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Presidential Documents

Title 3—

The President

Proclamation 9863 of April 15, 2019

Education and Sharing Day, U.S.A., 2019

By the President of the United States of America

A Proclamation

A strong republic requires a people abounding in knowledge, which forges the character of the citizenry and its chosen representatives. Through study of the thoughts and discoveries of others, citizens enhance their shared understanding of who they are and who they want to be. Education and Sharing Day affords an important opportunity to reaffirm our belief that educational freedom is essential to our society and to the growth of individuals.

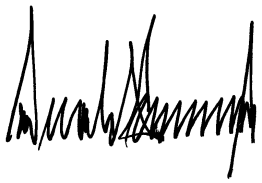
On this day, we recognize Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe, whose very name signifies a spirit of comfort and compassion and a commitment to the betterment of America and the world. In the face of unspeakable tragedy, Rabbi Schneerson championed the teaching of principles of scholarship, justice, charity, and unity, launching an international movement that continues to contribute to the progress of humanity. The Rebbe believed that education is not only about the transmission of knowledge but that it is also integral to the formation of character. He sought to expand freedom in education while finding common ground with those of differing beliefs and backgrounds. His unfailing example offered those around him an opportunity to deepen their understanding of the inherent connections between knowledge, character, and freedom.

We must encourage institutions of higher learning to resist calls to stifle the open debate that is crucial to fostering freedom and social understanding. Genuine education depends on the free sharing of thought. That is why I recently signed an Executive Order to improve free inquiry, transparency, and accountability at colleges and universities.

Today, we honor the Rebbe's legacy by recommitting ourselves to embracing lifelong learning, defending freedom of expression, and upholding virtue. As Americans, let us strive to listen to each other's perspectives, learn from one another's experiences, and gain a deeper appreciation for the exchange of competing views to develop our character as citizens of a great republic.

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 16, 2019, as ''Education and Sharing Day, U.S.A.'' I call upon government officials, educators, volunteers, and all the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth 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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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 900

Certifying the Use of a Merit Personnel System as Required by the Intergovernmental Personnel Act of 1970

AGENCY: Office of Personnel Management (OPM).

ACTION: Guidance.

SUMMARY: OPM wishes to publicly respond to inquiries regarding the available range of staffing options for federally-funded and state-administered low-income programs that are required to comply with the Intergovernmental Personnel Act of 1970 (IPA) and its implementing regulations.

DATES: April 19, 2019.

FOR FURTHER INFORMATION CONTACT: For questions, please contact Kim Holden, Employee Services, Talent Acquisition and Workforce Shaping at *employ@opm.gov* or 202–606–8097.

SUPPLEMENTARY INFORMATION: Pursuant to 5 CFR 900.604(b)(3), OPM is tasked with responding to requests for guidance regarding compliance with the Intergovernmental Personnel Act of 1970 (IPA) and its implementing regulations. When a federally-funded program requires state and local agencies to establish a merit personnel system in order to receive funds, the IPA and the regulations in 5 Code of Federal Regulations (CFR) Part 900 Subpart F are applicable. These regulations establish the standards that must be included in a merit personnel system when it is certified by a state or local agency. The IPA and the regulations do not prescribe the use of a particular staffing method such as utilizing state employees or contract employees. In the absence of any other statutory or regulatory requirement to use a specific staffing method, the state or local agency has the discretion to determine the most appropriate staffing method. Regardless of the staffing method chosen, the state or local agency must certify that it is using a merit personnel system that meets the standards outlined in 5 CFR 900.603.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2019–07312 Filed 4–18–19; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

[Document Number AMS–FV–14–0088, SC–19–328]

United States Standards for Grades of Processed Vegetables

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final notice.

SUMMARY: The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) is revising the U.S. Standards for Grades of Canned Lima Beans, U.S. Standards for Grades of Canned Mushrooms, U.S. Standards for Grades of Pickles, and U.S. Standards for Grades of Green Olives. AMS is replacing the term ''midget'' with ''petite'' in the canned lima bean, canned mushroom, and pickle standards, and removing ''midget'' completely from the green olive standards as there is an alternative term. AMS is also replacing the two-term grading system (dual nomenclature) with a single term to describe each quality level in the canned lima bean, canned mushroom, and green olive standards. Editorial changes are also being made to the grade standards that conform to recent changes made in other grade standards.

DATES: Effective May 20, 2019.

FOR FURTHER INFORMATION CONTACT: Lindsay H. Mitchell, USDA, Specialty Crops Inspection Division, 100 Riverside Parkway, Suite 101, Fredericksburg, VA 22406, by phone (540) 361–1120; fax (540) 361–1199; or, email *lindsay.mitchell@ams.usda.gov.* Copies of the revised U.S. Standards for Grades of Canned Lima Beans, U.S. Standards for Grades of Canned Mushrooms, U.S. Standards for Grades of Pickles, and U.S. Standards for Grades of Green Olives are available at *www.ams.usda.gov/grades-standards/vegetables.*

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), as amended, directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.''

AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The U.S. Standards for Grades of Fruits and Vegetables that no longer appear in the Code of Federal Regulations are maintained by AMS at: *http://www.ams.usda.gov/grades-standards.* AMS is proposing revisions to these U.S. Standards for Grades using the procedures that appear in part 36 of Title 7 of the Code of Federal Regulations (7 CFR part 36).

Background

AMS continually reviews all fruit and vegetable grade standards to ensure their usefulness to the industry, modernize language, and remove duplicative terminology. On May 13, 2013, AMS received a petition from the Little People of America stating they ''are trying to raise awareness around and eliminate the use of the word midget.'' The petition further stated, ''Though the use of the word midget by the USDA when classifying certain food products is benign, Little People of America, and the dwarfism community, hopes that the USDA would consider phasing out the term midget.''

AMS determined that six grade standards contained the term ''midget''—U.S. Standards for Grades of Canned Lima Beans, U.S. Standards for Grades of Canned Mushrooms, U.S. Standards for Grades of Pickles, U.S. Standards for Grades of Green Olives, U.S. Standards for Grades of Processed Raisins, and U.S. Standards for Grades of Shelled Pecans. The shelled pecans and processed raisins standards were addressed in two separate rules because additional changes were being made to those standards.

In addition to replacing ''midget'' with ''petite'' or removing ''midget,'' AMS is also removing dual nomenclature in U.S. Standards for Grades of Canned Lima Beans, U.S. Standards for Grades of Canned Mushrooms, and U.S. Standards for Grades of Green Olives. More recently developed standards use a single term, such as ''U.S. Grade A'' or ''U.S. Grade B,'' to describe each level of quality within a grade standard. Older grade standards used dual nomenclature, such as ''U.S. Grade A or U.S. Fancy,'' ''U.S. Grade B or U.S. Extra Standard,'' or ''U.S. Grade B or U.S. Choice,'' and ''U.S. Grade C or U.S. Standard,'' to describe the same level of quality. The terms ''U.S. Fancy,'' ''U.S. Extra Standard,'' ''U.S. Choice,'' and ''U.S. Standard'' will be removed and the terms ''U.S. Grade A,'' ''U.S. Grade B,'' and ''U.S. Grade C'' will be used exclusively.

Finally, AMS is making editorial changes to these grade standards to update the name of a table to better reflect its content, a grade designation in a scoresheet to align with language used throughout the standards, the Code of Federal Regulations (CFR) references where applicable, and to remove obsolete addresses for viewing or obtaining color standards. Information on obtaining color standards is available in the Fresh and Processed Equipment Catalog on the AMS website at *https://www.ams.usda.gov/grades-standards/how-purchase-equipment-and-visual-aids.* These revisions will result in a consistent format across grade standards (75 FR 43141). The following table summarizes the changes made by AMS:

U.S. standards for grades of	Effective date	Remove or replace ''Midget''	Other proposed revisions
Canned Lima Beans	3/20/60	Replace with ''Petite'' in Table II in Sizes of canned lima beans section.	Change level of quality designations to single terms in the Grades of canned lima beans and Color sections. Correct CFR citation for standard of identity to 21 CFR 155.200 in the Identity section. Replace Processed Products information and address with ''USDA Headquarters in Washington, DC'' in the General section.
Canned Mushrooms	4/7/62	Replace with ''petite'' in the Sizes of canned mushrooms in the styles of whole and buttons section.	Change level of quality designations to single terms in the Grades of canned mushrooms section. Correct CFR citation for standard of identity to 21 CFR 155.200 in the Product description section.
Green Olives	9/8/67	Remove from Table I in the Sizes of whole style green olives section.	Change level of quality designations to single terms in the Grades of green olives and Uniformity of size sections and Tables IV and V in the Absence of defects section. Change ''D'' to ''Sstd'' in the Score sheet for green olives section.
Pickles	4/22/91	Replace with ''Petite'' in Table II in the Sizes of whole pickles section and Table VI in the Requirements for grade section.	Change the title of Table III from ''Recommended Pickle Ingredients All Styles Except Relish'' to ''Recommended Minimum Quantity of Pickle Ingredients All Styles Except Relish.''

The revisions provide a common language for trade and better reflect the current marketing of fruits and vegetables.

Comments

On August 13, 2018, AMS published a notice in the **Federal Register** (83 FR 39917) soliciting comments on replacing or removing the term ''midget'' from each of the grade standards identified in this document, as well as replacing the two-term grading system with a single term to describe each quality level in U.S. Standards for Grades of Canned Lima Beans, U.S. Standards for Grades of Canned Mushrooms, and U.S. Standards for Grades of Green Olives. Nine comments were received from the general public by the end of the public comment period on October 12, 2018.

