammatical differences based on NYSE National Rule 10.9146 in subsections (b)(2) and (k).

Proposed Rule 10.9147 (Rulings On Procedural Matters) would provide that Adjudicators may rule on procedural matters. The proposed rule is similar to current Rules 10.5 and 10.11, which provide that the Conduct Panel regulates hearings under those rules, and current Rule 10.14, which provides that the CFR Appeals Panel regulates hearings under that rule.

Finally, proposed Rule 10.9148 (Interlocutory Review) would generally prohibit interlocutory review, except as provided in proposed Rule 10.9280 for contemptuous conduct. The Exchange currently does not have a comparable rule. Under current Rule 10.11(c), any determination of the Conduct Panel as to participation in an appeal of a Minor Rule Plan sanction is subject to review by the Board at the close of the Proceedings or, in the Board's discretion, during the course of the Proceedings. The Exchange does not believe such process is necessary for a Minor Rule Plan sanction, which should be resolved in an expedited manner.

Proposed Rules 10.9150 Through 10.9222

Proposed Rule 10.9150 would provide that a representative can be excluded by an Adjudicator for unethical or improper conduct. The proposed Rule is substantially the same as NYSE American Rule 9150 except for references to the proposed rules and a non-substantive grammatical difference based on NYSE National Rule 10.9150 in subsection (a). The Exchange currently does not have a comparable rule.

Proposed Rule 10.9160 (Recusal or Disqualification)

Proposed Rule 10.9160 would provide that no person may act as an Adjudicator if he or she has a conflict of interest or bias, or circumstances exist where his or her fairness could reasonably be questioned. In such case, the person must recuse himself or herself, or may be disqualified. The proposed rule would cover the recusal or disqualification of an Adjudicator, the Chair of the Exchange Board of Directors, or a Director. The Hearing Officer or Chief Hearing Officer would rule on disqualifications at the hearing level [44] and the Chair of the Board of Directors would rule on them at the Board level (or a majority of the Board in the case of the disqualification of the Chair).

Current Rule 10.3(e) contains substantially the same prohibition. Under that rule, no member of the BCC, EBCC or a Conduct Panel may participate in a matter as to which that person has a conflict of interest or bias, or if circumstances otherwise exist where his or her fairness might reasonably be questioned. In such a case, the person must recuse himself or herself or be disqualified. The CRO may direct the disqualification of the interested member of the BCC, EBCC or Conduct Panel, and the CEO may direct the disqualification of the CRO. Under current Rule 10.8(b), each Review Board member is required to disclose to the CFR any circumstances which might preclude such Review Board member from rendering an objective and impartial determination, and the CFR may remove such Review Board member. There is no similar provision in Rule 10.0 that applies to the NYSE Arca Board of Directors with respect to its review, as would be included in proposed Rule 10.9160. The Exchange believes that the broader text of the proposed rule, applying the same prohibition against bias and a procedure for disqualification at all levels of review, would help to increase the fairness of and consistency in its proceedings.

Proposed Rules 10.9160(b), (c), and (d) are designated as ''Reserved'' to maintain consistency with NYSE American's rule numbering.

Proposed Rules 10.9200 Through 10.9217

Proposed Rule 10.9200 (Disciplinary Proceedings) would cover disciplinary

[43] Under Rule 10.14(j), the CFR Appeals Panel determines all questions concerning the admissibility of evidence and regulates the conduct of the hearing. Each of the parties is permitted to make an opening statement, present witnesses and documentary evidence, cross-examine opposing witnesses, and present closing arguments, orally or in writing as determined by the CFR Appeals Panel. The CFR Appeals Panel also has the right to question all parties and witnesses to the proceeding, and a record is kept. Formal rules of evidence do not apply. The standard of review is de novo.

[44] *See* proposed Rules 10.9233 and 10.9234.

proceedings. Proposed Rule 10.9211 (Authorization of Complaint) would permit Enforcement to request the authorization from the CRO to issue a complaint against any ETP Holder, OTP Holder, OTP Firm or covered person, thereby commencing a disciplinary proceeding. Under current Rule 10.4(a), the CRO or his or her delegee determines whether there is probable cause for finding that there is a violation, and the Regulatory Staff initiates an action by filing a Complaint.

Proposed Rule 10.9212 (Complaint Issuance—Requirements, Service, Amendment, Withdrawal, and Docketing) would set forth the requirements of the complaint, amendments to the complaint, withdrawal of the complaint, and service of the complaint. The proposed rule also requires the Office of Hearing Officers to promptly record each complaint filed with it in the Exchange's disciplinary proceeding docket, and record in the disciplinary proceeding docket each event, filing, and change in the status of a disciplinary proceeding. Current Rule 10.4 does not contain a comparable provision. Further, the process for serving and amending a complaint would be substantially the same as current Rules 10.4(b) and 10.10. However, under the proposed rule, the form of the complaint would be more prescribed than under current Rule 10.4. For example, current Rule 10.4 does not provide that a complaint must be in writing or provide that at the time of issuance, Enforcement may propose an appropriate location for the hearing and, if the complaint alleges at least one cause of action involving activities on the Floor of the Exchange, that the Chief Hearing Officer select a Floor-Based Panelist for the panel that will hear the matter. Current Rule 10.4 also does not provide for withdrawal of a complaint.

Proposed Rule 10.9213 (Assignment of Hearing Officer and Appointment of Panelists to Hearing Panel or Extended Hearing Panel) would provide for the appointment of a Hearing Officer and Panelists by the Chief Hearing Officer. Under current Rule 10.5, the BCC or EBCC appoints one or more members to a Conduct Panel to hear the matter, and there is no Exchange or FINRA staff member that serves as a hearing officer. The Exchange believes that the participation of Hearing Officers, which is a long-standing practice of other SROs, would add legal and administrative expertise to the disciplinary process, and would enhance the dispassionate application of the rules, promote fairness in the disciplinary process, and help ensure that complex or contentious cases are managed effectively.[45] The use of Panelists would help to ensure that market expertise and judgment would continue to be brought to bear on the disciplinary process.[46]

Proposed Rule 10.9214 (Consolidation or Severance of Disciplinary Proceedings) would permit the Chief Hearing Officer to sever or consolidate two or more disciplinary proceedings under certain circumstances and permit a Party to move for such action under certain circumstances. The Exchange currently does not have a comparable rule. Under current Rule 10.5, the Conduct Panel regulates hearings, but does not have this explicit authority.

Proposed Rule 10.9215 (Answer to Complaint) would set forth requirements for answering a complaint, including form, service, notice, content, affirmative defenses, motions for a more definite statement, amendments and extensions of time to answer amended complaints, default, and timing. An answer to a Complaint under current Rule 10.4(b) is due 15 business days after service of the Compliant, while under the proposed rule it would be due 25 days after service. The proposed rule also allows for an extension of time for good cause shown, while the current rule requires that an extension request must be received at least five business days prior to the answer's due date. Both the current and proposed rules treat charges as admitted if no answer is filed, but the proposed rule would require that the respondent receive a second notice concerning the consequences of failing to answer.

Proposed Rule 10.9216 (Acceptance, Waiver, and Consent; Procedure for Imposition of Fines for Minor Violation(s) of Rules) would establish the acceptance, waiver, and consent (''AWC'') procedures by which a Respondent, prior to the issuance of a complaint, may execute a letter accepting a finding of violation, consenting to the imposition of sanctions, and agreeing to waive such Respondent's right to a hearing, appeal, and certain other procedures.[47] It also would establish procedures for executing a minor rule violation plan letter. The CRO would be authorized to accept or reject an AWC or minor rule violation plan letter. If the AWC were accepted by the CRO, it would be deemed final and constitute the complaint, answer and decision in the matter 25 days after the AWC is sent to each Exchange Director and each member of the CFR, unless review by the Exchange Board of Directors is requested pursuant to proposed Rule 10.9310(a)(1)(B). If the AWC were rejected by the CRO, the Exchange would be permitted to take any other appropriate disciplinary action with respect to the alleged violation or violations. If the letter were rejected, the ETP Holder, OTP Holder, OTP Firm or covered person would not be prejudiced by the execution of the AWC or minor rule violation plan letter and such document could not be introduced into evidence in connection with the determination of the issues set forth in any complaint or in any other proceeding.

The Exchange notes that the AWC process is substantially similar to the Exchange's current process for uncontested offers of settlement prior to a hearing on the merits under Rule 10.6(e), except that the CRO would act on the offers rather than the General Counsel. The Exchange believes that the proposed process provides appropriate controls to assure consistency and protect against aberrant settlements. Specifically, the CRO would be reviewing all proposed AWCs (as well as minor rule violation plan letters). The Exchange believes that when both Parties to a proceeding agree to a settlement, a review by the CRO would be sufficient and it is not necessary to bring such matters to an Adjudicator. The Exchange believes that the CRO can provide objectivity and an appropriate check and balance to the settlement process, particularly in light of the call for review process set forth in proposed Rule 10.9310.

The Exchange also proposes to adopt NYSE American's process for minor rule violations while retaining the specific list of rules and fine levels included in the Exchange's current minor rule violation plan, with certain technical and conforming amendments. Unlike current Rules 10.11 and 10.12, which are described above, the proposed rule would not permit a Respondent to appeal or contest a minor rule violation letter by making an oral presentation or having a review on the papers alone. Rather, under the proposed rule, if the Respondent rejects the minor rule violation letter, then a complaint must be filed under proposed Rule 10.9211, and the minor rule violation letter may not be introduced into evidence. The Exchange believes the proposed rule is appropriate because it will harmonize

[45] *See* Securities Exchange Act Release No. 38545 (April 24, 1997), 62 FR 25226, 25249–50 (May 8, 1997) (SR–NASD–97–28).

[46] *See id.* and discussion of proposed Rule 10.9232, *infra.*

[47] Proposed Rule 10.9270 would address settlement procedures after the issuance of a complaint.

the Exchange's minor rule violation process with its affiliate's rules.

Finally, proposed Rule 10.9217 (Violations Appropriate for Disposition Under Rule 10.9216(b)) would set forth the list of rules under which an ETP Holder, OTP Holder, OTP Firm or covered person may be subject to a fine under a minor rule violation plan letter as described in proposed Rule 10.9216(b).

Proposed subsection (a) of proposed Rule 10.9217 would incorporate the first two sentences of NYSE American Rule 9217 except for changes reflecting the Exchange's membership, the citation to proposed Rule 10.9216(b), and the statement that a fine thereunder shall not exceed $5,000 (the amount reflected in current Rule 10.12(a)).[48]

Proposed subsection (b) would incorporate subsection (c) of Rule 10.12 (the Exchange's current Minor Rule Plan) and provide that Regulatory Staff designated by the Exchange shall have the authority to impose a fine pursuant to this Rule.

Proposed subsection (c) would incorporate language from current Rule 10.12(e) providing that any person or organization found in violation of a minor rule is not required to report such violation on SEC Form BD or Form U–4 if the sanction imposed consists of a fine not exceeding $2,500 and the sanctioned person or organization has not sought an adjudication, including a hearing, or otherwise exhausted the administrative remedies available with respect to the matter. Any fine imposed in excess of $2,500 is subject to current rather than quarterly reporting to the Commission pursuant to Rule 19d–1 under the Act. Proposed subsection (d) would incorporate current Rule 10.12(f) except that the reference to Rule 10.4 would be replaced with the Rule 10.9000 Series.[49]

Under a new heading titled ''List of Rule Violations and Fines Applicable Thereto,'' the Exchange would provide that any ETP Holder, OTP Holder, OTP Firm, or covered person may be subject to a fine under proposed Rule 10.9216(b) with respect to any rules listed below. The Exchange would retain the list of rules currently set forth in Rule 10.12, as follows:

- Proposed subsection (e) would incorporate current Rule 10.12(h) (Minor Rule Plan: Options Floor Decorum and Minor Trading Rule Violations).
- Proposed subsection (f) would incorporate current Rule 10.12(i) (Minor Rule Plan: Minor Trading Rule Violations) except that the title would be amended to include ''Equities'' before ''Trading.''
- Proposed subsection (g) would incorporate current Rule 10.12(j) (Minor Rule Plan: Record Keeping and Other Minor Rule Violations).
- Proposed subsection (h) would incorporate current Rule 10.12(k) (Options Minor Rule Plan: Recommended Fine Schedule) except that references to ''associated person'' would be replaced by ''covered person''; correcting the cross-reference in subsection (iii)(1) from Rule 10.2(c) to (e) [sic]; and correcting the cross-reference in subsection (iii)(6) from Rule 10.2(b) to (d).[50]
- Finally, proposed subsection (i) would incorporate current Rule 10.12(l) (Equities Minor Rule Plan: Recommended Fine Schedule) except that references to ''associated person'' would be replaced by ''covered person.''

Proposed Rule 10.9220 (Request for Hearing; Extensions of Time, Postponements, Adjournments)

Proposed Rule 10.9220 would set forth the following rules.

Proposed Rules 10.9221 (Request for Hearing) and 10.9222 (Extensions of Time, Postponements, and Adjournments) would describe the process for a Respondent to request a hearing; the notice of a hearing; timing considerations; and the authority of a Hearing Officer, Hearing Panel or Extended Hearing Panel to order a hearing. Proposed Rule 10.9221 provides that a Hearing Officer generally must provide at least 28 days' notice of the hearing. Under current Rule 10.5(a), notice must be provided at least 15 days in advance.

Proposed Rules 10.9230 Through 10.9235

Proposed Rule 10.9231 (Appointment by the Chief Hearing Officer of Hearing Panel or Extended Hearing Panel or Replacement Hearing Officer) would govern appointment of a Hearing Panel or Extended Hearing Panel, and would also govern appointment of a replacement Hearing Officer and the designation of an observer to a Hearing Panel or an Extended Hearing Panel. As proposed, the Exchange would use FINRA's Chief Hearing Officer and Hearing Officers from FINRA's Office of Hearing Officers, rather than have the BCC or EBCC appoint a Conduct Panel as it currently does under Rule 10.5. Proposed Rule 10.9231 would be substantially the same as NYSE American Rule 9231.

Proposed Rule 10.9232 (Criteria for Selection of Panelists, Replacement Panelists, and Floor-Based Panelists) would set forth the criteria for the selection of Panelists, Replacement Panelists and Floor-Based Panelists. Proposed Rule 10.9232 would be substantially the same as NYSE American Rule 9232. As is the case under NYSE American Rule 9232, Panelists would be required to be persons of integrity and judgment and, other than the Hearing Officer, would be a member of the Exchange hearing board. Moreover, at least one Panelist would be engaged in securities activities differing from that of the Respondent or, if retired, was so engaged in differing activities at the time of retirement. Proposed Rule 10.9232 would also provide that the Exchange Board of Directors would from time to time appoint a hearing board to be composed of such number of permit holders of the Exchange that are not members of the Exchange Board of Directors and registered employees and nonregistered employees of ETP Holders, OTP Holders and OTP Firms. In order to have the largest number of potential Panelists available, the proposed Rule would further provide that former permit holders and registered and non-registered employees of ETP Holders, OTP Holders and OTP Firms who have retired from the securities industry may be appointed to the hearing board. The Exchange believes that there are well-qualified persons, in particular retirees, who would be valuable members of the hearing board. The members of the hearing board would also be appointed annually and would serve at the pleasure of the Exchange Board of Directors.

Finally, proposed Rule 10.9232 would include Panelist selection criteria, which would be expertise, absence of any conflict of interest or bias or any appearance thereof, availability, and the frequency with which a person has served as a Panelist in the last two years, favoring the selection of a person as a Panelist who has never served or who has served infrequently as a Panelist during the period. While current Rule 10.3(e) includes provisions concerning conflict or bias, the

[48] *See* note 22, *supra.*

[49] The Exchange does not propose to incorporate Rule 10.12(e), which sets forth the Exchange's process for contesting minor rule violations and the reporting requirements for minor rule violations. As discussed below, these requirements are redundant of proposed Rule 10.9216(b).

[50] In proposed subsections (h)(1) [sic] and (6), (i)(iii)(1) [sic] and (6), and (j)(2)(1) [sic] and (6), references to the submission of blue sheets under Rule 10.2(e) would be supplemented with references to proposed Rule 10.8211, and references to cooperating with investigations under Rule 10.2(d) would be supplemented with references to proposed Rule 10.8210.

Exchange otherwise does not have a comparable rule.

Proposed Rules 10.9233 (Hearing Panel or Extended Hearing Panel: Recusal and Disqualification of Hearing Officers) and 10.9234 (Hearing Panel or Extended Hearing Panel: Recusal and Disqualification of Panelists) would establish the processes for recusal and disqualification of Hearing Officers or Panelists. Current Rule 10.5(b) allows a party to object to the composition of a Conduct Panel within five business days of receipt of notification of the composition, but does not state how the objection is handled. Under the proposed rules, a Party could file a motion to disqualify a Hearing Officer or Hearing Panelist not later than 15 days after the later of (1) when the Party learned of the facts believed to constitute the disqualification, or (2) when the Party was notified of the assignment of the Hearing Officer or the appointment of the Panelist, respectively. The proposed rules would further provide that the Hearing Officer would determine whether a Hearing Panelist should be disqualified and the Chief Hearing Officer would determine if the Hearing Officer should be disqualified.

Proposed Rule 10.9235 (Hearing Officer Authority) would set forth the Hearing Officer's duties and authority in detail. The Exchange does not have a comparable rule.

Proposed Rules 10.9240 Through 10.9242

Proposed Rule 10.9240 would set forth the following rules.

Proposed Rules 10.9241 (Pre-hearing Conference) and 10.9242 (Pre-hearing Submission) would govern the substantive and procedural requirements for pre-hearing conferences and pre-hearing submissions. Proposed Rule 10.9242 would also prohibit former Regulatory Staff, within a period of one year immediately following termination of employment with the Exchange or FINRA, from providing expert testimony on behalf of any other person in any proceeding under the Rule 10.9000 Series. Nothing in the proposed Rule would prohibit former Regulatory Staff from testifying as a witness on behalf of the Exchange or FINRA. As noted above, current Rule 10.5 gives the Conduct Panel general authority in procedural matters, but there are no specific provisions in the current Rules relating to pre-hearing conferences and submissions.

Proposed Rules 10.9250 Through 10.9253

Proposed Rule 10.9250 (Discovery) through 10.9253 would address discovery, including the requirements and limitations relating to the inspection and copying of documents in the possession of Exchange staff, requests for information and limitations on such requests, and the production of witness statements and any harmless error relating to the production of such witness statements.

Proposed Rule 10.9251 (Inspection and Copying of Documents in Possession of Staff) would require Enforcement to make available to a Respondent any documents prepared or obtained in connection with the investigation that led to the proceedings, except that certain privileged or other internal documents, such as examination or inspection reports or documents that would reveal an examination, investigation, or enforcement technique or confidential source, or documents that are prohibited from disclosure under federal law, are not required to be made available. A Hearing Officer may require that a withheld document list be prepared. Proposed Rule 10.9251 also sets forth procedures for inspection and copying of produced documents. In addition, if a Document required to be made available to a Respondent pursuant to the proposed Rule was not made available by Enforcement, no rehearing or amended decision of a proceeding already heard or decided would be required unless the Respondent establishes that the failure to make the Document available was not harmless error. The Hearing Officer, or, upon review under proposed Rule 10.9310, the Exchange Board of Directors, would determine whether the failure to make the document available was not harmless error, applying applicable Exchange, FINRA, SEC, and federal judicial precedent. The proposed Rule would not establish any preference for Exchange versus other precedent in this respect; rather the Adjudicators could determine in their discretion what precedent to apply. The Exchange's current rules do not include a comparable provision.

Under proposed Rule 10.9252 (Requests for Information), a Respondent could request that the Exchange invoke proposed Rule 10.8210 to compel the production of Documents or testimony at the hearing if the Respondent can show that certain standards are met, *e.g.,* that the information sought is relevant, material, and non-cumulative. Under current Rule 10.5(d), the Conduct Panel, upon its own motion or the motion of the Complainant or Respondent, may request the production of documentary materials and witnesses.

Under proposed Rule 10.9253 (Production of Witness Statements), a Respondent could file a motion to obtain certain witness statements. As stated above, current Rule 10.5(d) allows the Conduct Panel, upon its own motion or the motion of the Complainant or Respondent, to request the production of documentary materials and witnesses.

Proposed Rules 10.9260 Through 10.9269

Proposed Rules 10.9260 (Hearing and Decision) through 10.9269 would govern hearings and decisions.

Proposed Rule 10.9261 (Evidence and Procedure in Hearing) would generally require the Parties to submit copies of documentary evidence and the names of the witnesses each Party intends to present at the hearing no later than 10 days before the hearing. Current Rule 10.5(c) requires that such information be provided at least five business days before the hearing. The Exchange believes that the additional notice under the proposed rule would benefit all Parties. The proposed Rule would also provide that if a hearing is held, a Party shall be entitled to be heard in person, by counsel, or by the Party's representative. Finally, under the proposed rule, a Party, for good cause shown, may seek to submit any additional evidence at the hearing as the Hearing Officer, in his or her discretion, determines may be relevant and necessary for a complete record. The Exchange's current rules do not contain comparable provisions.

Proposed Rule 10.9262 (Testimony) would require persons subject to the Exchange's jurisdiction to testify under oath or affirmation at a hearing. Current Rule 10.5(d) similarly provides that witnesses must testify under oath.

Proposed Rule 10.9263 (Evidence: Admissibility) would authorize the Hearing Officer to exclude irrelevant, immaterial, or unduly repetitious or prejudicial evidence and permit a Party to object to the admission of evidence. Under the proposed Rule, objections to the admission or exclusion of evidence would be made on the record and would succinctly state the grounds relied upon; excluded material would be deemed a supplemental document and would be attached to the record and retained under proposed Rule 10.9267. Under current Rule 10.5(d), the Conduct Panel resolves all evidentiary issues. There is no explicit provision in the

Exchange's current rules for excluded evidence to be included in the record.

Proposed Rule 10.9264 (Motion for Summary Disposition) would allow Parties to file a motion for summary disposition under certain circumstances and would describe the procedures for filing and ruling on such motion. Under current Rule 10.5, the Conduct Panel regulates the hearing, but the Rule does not specifically address motions for summary disposition.

Proposed Rule 10.9265 (Record of Hearing) would require that the hearing be recorded by a court reporter, that a transcript be prepared and made available for purchase, and that a Party or a witness be permitted to seek a correction of the transcript from the Hearing Officer. Current Rule 10.5(d) provides generally that the Exchange must keep a transcript of the hearing.

Proposed Rule 10.9266 (Proposed Findings of Fact, Conclusions of Law, and Post-Hearing Briefs) would authorize the Hearing Officer to require a post-hearing brief or proposed findings of fact and conclusions of law and would outline the form and timing for such submissions. There is no comparable current rule, although the Conduct Panel generally regulates the conduct of a hearing under Rule 10.5.

Proposed Rule 10.9267 (Record; Supplemental Documents Attached to Record; Retention) would detail the required contents of the hearing record and the treatment of any supplemental documents attached to the record. The Exchange's current rules do not contain a similar provision.

Proposed Rule 10.9268 (Decision of Hearing Panel or Extended Hearing Panel) would set forth the timing and the contents of a decision of the Hearing Panel or Extended Hearing Panel and the procedures for a dissenting opinion, service of the decision, and any requests for review. Under proposed Rule 10.9268, the decision would be issued within 60 days after the final date allowed for filing proposed findings of fact, conclusions of law, and post-hearing briefs, or by a date established at the discretion of the Chief Hearing Officer. Under current Rule 10.7, a decision must be issued within 30 days after the conclusion of the hearing. The Exchange believes that the longer period of time is appropriate to allow the Hearing Panel or Extended Hearing Panel adequate time to reach its decision and agree on the text of the decision and would not prejudice any Party.[51]

[51] Under the proposed rule, a dissenting opinion must be served within 65 days after such final date. The Exchange does not have a comparable current rule.

The Exchange notes that it has an affiliate that is an ETP Holder.[52] As such, in proposed Rule 10.9268, the Exchange proposes to include text providing that a disciplinary decision concerning an affiliate of the Exchange as such term is defined in Rule 12b–2 under the Exchange Act[53] would not be subject to review under proposed Rule 10.9310 but instead would be treated as a final disciplinary action subject to SEC review. The Exchange does not believe that an appeal by an affiliate to the Exchange Board of Directors is appropriate, but rather such affiliate should be permitted to appeal directly to the SEC. The Exchange notes that NASDAQ, which also has a member affiliate, has a rule that is substantially the same as the Exchange's proposed rule and NYSE American Rule 9268.[54] Because the Exchange's ETP Holder affiliate will still have a right to appeal to the SEC, the Exchange believes that the proposed rule is not unfairly discriminatory.

The proposed Rule would further provide that, unless otherwise provided in the majority decision issued under proposed Rule 10.9268(a), a sanction (other than a bar or an expulsion) specified in a decision constituting final disciplinary action of the Exchange for purposes of Exchange Act Rule 19d–1(c)(1) would become effective on a date to be determined by the Exchange, and a bar or an expulsion specified in a decision would become effective immediately upon the decision becoming the final disciplinary action of the Exchange for purposes of Exchange Act Rule 19d–1(c)(1).

Finally, proposed Rule 10.9269 (Default Decisions) would establish the process for the issuance and review of default decisions by a Hearing Officer when a Respondent fails to timely answer a complaint or fails to appear at a pre-hearing conference or hearing where due notice has been provided. A Party may, for good cause shown, file a motion to set aside a default decision. Under current Rule 10.4(c), the BCC or EBCC may make a summary determination with respect to charges a respondent has failed to answer, has admitted, or [sic] do not appear to be in dispute. Under current Rule 10.8(a), either the Complainant or the Respondent may request a review of a summary determination pursuant to Rule 10.4(c) by petitioning the CFR for such review within 15 days after service of notice of a decision.

[52] Archipelago Securities, Inc., is a broker-dealer affiliate of the Exchange that is used for inbound and outbound routing of certain orders. *See* Rule 7.45–E.

[53] NYSE American Rule 9268(e)(2) does not contain the clause ''as such term is defined in Rule 12b–2 under the Exchange Act'' with regard to an affiliate.

[54] *See* NASDAQ Rule 9268(e)(2).

Proposed Rule 10.9270 (Settlement Procedure)

Proposed Rule 10.9270 would provide for a settlement procedure for a Respondent who has been notified that a proceeding has been instituted against him or her. The proposed settlement procedure is similar to the settlement procedures in current Rule 10.6, except for contested settlements.

Under proposed Rule 10.9270(a), a Respondent notified of the institution of a disciplinary proceeding could make a written offer of settlement at any time, but the proposal would not stay the proceeding unless otherwise decided by the Hearing Officer. If a Respondent proposes an offer of settlement after the hearing on the merits has begun, the making of an offer of settlement shall not stay the proceeding, unless otherwise decided by the Hearing Panel or, if applicable, the Extended Hearing Panel. Under current Rule 10.6(a), the proceeding likewise is not stayed.

Under proposed Rule 10.9270(b), a Respondent making an offer of settlement would also be required to do so in conformity with the provisions of the proposed Rule and would be prohibited from making a frivolous settlement offer or one that was inconsistent with the seriousness of the violations. Current Rule 10.6(b) contains a similar prohibition.

Proposed Rule 10.9270(c) would provide that an offer of settlement shall be in writing and signed by the person making the offer, and, if the person is represented by counsel or a representative, signed also by the counsel or representative. Under the proposed Rule, the offer of settlement should contain in reasonable detail the required content of the proposal, which would include, among other things, a statement consenting to findings of fact and violations, a description of the proposed sanction and the effective date of any sanction(s) imposed, or a statement that the effective date of the sanction(s) will be a date to be determined by Regulatory Staff. Current Rule 10.6(c) similarly requires that an offer of settlement contain proposed findings of facts, violations, a proposed sanction, and the proposed effective date of any sanction imposed. The proposed rule would also require that the proposed sanction be consistent with the Exchange's sanctions guidelines, if applicable, or, if inconsistent with the sanction guidelines, include a detailed statement supporting the proposed sanction. As noted above, the Exchange's Sanctioning Guidelines apply only to matters involving violations of the options rules.[55] In connection with matters not covered by the Sanctioning Guidelines, the CRO, Hearing Panel or Extended Hearing Panel, as applicable, would consider relevant Exchange precedent or such other precedent as it deemed appropriate in determining whether to accept a settlement offer.

Proposed Rule 10.9270(d) would provide that submission of a settlement offer waives a Respondent's right to a hearing, to claim bias or ex parte communication violations, any right to claim that a person or body violated the ex parte prohibitions of proposed Rule 10.9143 or the separation of functions prohibitions of proposed Rule 10.9144, and the right to review by the Board of Directors, the Commission, or the courts. Current Rule 10.6(d) contains substantially the same text.

Proposed Rule 10.9270(e) would address contested settlement offers. Under the proposed rule, if a Respondent made an offer of settlement and Enforcement opposed it, the offer of settlement would be contested and thereby deemed rejected, and thus the proceeding would continue to completion under the proposed Rule 10.9200 Series. The contested offer of settlement would not be transmitted to the Office of Hearing Officers, CRO, or Hearing Panel or Extended Hearing Panel, and would not constitute a part of the record in any proceeding against the Respondent making the offer. In contrast, under current Rule 10.6(f), the Exchange's Department of Enforcement must transmit a contested offer of settlement made after the issuance of the complaint but before the commencement of the hearing to the BCC or EBCC for acceptance or rejection, or if the contested offer is made after the commencement of the hearing, it must be transmitted to the Conduct Panel for acceptance or rejection. The Exchange has determined that if the Parties cannot reach agreement on the offer of settlement, then the matter should proceed under the proposed Rule 10.9200 Series. The Exchange believes that its proposed rule would encourage Respondents to make reasonable offers of settlement that would be acceptable to Enforcement.

Proposed Rule 10.9270(f) and (h) would address uncontested settlement offers. Under the proposed rule, if a hearing on the merits had not begun, the CRO could accept the settlement offer; if a hearing on the merits had begun, the Hearing Panel or Extended Hearing Panel could accept the settlement offer.[56] If they did not, the offer would be deemed withdrawn and the matter would proceed under the proposed Rule 10.9200 Series and the settlement offer would not be part of the record. Under current Rule 10.6, an uncontested offer of settlement made before a hearing must be transmitted to the General Counsel for acceptance or rejection, while such an offer made after a hearing has begun must be transmitted to the Conduct Panel for acceptance or rejection.

As described below, if the offer of settlement were accepted by the CRO, Hearing Panel or Extended Hearing Panel, it would become final 25 days after being sent, together with an order of acceptance, to each Director and each member of the Committee for Review, unless review by the Exchange Board of Directors is required pursuant to proposed Rule 10.9310(a)(1)(A) or (B). The Exchange anticipates that the required acceptance by the CRO, Hearing Panel, or Extended Hearing Panel would help ensure objectivity and consistency among offers of settlement that are issued. The proposed rule change would also allow an offer of settlement to be called for review by the Exchange Board of Directors. The Exchange believes that this review mechanism provides an additional, appropriate check and balance to the proposed settlement process.

Proposed Rule 10.9270(g) would provide that the proceeding under the proposed rule would conclude as of the date the order of acceptance is final (*i.e.,* 25 days after being sent to each Director and each member of the CFR, unless review by the Board of Directors is requested), and the order of acceptance would constitute final disciplinary action of the Exchange. The sanction would take effect as set forth in the order.

Proposed Rule 10.9270(i) would address disciplinary proceedings with multiple Respondents and permit settlement offers to be accepted or rejected as to any one or all of such Respondents. Current Rule 10.6(i) contains similar authorizations.

Proposed Rule 10.9270(j) would provide that a Respondent may not be prejudiced by a rejected offer of settlement nor may it be introduced into evidence. Current Rule 10.6(j) provides the same.

Proposed Rule 10.9280 (Contemptuous Conduct)

Proposed Rule 10.9280 would set forth sanctions for contemptuous conduct by a Party or attorney or other representative, which may include exclusion from a hearing or conference, and would set forth a process for reviewing such exclusions. The proposed Rule would also provide for adjournments in the event an exclusion is upheld to allow for the retention of new counsel or selection of a new representative, and would set forth the criteria for determining whether to grant an adjournment and the length of an adjournment.

The Chief Hearing Officer would review exclusions. The Exchange believes that Respondents and their attorneys and representatives would have adequate procedural protections with a review by the Chief Hearing Officer. The Exchange's current rules do not have similar procedures addressing contemptuous conduct.

Proposed Rule 10.9290 (Expedited Disciplinary Proceedings)

Under proposed Rule 10.9290, for any disciplinary proceeding, the subject matter of which also is subject to a temporary cease and desist proceeding initiated pursuant to proposed Rule 10.9810 or a temporary cease and desist order, hearings would be required to be held and decisions rendered at the earliest possible time. The proposed Rule is substantially the same as NYSE American Rule 9290. The Exchange does not currently have a similar rule.

Proposed Rule 10.9291 (Permanent Cease and Desist Orders) would govern the content, scope, form and delivery requirements of permanent cease and desist orders. Under proposed Rule 10.9291(a), when a decision issued under proposed Rule 10.9268 or proposed Rule 10.9269 or an order of acceptance issued under proposed Rule 10.9270 imposes a permanent cease and desist order, the decision shall: Order a Respondent (and any successor of a Respondent, where the Respondent is an ETP Holder, OTP Holder or OTP Firm) to cease and desist permanently from violating a specific rule or statutory provision; set forth the violation; and describe in reasonable detail the act or acts the Respondent (and any successor of a Respondent, where the Respondent is an ETP Holder, OTP Holder or OTP Firm) shall take or refrain from taking. The proposed Rule would also require Respondents that are ETP Holders, OTP Holders or OTP

[55] *See* NYSE Arca Rule 10.16 (NYSE Arca Sanctioning Guidelines—Options) and note 24, *supra.*

[56] The CRO, Hearing Panel, or Extended Hearing Panel, as applicable, would consider Exchange precedent or such other precedent as it deemed appropriate in determining whether to accept the settlement offer.

Firms to deliver a copy of a permanent cease and desist order, within one business day of receiving it, to its [sic] covered persons. With the exception of conforming changes reflecting the Exchange's membership, the text of the proposed Rule is substantially same as NYSE American Rule 9291. The Exchange currently does not have a similar rule.

Proposed Rules 10.9300 Through 10.9310

The Exchange's appellate and call for review processes would be set forth in the Rule 10.9300 Series (Review of Disciplinary Proceeding by Exchange Board of Directors) and would be substantially the same as the NYSE American process.

Proposed Rule 10.9310 (Review by Exchange Board of Directors) would provide for one review at the Board of Directors level, and discontinue the current practice under Rule 10.8 whereby the parties can appeal a disciplinary matter to the CFR (a Board committee) under subsection (b) and then appeal the CFR decision to the full Board of Directors under subsection (c). The Exchange believes that one level of appellate review would be fair and efficient and harmonize the Exchange's appellate process with the process of the Exchange's affiliates who have adopted similar disciplinary rules.

Under proposed Rule 10.9310(a)(1)(A), any Party, any Director, and any member of the CFR could require a review by the Exchange Board of Directors of any determination or penalty, or both, imposed by a Hearing Panel or Extended Hearing Panel under the proposed Rule 10.9200 Series, except that none of the aforementioned persons could request a review by the Exchange Board of Directors of a decision concerning an affiliate of the Exchange as that term is defined in Rule 12b–2 under the Exchange Act.[57] Under current Rule 10.8, in addition to the parties, only the Board of Directors may order review of a decision made by the Review Board [58] within 30 days after notice of the decision has been served on the Respondent.[59] Moreover, under the proposed Rule, a request for review would be made by filing with the Secretary of the Exchange a written request therefor, which states the basis and reasons for such review, within 25 days after notice of the determination and/or penalty was served upon the Respondent. Under current Rule 10.8, the parties have 15 days to petition the CFR for review while, as noted, the Board of Directors has 30 days. The proposed Rule would apply a uniform period to all requests for review of a disciplinary determination or penalty.

Under proposed Rule 10.9310(a)(1)(B)(i), any Director and any member of the CFR could require a review by the Board of Directors of any determination or penalty, or both, imposed in connection with an AWC under Rule 10.9216 or an offer of settlement determined to be uncontested before a hearing on the merits has begun under Rule 10.9270(f), except for of a determination or penalty concerning an Exchange affiliate as defined in Rule 12b–2 under the Exchange Act. Under proposed Rule 10.9310(a)(1)(B)(ii), any Party could require a review by the Exchange Board of Directors of any rejection by the CRO of a letter of acceptance, waiver, and consent under Rule 10.9216 or an offer of settlement determined to be uncontested before a hearing on the merits has begun under Rule 10.9270(f), except that no Party may request Board of Directors review of a rejection of an AWC or an offer of settlement concerning an Exchange affiliate as defined in Rule 12b–2 under the Exchange Act.[60] Current Rule 10.8 does not have comparable provisions.

Under proposed Rule 10.9310(a)(2), the Secretary of the Exchange would direct the Office of Hearing Officers to complete and transmit a record of the disciplinary proceeding in accordance with Rule 10.9267. Within 21 days after the Secretary of the Exchange gives notice of a request for review to the Parties, or at such later time as the Secretary of the Exchange could designate, the Office of Hearing Officers would assemble and prepare an index to the record, transmit the record and the index to the Secretary of the Exchange, and serve copies of the index upon all Parties. The Hearing Officer who participated in the disciplinary proceeding, or the Chief Hearing Officer, would certify that the record transmitted to the Secretary of the Exchange was complete. Current Rule 10.8 does not have comparable provisions.

Under proposed Rule 10.9310(b), any review by the Exchange Board of Directors would be based on oral arguments and written briefs and limited to consideration of the record before the Hearing Panel or Extended Hearing Panel. Current Rule 10.8 does not contain comparable requirements.

Proposed Rule 10.9310(b) provides that the CFR may, but is not required to, appoint an Appeals Panel pursuant to current Rule 3.3 to conduct a review and make a recommendation to the CFR. In this respect, the proposed rule is the same as NYSE American Rule 9310(b) and similar to the Exchange's current process as set forth in Rule 10.8(b). Further, upon review, and with the advice of the CFR, the Board of Directors, by the affirmative vote of a majority of the Exchange Board of Directors then in office, could sustain any determination or penalty imposed, (including the terms of any permanent cease and desist order), or both, could modify or reverse any such determination, and could increase, decrease or eliminate any such penalty, or impose any penalty permitted under the Exchange's rules, as it deems appropriate. Unless the Board of Directors otherwise specifically directs, its determination and penalty, if any, after review shall be final and conclusive subject to the provisions for review of the Act. The proposed process is different from that in current Rule 10.8 because, as noted, the Exchange has determined to discontinue the current practice under Rule 10.8 whereby the parties can appeal a disciplinary matter to the CFR (a Board committee) under subsection (b) and then appeal the CFR decision to the full Board of Directors under subsection (c). Under the proposed rule, there would only be one Board-level appeal. The Board of Directors would make the final determination with the advice of the CFR.

Under proposed Rule 10.9310(c), notwithstanding the foregoing, if either Party upon review applied to the Exchange Board of Directors for leave to adduce additional evidence, and showed to the satisfaction of the Exchange Board of Directors that the additional evidence was material and that there were reasonable grounds for failure to adduce it before the Hearing Panel or Extended Hearing Panel, the Exchange Board of Directors could remand the case for further proceedings, in whatever manner and on whatever conditions the Exchange Board of Directors considered appropriate. Under

[57] NYSE American Rule 9310(a)(1)(A) does not contain the clause ''as such term is defined in Rule 12b–2 under the Exchange Act'' with regard to an affiliate.

[58] Current Rule 10.8(b) defines ''Review Board'' as ''the CFR itself or a CFR Appeals Panel.''

[59] However, under Rule 10.11(d), which concerns appeals of minor rule sanctions, a decision of a Conduct Panel is subject to review by the Board of Directors either on the Board's own motion within 30 days after issuance (or upon presentation to the Board, whichever is later), or upon written petition of any party to the Proceeding filed within 15 business days after issuance.

[60] NYSE American Rule 9310(a)(1)(B)(i) & (ii) do not contain the clause ''as such term is defined in Rule 12b–2 under the Exchange Act'' with regard to an affiliate.

current Rule 10.8, there is no provision for remand.

Under proposed Rule 10.9310(d), notwithstanding any other provisions of the proposed Rule 10.9000 Series, the CEO could not require a review by the Exchange Board of Directors under this rule and would be recused from deliberations and actions of the Exchange Board of Directors with respect to such matters. Current Rule 10.8 does not have a comparable provision.

Proposed Rules 10.9500 Through 10.9527

The proposed Rule 10.9500 Series (Other Proceedings) would relate to other proceedings under the Exchange Rules.

The proposed Rule 10.9520 Series would set forth procedures for a covered person to become or remain associated with an ETP Holder, OTP Holder or OTP Firm notwithstanding the existence of a statutory disqualification as defined in Section 3(a)(39) of the Exchange Act, and for a current ETP Holder, OTP Holder, OTP Firm or covered person to obtain relief from the eligibility or qualification requirements of the Exchange's Rules, which the proposed rule refers to as ''eligibility proceedings.'' The proposed rules are substantially similar to the NYSE American Rule 9520 Series, and the Exchange intends for the scope of the proposed Rule 10.9520 Series to be substantially the same as the FINRA Rule 9520 Series and the NYSE American Rule 9520 Series.[61]

Proposed Rule 10.9521 (Purpose and Definitions) would add certain definitions relating to eligibility proceedings that are not currently part of the Exchange's definitions, including ''Application,'' ''disqualified ETP Holder,'' ''disqualified OTP Holder,'' disqualified OTP Firm,'' ''disqualified person,'' ''sponsoring ETP Holder,'' ''sponsoring OTP Holder,'' and ''sponsoring OTP Firm.''

Proposed Rule 10.9522 (Initiation of Eligibility Proceeding; Member Regulation Consideration) would govern the initiation of an eligibility proceeding by the Exchange and the obligation for an ETP Holder, OTP Holder or OTP Firm to file an application or, for matters set forth in proposed Rule 10.9522(e)(1), a written request for relief if the ETP Holder, OTP Holder or OTP Firm determines prior to receiving a notice under Rule 10.9522(a) that (1) it has become a disqualified ETP Holder, OTP Holder or OTP Firm; (2) a covered person associated with such ETP Holder, OTP Holder or OTP Firm or whose association is proposed by an applicant for membership under Exchange rules has become a disqualified person; or (3) the ETP Holder, OTP Holder or OTP Firm or applicant for membership under Exchange rules wishes to sponsor the association of a covered person who is a disqualified person. The proposed rule also contains provisions governing withdrawal of an application or written request for relief as well as the application of the prohibitions against ex parte communications set forth in Rule 10.9143 to the Rule 10.9520 Series.

Finally, the proposed rule describes the matters that may be approved by the Department of Member Regulation (''Member Regulation'') without the filing of an application and after filing an application, and the rights of a disqualified ETP Holder, OTP Holder or OTP Firm, Sponsoring ETP Holder, OTP Holder or OTP Firm, Disqualified Person, and Member Regulation where Member Regulation does not approve a written request for relief from the eligibility requirements pursuant to proposed Rule 10.9522(e)(1) or an application pursuant to proposed Rule 10.9522(e)(2).

Proposed Rule 10.9523 (Acceptance of Member Regulation Recommendations and Supervisory Plans by Consent Pursuant to Exchange Act Rule 19h–1) would generally allow Member Regulation to recommend a supervisory plan to which a disqualified ETP Holder, OTP Holder or OTP Firm, or sponsoring ETP Holder, OTP Holder or OTP Firm and/or disqualified person, as the case may be, could consent and by doing so, waive the right to hearing or appeal if the plan is accepted and the right to claim bias or prejudgment, prohibited ex parte communications or [sic] the separation of functions prohibitions.

Specifically, under subsection (a), which would apply to all disqualifications except those arising solely from findings or orders specified in Section 15(b)(4)(D), (E) or (H) of the Act or arising under Section 3(a)(39)(E) of the Act, a disqualified ETP Holder, OTP Holder or OTP Firm, sponsoring ETP Holder, OTP Holder or OTP Firm, and/or disqualified person (the ''Disqualified Person''), would execute a letter consenting to the imposition of the supervisory plan. By submitting such a letter, the Disqualified Person waive the right to a hearing before a Hearing Panel and any right of appeal to the Exchange Board of Directors, the Commission, and the courts, or otherwise challenge the validity of the supervisory plan, if the supervisory plan is accepted; any right to claim bias or prejudgment by Member Regulation, the CRO, the Board of Directors, or any member of the Board of Directors, in connection with such person's or body's participation in discussions regarding the terms and conditions of Member Regulation's recommendation or the supervisory plan, or other consideration of the recommendation or supervisory plan, including acceptance or rejection of such recommendation or supervisory plan; and any right to claim that a person violated the ex parte prohibitions of proposed Rule 10.9143 or the separation of functions prohibitions of proposed Rule 10.9144, in connection with such person's or body's participation in discussions regarding the terms and conditions of the recommendation or supervisory plan, or other consideration of the recommendation or supervisory plan, including acceptance or rejection of such recommendation or supervisory plan.

If a recommendation or supervisory plan is rejected, the Disqualified Person would be bound by the waivers made under proposed paragraph (a)(1) for conduct by persons or bodies occurring during the period beginning on the date the supervisory plan was submitted and ending upon the rejection of the supervisory plan and would have the right to proceed under the proposed rule and proposed Rule 10.9524, as applicable. Under subsection (a), if a Disqualified Person executes a letter consenting to the supervisory plan, such letter would be submitted to the CRO by Member Regulation with a proposed Notice under Exchange Act Rule 19h–1, where required. The CRO may accept or reject Member Regulation's recommendation and the supervisory plan. If accepted, the recommendation and supervisory plan would be deemed final and, where required, the proposed Notice under Rule 19h–1 of the Act would be filed by the Exchange. If rejected by the CRO, the Exchange would be able to take any other appropriate action with respect to the Disqualified Person. The Disqualified Person would not be prejudiced by the execution of the letter consenting to the supervisory plan, and the letter could not be introduced into evidence in any proceeding.

Under subsection (b), which would apply to disqualifications arising solely from findings or orders specified in Section 15(b)(4)(D), (E) or (H) of the Act or arising under Section 3(a)(39)(E) of the Act, in approving an application

[61] NYSE American Rule 9521(b)(3) defining ''disqualified person'' does not contain the clause ''as defined in Section 3(a)(39) of the Exchange Act'' with regard to a disqualification.

under proposed Rule 10.9522(e)(2)(F), Member Regulation would be authorized to accept the membership or continued membership of a Disqualified Person or the association or continuing association of a Disqualified Person pursuant to a supervisory plan where the Disqualified Person would consent to the imposition of the supervisory plan. The Disqualified Person would execute a letter consenting to the imposition of the supervisory plan and Member Regulation would prepare a proposed Notice under Rule 19h–1 of the Act where required to be filed by the Exchange.

By submitting an executed letter consenting to a supervisory plan, a Disqualified Person would waive the right of appeal to the Board of Directors, the Commission, and the courts, or otherwise challenge the validity of the supervisory plan, if the supervisory plan is accepted; any right to claim bias or prejudgment by Member Regulation or the CRO in connection with such person's or body's participation in discussions regarding the terms and conditions of Member Regulation's recommended supervisory plan, or other consideration of the supervisory plan, including acceptance or rejection of such recommendation or supervisory plan; and any right to claim that a person violated the ex parte prohibitions of proposed Rule 10.9143 or the separation of functions prohibitions of proposed Rule 10.9144, in connection with such person's or body's participation in discussions regarding the terms and conditions of the supervisory plan, or other consideration of the supervisory plan, including acceptance or rejection of such supervisory plan. If the supervisory plan is rejected, the Disqualified Person would be bound by the waivers made under proposed paragraph (b)(1) for conduct by persons or bodies occurring during the period beginning on the date the supervisory plan was submitted and ending upon the rejection of the supervisory plan and would have the right to proceed under proposed Rule 10.9524 (Exchange Board of Directors Consideration), which would allow a request for review by the applicant to the Exchange Board of Directors. Proposed Rule 10.9527 would provide that a filing of an application for review would not stay the effectiveness of final action by the Exchange unless the Commission otherwise ordered. To maintain consistency with NYSE American's rule numbering, proposed Rules 10.9525 and 10.9526 would be designated ''Reserved.''

Proposed Rules 10.9550 Through 10.9559

Proposed Rules 10.9550 through 10.9559 would govern expedited proceedings.

Under proposed Rule 10.9551 (Failure to Comply with Public Communication Standards), Regulatory Staff could issue a written notice requiring an ETP Holder, OTP Holder or OTP Firm to file communications with FINRA's Advertising Regulation Department at least 10 days prior to use if the staff determined that the ETP Holder [sic] had departed from the standards of Rule 9.21–E (Communications with the Public) and any applicable options rule.[62] The notice would state the specific grounds and include the factual basis for the action as well as the effective date. The ETP Holder, OTP Holder or OTP Firm could file a written request for a hearing with the Office of Hearing Officers pursuant to proposed Rule 10.9559. An ETP Holder, OTP Holder or OTP Firm would be required to set forth with specificity any and all defenses to the action in its request for a hearing. Pursuant to proposed Rules 10.8310(a) and 10.9559(n), a Hearing Officer or, if applicable, Hearing Panel, could approve, modify or withdraw any and all sanctions or limitations imposed by the staff's notice, and impose any other fitting sanction. An ETP Holder, OTP Holder or OTP Firm subject to a pre-use filing requirement also could file a written request for modification or termination of the requirement. Current Rule 9.21–E references the procedures in FINRA Rules 9551 and 9559, which are substantially the same as proposed Rules 10.9551 and 10.9559. As discussed below, Rule 9.21–E would be amended to replace references to the FINRA rules with references to proposed Rules 10.9551 and 10.9559.

Proposed Rule 10.9552 (Failure to Provide Information or Keep Information Current) would establish procedures in the event that an ETP Holder, OTP Holder, OTP Firm or covered person failed to provide any information, report, material, data, or testimony requested or required to be filed under the Exchange's rules, or failed to keep its membership application or supporting documents current. In the event of the foregoing, under proposed Rule 10.9552, the ETP Holder, OTP Holder, OTP Firm or covered person could be suspended if corrective action were not taken within 21 days after service of notice. An ETP Holder, OTP Holder, OTP Firm or covered person served with a notice could request a hearing within the 21-day period. An ETP Holder, OTP Holder, OTP Firm or covered person subject to a suspension could file a written request for termination of the suspension on the ground [sic] of full compliance. An ETP Holder, OTP Holder, OTP Firm or covered person suspended under the proposed rule that failed to request termination of the suspension within three months of issuance of the original notice of suspension would automatically be expelled or barred.[63] Proposed Rule 10.9552 is substantially the same as its NYSE American counterpart except for references reflecting the Exchange's membership.

Under the Exchange's current rules, there is no procedure that relates to failure to keep a membership application or supporting documents current. Under current Rule 13.2(a)(2), an ETP Holder, OTP Holder or OTP Firm that fails to submit requested documents or information is subject to a non-summary action canceling (rather than suspending) its trading privileges after written notice, after passage of any grace and/or cure period, and after opportunity for a hearing; the rule does not provide for reinstatement following a cancellation. The Exchange's current rules do not authorize it to institute an expedited proceeding against persons who fail to submit documents or information.

Proposed Rule 10.9554 (Failure to Comply with an Arbitration Award or Related Settlement or an Order of Restitution or Settlement Providing for Restitution)[64] would contain similar procedures and consequences as proposed Rule 10.9552 relating to a failure to comply with an arbitration award or related settlement or an

[62] The Exchange does not currently have a comparable rule for the options market and will be submitting a rule filing to adopt Rule 9.21–O based on NYSE American Rule 991 (Options Communications) and amend proposed Rule 10.9551 [sic]. Accordingly, the Exchange added the phrase ''and any applicable options rule'' following ''Pursuant to Rule 9.21–E(c)(5)(B)'' in proposed Rules 10.9551(a) and (d) and also included references to OTP Holders and OTP Firms throughout proposed Rule 10.9551 in anticipation of adopting Rule 9.21–O.

[63] The Exchange believes that the provision for automatic expulsion or bar after three months is consistent with Section 6 of the Act because the respondent would have ample notice and opportunity to be heard under proposed Rule 10.9552, the proposed rule is substantially the same as NYSE American's and FINRA's counterpart rules, and the Commission has upheld at least one bar under a prior version of FINRA's rule. *See, e.g.,* Dennis A. Pearson, Jr., Securities Exchange Act Rel. Nos. 54913 (December 11, 2006) (dismissing application for review by associated person barred under NASD Rule 9552(h)) and 55597A (April 6, 2007) (denying motion for reconsideration).

[64] Proposed Rule 10.9553 would be designated ''Reserved'' to maintain consistency with NYSE American's rule numbering.

Exchange order of restitution or Exchange settlement agreement providing for restitution. Under proposed Rule 10.9554, if an ETP Holder, OTP Holder, OTP Firm or covered person fails to comply with an arbitration award or a settlement agreement related to an arbitration or mediation under the Exchange's rules, or an Exchange order of restitution or Exchange settlement agreement providing for restitution, Regulatory Staff could provide written notice to such ETP Holder, OTP Holder, OTP Firm or covered person stating that the failure to comply within 21 days of service of the notice will result in a suspension or cancellation of membership or a suspension from associating with any ETP Holder, OTP Holder or OTP Firm. Under current Rule 13.2(a)(2), after written notice, passage of any grace and/or cure period, and opportunity for a hearing, the Exchange can suspend or cancel trading privileges of an ETP Holder, OTP Holder or OTP Firm for failure to comply with an arbitration award or settlement agreement related to an arbitration or mediation under Rule 12. The proposed rule would be broader than the current rule in that it would apply to covered persons, and more specific in that it would provide a uniform 21-day notice period and specific procedures to be followed in the event of suspension or cancellation. Proposed Rule 10.9554 is substantially the same as NYSE American Rule 9554 except for references reflecting the Exchange's membership.

Proposed Rule 10.9555 (Failure to Meet the Eligibility or Qualification Standards or Prerequisites for Access to Services) would govern the failure to meet the eligibility or qualification standards or prerequisites for access to services offered by the Exchange. Under proposed Rule 10.9555, if an ETP Holder, OTP Holder, OTP Firm or covered person did not meet the eligibility or qualification standards set forth in the Exchange's rules, Exchange staff could provide written notice to such ETP Holder, OTP Holder, OTP Firm or covered person that the failure to become eligible or qualified will result in a suspension or cancellation of membership or a suspension or bar from associating with any ETP Holder, OTP Holder or OTP Firm. Similarly, if an ETP Holder, OTP Holder, OTP Firm or covered person did not meet the prerequisites for access to services offered by the Exchange or an ETP Holder, OTP Holder or OTP Firm thereof or could not be permitted to continue to have access to services offered by the Exchange or an ETP Holder, OTP Holder or OTP Firm thereof with safety to investors, creditors, ETP Holders, OTP Holders, OTP Firms or the Exchange, Exchange staff could provide written notice to such ETP Holder, OTP Holder, OTP Firm or covered person limiting or prohibiting access to services offered by the Exchange or an ETP Holder, OTP Holder, or OTP Firm thereof. The limitation, prohibition, suspension, cancellation, or bar referenced in the notice would become effective 14 days after service of the notice except that the effective date for a notice of a limitation or prohibition on access to services offered by the Exchange or an ETP Holder, OTP Holder, or OTP Firm thereof with respect to services to which the ETP Holder, OTP Holder, OTP Firm or covered person does not have access would be upon service of the notice. Current Rule 13.9 was modeled on NYSE and NYSE American Rule 9555 and incorporated the procedural rules of NYSE and NYSE American Rule 9559.[65] Proposed Rule 10.9555 would govern suspension, cancellation, bars or limitation or prohibition on access to services following the effective date of the proposed new rules.

Proposed Rule 10.9556 (Failure to Comply with Temporary and Permanent Cease and Desist Orders) would provide procedures and set forth consequences for a failure to comply with temporary and permanent cease and desist orders issued under the Rule 10.9200, 10.9300 or 10.9800 Series. Although Exchange rules currently permit issuance of cease and desist orders in certain circumstances under Rule 10.18,[66] the Exchange does not currently have a rule that sets forth procedures and consequences for a failure to comply with a cease and desist order issued pursuant to Rule 10.18. The proposed rule is substantially the same as NYSE American Rule 9556 except for references reflecting the Exchange's membership.

Proposed Rule 10.9557 (Procedures for Regulating Activities Under Rules 4.1–E, 4.4–E, 4.1–O and 4.3–O Regarding an ETP Holder, OTP Holder or OTP Firm Experiencing Financial or Operational Difficulties) would allow the Exchange to issue a notice directing an ETP Holder, OTP Holder or OTP Firm to comply with the provisions of Rule 4.1–E (Minimum Net Capital), Rule 4.4–E (Restrictions on ETP Holder Activities), Rule 4.1–O (Minimum Net Capital) or Rule 4.3–O (Restrictions on OTP Activities) or otherwise directing it to restrict its business activities.[67] The requirements and/or restrictions imposed by a notice issued and served under the proposed Rule would be immediately effective, except that a timely request for a hearing would stay the effective date for ten business days after service of the notice or until the Office of Hearing Officers issues a written order under proposed Rule 10.9559(o)(4)(A) (whichever period is less), unless the Exchange's CRO (or such other senior officer as the CRO may designate) determines that such a stay cannot be permitted with safety to investors, creditors or other ETP Holders, OTP Holders or OTP Firms. Such a determination by the Exchange's CRO (or such other senior officer as the CRO may designate) would not be appealable and an extension of the stay period would not be permitted. Under the proposed Rule, where a timely request for a hearing stays the action for ten business days after service of the notice or until the Office of Hearing Officers issues a written order under Rule 10.9559(o)(4)(A) (whichever period is less), the notice would not be deemed to have taken effect during that entire period. Any requirements and/or restrictions imposed by an effective notice would remain in effect unless Exchange staff removes or reduces the requirements and/or restrictions pursuant to a letter of withdrawal of the notice issued as set forth in proposed Rule 10.9557(g)(2).

Proposed Rule 10.9558 (Summary Proceedings for Actions Authorized by Section 6(d)(3) of the Exchange Act) would allow the Exchange's CRO to provide written authorization to Exchange staff to issue a written notice for a summary proceeding for an action

[65] *See* note 28, *supra*.

[66] As noted above, Rule 10.18 governs expedited client suspension proceedings and sets forth procedures for issuing suspension orders, immediately prohibiting a Respondent from conducting continued disruptive quoting and trading activity on the Exchange in violation of Rule 11.21. The rule is substantially the same as proposed Rule 10.9560.

[67] The Exchange does not have rules analogous to NYSE American rules 4110—Equities (Capital Compliance), 4120—Equities (Regulatory Notification and Business Curtailment), or 4130—Equities (Regulation of Activities of Section 15C Member Organizations Experiencing Financial and/or Operational Difficulties) referenced in NYSE American Rule 9557. The Exchange proposes to reference Rules 4.1–E, 4.4–E, 4.1–O and 4.3–O in proposed Rule 10.9557, which establish minimum net capital for ETP Holders, OTP Holders and OTP Firms and permit the Exchange to restrict the activities of an ETP Holder, OTP Holder or OTP Firm if at any time the ETP Holder, OTP Holder or OTP Firm appears to be approaching financial difficulties or appears to be experiencing difficulties in its daily operations. Except for these rule references and references to reflect the Exchange's membership, the proposed rule is otherwise substantially the same as NYSE American Rule 9557.

authorized by Section 6(d)(3) of the Act. The list of proceedings in the proposed Rule would track the four types of proceedings currently provided for in Rule 13.2(a)(1)(A)–(D), which governs summary proceedings in accordance with Section 6(d)(3) of the Act.[68] The notice issued under the proposed Rule would be immediately effective; an ETP Holder, OTP Holder, OTP Firm or covered person would have seven days to request a hearing. Such summary proceedings are currently authorized under Rule 13.2(a)(1), under which the Exchange has authority to, in part, (i) suspend an ETP Holder, OTP Holder or OTP Firm or Associated Person that is expelled or suspended by another SRO or an Associated Person that is barred or suspended from being associated with a member of an SRO; (ii) suspend an ETP Holder, OTP Holder, OTP Firm, or any other Associated Person of an ETP Holder or OTP Firm who is in financial or operating difficulty; or (iii) limit or prohibit any person with respect to access to Exchange services in certain circumstances. Rule 13.2(c) also provides for notice and an opportunity for a hearing by referencing Rule 10.14, which gives the ETP Holder, OTP Holder, OTP Firm or person 30 days to request a hearing. The Exchange believes that the shorter period to request a hearing is adequate and appropriate in light of the summary nature of the action. The proposed rule is substantially the same as its NYSE American counterpart except for references reflecting the Exchange's membership.

Proposed Rule 10.9559 (Hearing Procedures for Expedited Proceedings Under the Rule 10.9550 Series) would set forth uniform hearing procedures for all expedited proceedings under the proposed Rule 10.9550 Series. Currently, the Exchange does not have a comparable rule. The proposed rule is substantially the same as its NYSE American counterpart except for references reflecting the Exchange's membership.

Proposed Rule 10.9560 (Expedited Suspension Proceeding) would set forth procedures for issuing suspension orders, immediately prohibiting an ETP Holder, OTP Holder, OTP Firm or covered person from conducting continued disruptive quoting and trading activity on the Exchange and would also provide the Exchange the authority to order an ETP Holder, OTP Holder, OTP Firm or covered person to cease and desist from providing access to the Exchange to a client that is conducting disruptive quoting and trading activity. The proposed Rule is substantially the same as NYSE American Rule 9560 except for references reflecting the Exchange's membership and use of the phrase ''Chief Hearing Officer'' rather than ''Chairman of the Hearing Panel'' and one reference to proposed Rule 10.9234 in proposed Rule 10.9560(b)(2).

Proposed Rule 10.9560(a)(1) provides that, with the prior written authorization of the CRO or such other senior officers as the CRO may designate, Enforcement may initiate an expedited suspension proceeding with respect to alleged violations of Rule 11.21 (Disruptive Quoting and Trading Activity Prohibited). Proposed Rule 10.9560(a) would also set forth the requirements for notice and service ((a)(2)), and the content of such notice ((a)(3)) pursuant to the Rule.

Proposed Rule 10.9560(b) would govern the appointment of a Hearing Panel as well as potential disqualification or recusal of Hearing Officers or Panelists.[69] The proposed provision is consistent with proposed Rule 10.9231(b) and (c), which govern the appointment of a Hearing Panel or Extended Hearing Panel to conduct disciplinary proceedings, and proposed Rules 10.9233 (Hearing Panel or Extended Hearing Panel: Recusal and Disqualification of Hearing Officers) and 10.9234 (Hearing Panel or Extended Hearing Panel: Recusal and Disqualification of Panelists), which would establish the processes for recusal and disqualification of Hearing Officers or Panelists. Proposed Rule 10.9233 provides for a Hearing Officer to be recused in the event he or she has a conflict of interest or bias or other circumstances exist where his or her fairness might reasonably be questioned. In addition to recusal initiated by such a Hearing Officer, a party to the proceeding would be permitted to file a motion to disqualify a Hearing Officer. This is similar to the requirements under proposed Rule 10.9234 for Panelists. However, due to the compressed schedule pursuant to which the process would operate under Rule 10.9560, the proposed rule would require such motion to be filed no later than 5 days after the announcement of the Hearing Panel and the Exchange's brief in opposition to such motion would be required to be filed no later than 5 days after service thereof.

Under proposed Rule 10.9560(c)(1), the hearing would be held not later than 15 days after service of the notice initiating the suspension proceeding, unless otherwise extended by the Chief Hearing Officer with the consent of the Parties for good cause shown. In the event of a recusal or disqualification of a Hearing Officer or Panelist, the hearing shall be held not later than five days after a replacement Hearing Officer or Panelist is appointed. Under proposed Rule 10.9560(c)(2), a notice of date, time, and place of the hearing shall be served on the Parties not later than seven days before the hearing, unless otherwise ordered by the Chief Hearing Officer. Under the proposed Rule, service shall be made by personal service or overnight commercial courier and the notice shall be effective upon service.

Proposed Rule 10.9560(c) would also govern how the hearing is conducted, including the authority of Hearing Officers ((c)(3)), witnesses ((c)(4)), additional information that may be required by the Hearing Panel ((c)(5)), the requirement that a transcript of the proceeding be created and details related to such transcript ((c)(6)), and details regarding the creation and maintenance of the record of the proceeding ((c)(7)). Proposed Rule 10.9560(c)(8) would also provide that if a Respondent fails to appear at a hearing for which it has notice, the allegations in the notice and accompanying declaration may be deemed admitted, and the Hearing Panel may issue a suspension order without further proceedings.

Finally, as proposed, if Enforcement fails to appear at a hearing for which it has notice, the Hearing Panel may order that the suspension proceeding be dismissed.

Under proposed Rule 10.9560(d)(1), the Hearing Panel would be required to issue a written decision stating whether a suspension order would be imposed. The Hearing Panel would be required to

[68] The first three proceedings in proposed Rule 10.9558(a)(1)–(3) are substantially the same as NYSE American Rule 9558(a)(1)–(3). Proposed Rule 10.9558(a)(4) incorporates proceedings to summarily suspend the trading privileges of ETP Holders, OTP Holders, OTP Firms or covered persons found in violation of any of the prohibited acts as specified in Rule 11.2(a)–(f), which are currently set forth in Rule 13.2(a)(1)(C).

[69] Proposed Rule 10.9560 is based on the NYSE American version, which was in turn based on Cboe BZX Exchange, Inc. (''Cboe BZX'') Rule 8.17 and NASDAQ Rule 9400. Cboe BZX Rule 8.17 uses the term ''Hearing Officers'' and does not separately define ''Hearing Officer'' and ''Panelist.'' *See* proposed Rules 10.9120(r) (Hearing Officer) and (v) (Panelist); Cboe BZX Rule 8.6(a)(2) (''Hearing Officers'' include the professional hearing officer who serves as Chairman of the Hearing Panel and the Industry member and the Member Representative member, as such terms are defined therein). In order to provide for the recusal of both Hearing Officers and Panelists in expedited suspension hearings, proposed Rules 10.9560(b)(2) and (c) will accordingly refer to both ''Hearing Officer and ''Panelist'' where appropriate. The Exchange's affiliates NYSE, NYSE American and NYSE National will be submitting rule filings to harmonize their rule with proposed Rule 10.9560.

issue the decision not later than 10 days after receipt of the hearing transcript, unless otherwise extended by the Chief Hearing Officer with the consent of the Parties for good cause shown. The proposed Rule would state that a suspension order shall be imposed if the Hearing Panel finds by a preponderance of the evidence that the alleged violation specified in the notice has occurred and that the violative conduct or continuation thereof is likely to result in significant market disruption or other significant harm to investors.

Proposed Rule 10.9560(d)(2) would also describe the content, scope and form of a suspension order. As proposed, under proposed Rule 10.9560(d)(2)(A), a suspension order shall be limited to ordering a Respondent to cease and desist from violating Rule 11.21, and/or to ordering a Respondent to cease and desist from providing access to the Exchange to a client of Respondent that is causing violations of Rule 11.21. Under proposed Rule 10.9560(d)(2)(B), a suspension order shall also set forth the alleged violation and the significant market disruption or other significant harm to investors that is likely to result without the issuance of an order. The order shall describe in reasonable detail the act or acts the Respondent is to take or refrain from taking, and suspend such Respondent unless and until such action is taken or refrained from ((d)(2)(C)). Finally, the order shall include the date and hour of its issuance ((d)(2)(D)). As proposed, under proposed paragraph (d)(3), a suspension order would remain effective and enforceable unless modified, set aside, limited, or revoked pursuant to proposed paragraph (e), as described below. Finally, paragraph (d)(4) would require service of the Hearing Panel's decision and any suspension order by personal service or overnight commercial courier.

Proposed Rule 10.9560(e) would provide that at any time after the Respondent is served with a suspension order, a Party could apply to the Hearing Panel to have the order modified, set aside, limited, or revoked. The filing of an application to have a suspension order modified, set aside, limited, or revoked under the proposed Rule would not stay the effectiveness of the suspension order.

For example, if a suspension order suspends Respondent unless and until Respondent ceases and desists providing access to the Exchange to a client of Respondent, and after the order is entered the Respondent complies, the Hearing Panel can modify the order to lift the suspension portion of the order while keeping in place the cease and desist portion of the order. With its broad modification powers, the Hearing Panel also maintains the discretion to impose conditions upon the removal of a suspension—for example, the Hearing Panel could modify an order to lift the suspension portion of the order in the event a Respondent complies with the cease and desist portion of the order but additionally order that the suspension will be re-imposed if Respondent violates the cease and desist provisions of the modified order in the future. The Hearing Panel generally would be required to respond to the request in writing within 10 days after receipt of the request. An application to modify, set aside, limit or revoke a suspension order would not stay the effectiveness of the suspension order.

Proposed Rule 10.9560(f) would describe the call for review process by the Exchange Board of Directors. Specifically, the proposed Rule would provide that if there is no pending application to the Hearing Panel to have a suspension order modified, set aside, limited, or revoked, the Board of Directors, in accordance with proposed Rule 10.9310 (Review by Exchange Board of Directors), may call for review the Hearing Panel decision on whether to issue a suspension order. Further, the proposed Rule would provide that a call for review by the Exchange Board of Directors shall not stay the effectiveness of a suspension order.

Finally, proposed Rule 10.9560(g) would generally provide that sanctions issued under proposed Rule 10.9560 would constitute final and immediately effective disciplinary sanctions imposed by the Exchange, and that the right to have any action under the Rule reviewed by the Commission would be governed by Section 19 of the Act. The filing of an application for review would not stay the effectiveness of a suspension order unless the Commission otherwise ordered.

Proposed Rule 10.9600 Series (Procedures for Exemptions)

The Exchange proposes to adopt a new Rule 10.9600 Series, which would provide procedures for exemptions.

Under proposed Rule 10.9610 (Application), an ETP Holder, OTP Holder or OTP Firm could seek exemptive relief as permitted under Rule 2.5(c) (Denial of or Conditions to Trading Permits), proposed Rule 10.8211 (Automated Submission of Trading Data Requested by the Exchange) or Rule 9.21–E (Communications with the Public) by filing a written application with the appropriate department or staff of the Exchange and provide a copy of the application to the CRO.[70]

Under proposed Rule 10.9620 (Decision), after considering the application, the Exchange staff would be required to issue a written decision setting forth its findings and conclusions. The decision would be served on the Applicant pursuant to proposed Rules 10.9132 and 10.9134. After the decision is served on the Applicant, the application and decision may be publicly available. Under proposed Rule 10.9630 (Appeal), an Applicant that wished to appeal the decision would be required to file a written notice of appeal with the Exchange's CRO within 15 days after service of the decision.

Under proposed Rule 10.9630(e), the CRO would affirm, modify, or reverse the decision issued under proposed Rule 10.9620 and issue a written decision setting forth his or her findings and conclusions and serve the decision on the Applicant. The decision would be served pursuant to proposed Rules 10.9132 and 10.9134, would be effective upon service, and would constitute final action of the Exchange. Currently, under Rule 10.2, Commentary .01(D), the Exchange may grant exceptions, in such cases and for such time periods as it deems appropriate, from the requirement that the data elements prescribed in paragraphs (A) and (B) above be submitted to the Exchange in an automated format, but the Rule does not set forth specific procedures for doing so.

Proposed Rule 10.9700 Series

To maintain consistency with NYSE American's rule numbering conventions, the Rule 10.9700 Series would be marked ''Reserved.''

Proposed Rule 10.9800 Series (Temporary Cease and Desist Orders)

The Exchange proposes a new Rule 10.9800 Series to set forth procedures for issuing temporary cease and desist orders. The Exchange does not currently have a comparable rule. Except for cross-references to Exchange rules and references reflecting the Exchange's membership, the proposed Rule 10.9800

[70] Exchange rules providing for exemptive relief are Rules 2.5 and 9.21–E; proposed Rule 10.8211 would provide for certain exemptions from the submission of automated trading data. The Exchange does not have rules analogous to NYSE American Rule 341.05 of Section 4 of the Office Rules, Rule 345.15—Equities, Rule 2210—Equities, Rule 3170—Equities, Rule 4311—Equities, or Rule 4360—Equities. Except for references to Exchange rules specifying exemptions and references to reflect the Exchange's membership, the proposed rule is otherwise substantially the same as NYSE American Rule 9610.

Series is substantially the same as the NYSE American Rule 9800 Series.

Under proposed Rule 10.9810 (Initiation of Proceeding), with the prior written authorization of the Exchange's CRO or such other senior officers as the CRO may designate, Enforcement may initiate a temporary cease and desist proceeding with respect to alleged violations of Section 10(b) of the Act and Rule 10b–5 thereunder; Exchange Act Rules 15g–1 through 15g–9; Rule 11.1 or Rule 9.2010–E (if the alleged violation is unauthorized trading, or misuse or conversion of customer assets, or based on violations of Section 17(a) of the Securities Act); or Rule 11.5 or Rule 9.2020–E by serving a notice (as described in proposed Rule 10.9810(b)) on an ETP Holder, OTP Holder, OTP Firm or covered person or upon counsel or other person authorized to represent others under Rule 10.9141, and filing a copy thereof with the Office of Hearing Officers. The notice issued under the proposed Rule would be effective when service is complete. Proposed Rule 10.9810(c) would provide that if the parties agree to the terms of the proposed temporary cease and desist order, the Hearing Officer shall have the authority to approve and issue the order. Finally, proposed Rule 10.9810(d) would provide that if Enforcement has not issued a complaint under Rule 10.9211 relating to the subject matter of the temporary cease and desist proceeding and alleging violations of the rule or statutory provision specified in the notice described in proposed paragraph (b), Enforcement shall serve and file such a complaint with the notice initiating the temporary cease and desist proceeding. Service of the complaint can be made in accordance with the service provisions in proposed Rule 10.9810(a). The proposed rule is substantially the same as its NYSE American counterpart except for references reflecting the Exchange's membership and the underlying rule references.[71]

Proposed Rule 10.9820 (Appointment of Hearing Officer and Hearing Panel) would govern the appointment of a Hearing Officer and Panelists.

Under proposed Rule 10.9830 (Hearing), the hearing would be held not later than 15 days after service of the notice and filing initiating the temporary cease and desist proceeding, unless otherwise extended by the Chief Hearing Officer or Deputy Chief Hearing Officer for good cause shown. Proposed Rule 10.9830 would govern how the hearing was conducted.

Under proposed Rule 10.9840 (Issuance of Temporary Cease and Desist Order by Hearing Panel), the Hearing Panel would be authorized to issue a written decision stating whether a temporary cease and desist order would be imposed. The Hearing Panel would be required to issue the decision not later than ten days after receipt of the hearing transcript, unless otherwise extended by the Chief Hearing Officer or Deputy Chief Hearing Officer for good cause shown.

Under proposed Rule 10.9850 (Review by Hearing Panel), at any time after the Office of Hearing Officers served the Respondent with a temporary cease and desist order, a Party could apply to the Hearing Panel to have the order modified, set aside, limited, or suspended. The Hearing Panel generally would be required to respond to the request in writing within ten days after receipt of the request unless extended by the Chief Hearing Officer or Deputy Chief Hearing Officer for good cause shown. Proposed Rule 10.9860 (Violation of Temporary Cease and Desist Orders) would authorize the initiation of a suspension or cancellation of a Respondent's association or membership or any fitting sanction under proposed Rule 10.9556 if the Respondent violated a temporary cease and desist order.

Finally, proposed Rule 10.9870 (Application to SEC for Review) would provide that temporary cease and desist orders issued under the proposed Rule 10.9800 Series would constitute final and immediately effective disciplinary sanctions imposed by the Exchange, and that the right to have any action under this rule series reviewed by the Commission would be governed by Section 19 of the Act. The filing of an application for review would not stay the effectiveness of the temporary cease and desist order, unless the Commission otherwise ordered.

Technical and Conforming Changes

The Exchange proposes to make technical and conforming changes to Rules 2.5, 3.2, 3.3, 3.6, 3.8, 3.10, 4.11–O, 6.2–O, 6.17–O, 6.24–O, 6.35–O, 6.44–O, 6.67–O, 6.69–O, 6.82–O, 4.11–E [sic], 7.20–E, 7.22–E, 7.23–E, 9.21–E, 10, 12, 13.2 and 13.4, as described below and herein.

Rule 2.5(c) provides that the Exchange may, at its discretion in exceptional cases where good cause is shown, waive the applicable examination requirement and accept other standards as evidence of an applicant's qualifications for registration. The rule would be amended to provide that the Exchange may waive the applicable examination requirement pursuant to the Rule 10.9600 Series. The second paragraph of the Rule describing the timeframe for the Exchange to provide a written determination of a waiver request would be replaced with ''The Exchange will issue its decision pursuant to Rule 10.9620.'' Finally, the reference to Rule 10.14 in the last sentence of the Rule describing appeals of waiver denials would be replaced with Rule 10.9630, which governs appeals of applications for exemptions under the Rule 10.9600 Series.

Rule 2.5(f) provides that the EBCC or BCC may take action against an OTP Firm or OTP Holder or ETP Holder, as applicable, under Rule 10.0 when certain reasons for denying or conditioning the issuance of an OTP or ETP come into existence after an application has been approved and an OTP or ETP has been issued. The rule would be amended to provide that the Exchange may take such action under Rule 10.0 or the Rule 10.9000 Series, as applicable. As noted above, the Exchange proposes to retain the EBCC and the BCC to effectuate it [sic] current responsibilities.

Rule 3.6,[72] which authorizes the Exchange to enter into agreements with domestic and foreign SROs, would be deleted in connection with the adoption of proposed Rule 10.8210(b), as discussed above. Rule 3.6 would be marked ''Reserved.''

As discussed above, Rule 3.8, which authorizes suspension of an ETP Holder, OTP Holder or OTP Firm for failing to pay any dues, fees, charges or fines to the Exchange, would be amended to delete the current text and heading and adopt the heading and text of NYSE American Rule 41. As amended, Rule 3.8 would govern failure to pay a fee or any other sums due to the Exchange. Suspension of an ETP Holder, OTP Holder or OTP Firm for failure to pay fees or any other sums due to the Exchange under amended Rule 3.8 would be governed by Rule 13.2(a)(2)(B), which would be amended to delete the reference to ''fines'' because failure to pay any fine levied in connection with a disciplinary action

[71] NYSE American Rule 9810 references Section 10(b) of the Act and Rule 10b–5 thereunder and Exchange Act Rules 15g–1 through 15g–9. Exchange Rules 9.2010–E and 9.2020–E are the Exchange's version of NYSE American Rule 2010—Equities and 2020—Equities, respectively. The Exchange proposes to omit a reference to NYSE American Rule 476(a)(6), which is NYSE American's legacy rule for failure to observe high standards of commercial honor and just and equitable principles of trade.

[72] The proposed changes to Rules 3.2 and 3.3 are discussed above.

would be governed by proposed Rule 10.8320.[73]

Rule 3.10 precludes an ETP Holder, OTP Holder or OTP Firm from being affiliated with NYSE Group, Inc., unless the Commission otherwise approves. The rule further provides that any failure by an ETP Holder, OTP Holder or OTP Firm to comply with Rule 3.10 subjects it to the disciplinary actions prescribed by Rule 13.2(a)(2)(F), which authorizes non-summary suspensions. Rule 3.10 would be amended to include a reference to the proposed Rule 10.9000 Series, as applicable.

Rule 4.11–O(b)(2), which concerns certain SIPC filings and payments, includes references to Rules 10.12 and 10.4; conforming references to Rule 10.9216(b) and the Rule 10.9000 Series would be added. Commentary .02 would be amended to delete a reference to the ''Ethics and Business Conduct Committee'' in connection with referring the failure to file a SIPC form and assessment for appropriate disciplinary action because the specific reference is unnecessary.

Rule 6.2–O, which concerns admission to and conduct on the options trading floor, would be amended to include (1) a reference to Rule 10.0 and the proposed Rule 10.9000 Series in subsection (b), and (2) a cross-reference to Rule 10.8210, which would govern the inspection of telephone records, where the reference to Rule 10.2 appears in subsection (h)(5).

Rule 6.17–O concerns the verification of compared trades and reconciliation of uncompared trades. Commentary .01 would be amended to add a cross-reference to the Rule 10.9000 Series following the reference to Rule 10, which would be changed to ''Rule 10.0.''

Rule 6.24–O governs the exercise of options contracts. Commentary .08 would be amended to include a conforming reference to Rule 10.9216(b) and to delete references to the EBCC and ''the Committee'' in connection with a formal disciplinary proceeding because the specific references are unnecessary.

Rule 6.35–O governs appointment of market makers. Rule 6.35–O(h) would be amended to change the current reference to Rule 10 to Rule 10.0 and add ''or the Rule 10.9000 Series.''

Rule 6.35–O(i), which concerns the appointment trading requirement, includes references to Rule 10.4 and 10.12; conforming references to the Rule 10.9000 Series and Rule 10.9216(b) would be added.

Rule 6.35–O(j)(1), which concerns certain performance standards, includes a reference to Rule 10.5; a conforming reference to the Rule 10.9000 Series would be added. Finally, the Exchange would clarify that formal disciplinary action would be taken when aggravating circumstances are present by replacing the word ''may'' with ''will.''

Rule 6.44–O, which concerns the registration of Floor Brokers, would be amended to change the current reference to Rule 10 to Rule 10.0 and to add ''or the Rule 10.9000 Series, as applicable.''

Rule 6.67–O, which governs order format and system entry requirements, would be amended to add a cross-reference to the Rule 10.9000 Series where the reference to Rule 10 appears in subsection (d)(2)(C). The current reference to Rule 10 would be changed to ''Rule 10.0.''

Rule 6.69–O, which governs reporting duties for option transactions, would be amended to add a cross-reference to Rule 10.9216(b) where the reference to Rule 10.12 appears in subsection (a). Commentary .01 would be amended to add a cross-reference to the Rule 10.9000 Series where the reference to Rule 10 appears, which would be changed to ''Rule 10.0.''

Rule 6.82–O, which concerns Lead Market Makers, would be amended as follows. In subsection (b)(3), the reference to Rule 11.2(a) would be replaced with a reference to Rule 10.0 followed by ''or the Rule 10.9000 Series, as applicable.'' The Exchange also proposes to correct an incorrect reference in Rule 6.82–O(b)(3) to disciplinary actions under Rule 11.2 (which doesn't address disciplinary actions) and a typographical error in Rule 6.82–O(g)(1)(D).

Rule 4.11–E(b), which concerns certain SIPC filings and payments, includes references to issuance of a minor rule violation fine under Rule 10.12(i)(2) and formal disciplinary action pursuant to 10.4; conforming references to Rule 10.9216(b) and the Rule 10.9000 Series, respectively, would be added and the incorrect reference to subsection (i)(2) of Rule 10.12 would be replaced with a reference to subsection (j)(2). Commentary .02 would be amended to delete a reference to the ''Business Conduct Committee'' in connection with referring the failure to file a SIPC form and assessment for appropriate disciplinary action because the specific reference is unnecessary.

Rule 7.20–E(e), which provides that the Exchange may take formal disciplinary action against a Market Maker that fails to give a ten-day written notice of the withdrawal of its registration to the Exchange, would be amended to include a reference to the proposed Rule 10.9000 Series. Further, the reference to Rule 10 in subsection (e) would be changed to ''Rule 10.0.''

Rule 7.22–E, which governs market maker registration in a security, would be amended to change the reference to Rule 10 in subsection (e) to ''Rule 10.0'' and add ''or the Rule 10.9000 Series, as applicable'' immediately after.

Rule 7.23–E governs market maker obligations and would be amended to change the reference to Rule 10 in subsection (c) to Rule 10.0 and add ''or the Rule 10.9000 Series, as applicable'' immediately after.

Rule 9.21–E, which governs communications with the public, would be amended to eliminate references to FINRA. Specifically, in Rule 9.21–E(c)(5)(B), ''FINRA'' would be deleted before ''Rules 9551 and 9559'' and before ''Rule 9600 Series'' in Rule 9.21–E(c)(10). Also in Rule 9.21–E(c)(10), ''FINRA'' would be replaced with ''the Exchange'' in connection with the exemption of an ETP Holder or person associated with an ETP Holder from the pre-filing requirements of paragraph (c). In both subsection (c)(5)(B) and subsection (c)(10), the Exchange would also add ''10.'' before ''9551'' and ''9559'' and before ''9600,'' respectively.

The heading to the Exchange's current disciplinary Rule 10 would be amended to add the word ''Legacy'' before ''Disciplinary Proceedings.'' The Exchange would also add an introduction setting forth the transitional provisions that are included in proposed Rule 10.9001 described above. A similar introduction would be added to current Rule 13, governing cancellation, suspension and reinstatement.

Rule 12(c), which describes the consequences of a failure to arbitrate or pay an arbitration award, would be amended to change the reference to Rule 10 to Rule 10.0 and to add a conforming reference to the Rule 10.8000 and 10.9000 Series, which would govern actions for failing to submit to arbitration a matter required to be arbitrated or that fails to honor an arbitration award after the implementation of the proposed rule change.

Subsection (a)(2)(B) of Rule 13.2 (Procedures for Suspension) would be amended to delete ''–E or 3.7–O'' after Rule 3.8. The correct reference should be to Rule 3.8, which governs failure to

[73] Rule 13.2(a)(2)(B) would also be amended to delete ''–E'' following 3.8 and ''–O'' following 3.7 so that the correct rule reference would be to ''Rule 3.8 or 3.7.''

pay any fees, charges, assessments, or fines with respect to both markets.[74]

Finally, Rule 13.4 (Disciplinary Measures During Suspension) would be amended to replace the incorrect reference to Rule 13.3(a)(1) with Rule 13.2(a)(1).

Certain Current Exchange Disciplinary Rules Not Included in Proposed Rule Text

Certain provisions in the Exchange's current disciplinary rules would not be included in the proposed rule change for the reasons described below.

Rule 10.5(e) permits third parties to intervene in Exchange disciplinary proceedings. The Exchange believes that this authority has rarely, if ever, been invoked. FINRA, NYSE, NYSE American, and NASDAQ rules do not permit such intervention, and as such, the Exchange would not include such permission in the proposed rule change.

Rule 10.6(k) authorizes the BCC or EBCC and the CFR to review settled disciplinary actions under Rule 10.6(g) and provide guidance to the General Counsel and Enforcement about future settlement practices and sanction amounts. Currently, Rule 3.3(a)(2) provides that the CFR is responsible for, among other things, acting in an advisory capacity to the Board with respect to disciplinary matters, the listing and delisting of securities, regulatory programs, rulemaking, and regulatory rules, including trading rules. The Exchange accordingly believes that including this provision in the proposed rule change is unnecessary.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[75] in general, and furthers the objectives of Section 6(b)(5) of the Act,[76] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. In addition, the Exchange believes that the proposed rule furthers the objectives of Section 6(b)(7) of the Act,[77] in particular, in that it provides fair procedures for the disciplining of members[78] and persons associated with members, the denial of membership to any person seeking membership therein, the barring of any person from becoming associated with a member thereof, and the prohibition or limitation by the Exchange of any person with respect to access to services offered by the Exchange or a member thereof. In addition, the Exchange believes that the proposed rule change furthers the objectives of Section 6(b)(3) of the Act,[79] in particular, in that it supports the fair representation of members in the administration of the Exchange's affairs.

The proposed changes will provide greater harmonization among SRO's resulting in less burdensome and more efficient regulatory compliance for common members of the Exchange, the Exchange's affiliates, and FINRA. As previously noted, the proposed rule text is substantially the same as the NYSE and NYSE American disciplinary rules, which were in turn modeled on the FINRA rules. The proposed rule change will enhance the Exchange's ability to have a direct and meaningful impact on the end-to-end quality of its regulatory program, from detection and investigation of potential violations through the efficient initiation and completion of disciplinary measures where appropriate. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system.

Certain key aspects of the Exchange's disciplinary proceedings would be retained. In particular, the Exchange would retain its current selection process for Hearing Panelists. The Exchange believes that it is necessary to do so in order to provide a fair procedure to its permit holders and covered persons, some of which are not subject to FINRA jurisdiction. As such, Hearing Panelists cannot be drawn solely from a pool of FINRA members and associated persons but rather must include NYSE Arca-only permit holders and persons with experience in NYSE Arca Floor matters in order for the Exchange's members to have a fair representation in its affairs. For the same reasons, the Exchange also believes that its Board of Directors remains the appropriate body for appeals or reviews of initial disciplinary decisions because the Board of Directors includes fair representation candidates from its membership.

The Exchange further believes that the proposed processes for settling disciplinary matters both before and after the issuance of a complaint are fair and reasonable. While such proposed rules differ from certain aspects of the Exchange's current settlement processes, the Exchange believes that the proposed rule change nonetheless provides adequate procedural protections to all Parties and promotes efficiency.

Similarly, the Exchange believes that adopting its affiliates' appellate procedures would be fair and efficient and create consistency with its affiliates' practices. The proposed rule change would provide individual directors with the opportunity to call a case for review. Currently, in addition to the parties, only the Board of Directors may order review of a decision. Adopting the appellate rules of the Exchange's affiliates would also apply a uniform period to all requests for review of a disciplinary determination or penalty.

The Exchange would retain its list of minor rule violations with certain technical and conforming amendments, while adopting NYSE's, NYSE American's and FINRA's process for imposing minor rule violation fines.[80] The Exchange would also retain the Exchange's current process for Floor citations applicable to its options permit holders.

Finally, the Exchange believes that its proposed transition plan would allow for a more orderly and less burdensome transition for the Exchange's permit holders. The proposed delayed implementation of the new rule set would provide a clear demarcation between matters that would proceed under the new rules and those that would be completed under the legacy rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues, but is rather designed to (i) provide greater harmonization among Exchange, NYSE, NYSE American, and FINRA rules of similar purpose for investigations and disciplinary matters; and (ii) enhance the quality of the Exchange's regulatory

[74] As noted, Rule 3.8 would be amended to delete the reference to fines because payment of pay fines would be governed by proposed Rule 10.8320.

[75] 15 U.S.C. 78f(b).

[76] 15 U.S.C. 78f(b)(5).

[77] 15 U.S.C. 78f(b)(7).

[78] The Exchange's equivalent to the term "member" in this context is "ETP Holder," "OTP Holder" and "OTP Firm."

[79] 15 U.S.C. 78f(b)(3).

[80] *See* NYSE Rule 9216(b), NYSE American Rule 9216(b), and FINRA Rule 9216(b).

program, from detection of violations through disciplinary actions, resulting in less burdensome and more efficient regulatory compliance and facilitating performance of regulatory functions.

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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [81] and Rule 19b–4(f)(6) thereunder.[82] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [83] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2019–15 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–NYSEARCA–2019–15. 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–NYSEARCA–2019–15 and should be submitted on or before May 9, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[84]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–07739 Filed 4–17–19; 8:45 am]

BILLING CODE 8011–01–P

[81] 15 U.S.C. 78s(b)(3)(A)(iii).

[82] 17 CFR 240.19b–4(f)(6).

[83] 15 U.S.C. 78s(b)(2)(B).

[84] 17 CFR 200.30–3(a)(12).

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Colorado River Drought Contingency Plan Authorization Act (Apr. 16, 2019; 133 Stat. 850)

S. 725/P.L. 116–15
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