One comment favored replacing or removing the term ''midget,'' but supported using ''extra small'' instead of ''petite'' for pickles since the other sizes are small, medium, large, and extra-large. The term ''petite'' was proposed by the industry because there are three lesser sizes before the ''small'' size designation: midget, small gherkin, and large gherkin. AMS is revising the standard for pickles with the term ''petite.'' One comment favored removing ''midget'' but did not support addressing dual nomenclature in this notice. AMS will address dual nomenclature at the same time ''midget'' is replaced or removed since these are minor non-controversial changes that will update the standards to more accurately represent today's marketing practices and addressing both is more efficient than undertaking separate rulemakings on each issue. One comment was outside the scope of this revision to U.S. grade standards. The remaining six comments favored replacing or removing the term ''midget'' in the grade standards.

Based on the information gathered, AMS is replacing or removing ''midget,'' removing dual nomenclature, and making editorial changes to the aforementioned U.S. Standards for Grades. These revisions bring the grade standards in line with other recently amended standards and current terminology, and update the standards to more accurately represent today's marketing practices.

Authority: 7 U.S.C. 1621–1627.

Dated: April 16, 2019.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2019–07899 Filed 4–18–19; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0899; Product Identifier 2018–NM–099–AD; Amendment 39–19615; AD 2019–07–04]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

Editorial Note: Rule document 2019–07587 was originally published on pages 15949 through 15952 in the issue of Wednesday, April 17, 2019. In that publication, on page 15951, in the title of the Airworthiness

Directive, ''–04'' was inadvertently left out. The corrected document is republished in its entirety.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model 757 airplanes. This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the inner skin of the lap splices, at the lower fastener row, is subject to scratch cracks that may interact with widespread fatigue damage (WFD). This AD requires a general visual inspection (GVI) of certain lap splice inspection areas for any repair common to the fuselage skin lap splice dual frequency eddy current (DFEC) inspection areas, repetitive DFEC inspections of certain lap splice inner skins for any crack, and applicable on-condition actions. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 22, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 22, 2019.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; phone: 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0899.

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–2018–0899; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: David Truong, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5224; fax: 562–627–5210; email: *david.truong@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 certain The Boeing Company Model 757 airplanes. The NPRM published in the **Federal Register** on October 15, 2018 (83 FR 51887). The NPRM was prompted by an evaluation by the DAH indicating that the inner skin of the lap splices, at the lower fastener row, is subject to scratch cracks that may interact with WFD. The NPRM proposed to require a general visual inspection of certain lap splice inspection areas for any repair common to the fuselage skin lap splice inspection areas, repetitive DFEC inspections of a certain lap splice inner skin for any crack, and applicable on-condition actions.

We are issuing this AD to address scratches that can grow into scratch cracks, which could interact with multi-site damage (MSD) fastener hole fatigue cracking. This condition, if not addressed, could result in accelerated crack growth rate, which could result in reduced structural integrity of the airplane.

Comments

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

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that accomplishing Supplemental Type Certificate (STC) ST01518SE does not affect the actions specified in the proposed AD.

We concur with the commenter. We have redesignated paragraph (c) of the proposed AD as paragraph (c)(1) of this AD and added paragraph (c)(2) to this AD to state that installation of STC ST01518SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01518SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Request for Clarification of the Affected Airplanes

Boeing requested that we clarify the affected airplanes in the NPRM. Boeing pointed out that the SUMMARY of the NPRM currently states ''for certain The Boeing Company Model 757 airplanes,'' and requested that we change the SUMMARY of the NPRM to state ''for all The Boeing Company Model 757 airplanes.''

We acknowledge this typographical error. Boeing Alert Requirements Bulletin 757–53A0111 RB, dated May 21, 2018, specifies ''all The Boeing Company Model 757 airplanes,'' and our intent was to match the service information. We have revised the SUMMARY and paragraph (c)(1) of this AD accordingly.

Request To Revise the Safety Issue

Boeing requested that we clarify the nature of the safety issue. Boeing pointed out that the SUMMARY of the NPRM suggests that the safety issue is limited to WFD. Boeing also mentioned that lap splice WFD for the Model 757 fleet is already addressed by AD 2018–18–07, Amendment 39–19386 (83 FR 45037, September 5, 2018) (''AD 2018–18–07''). Boeing specified that the safety issue that the NPRM is mitigating is the potential for interaction between MSD and scratch cracks on the inner skin of the lap splices. Boeing requested that we revise the ''prompted by'' statement in the SUMMARY of the NPRM to specify ''. . . at the lower fastener row is subject to scratch cracks that may interact with WFD.''

We acknowledge the commenter's concern. As written, the SUMMARY of the NPRM can be misconstrued to specify duplicate actions (lap splice WFD) already addressed by AD 2018–18–07. The intent of this AD action is to address the potential for interaction between MSD and scratch cracks on the inner skin of the lap splices. Therefore, we have revised the SUMMARY and paragraph (e) of this AD accordingly.

Request for Clarification of the GVI Inspection Area

Boeing requested that we clarify the GVI inspection area. Boeing mentioned that the SUMMARY and ''Related Service Information Under 1 CFR part 51'' section of the NPRM each describe a GVI common to the fuselage skin lap splice inspection areas. Boeing pointed out that the wording seems confusing and could be perceived as a circular description (*i.e.,* that the inspection area is common to the inspection area). Boeing also pointed out that there is no mention of the commonality of the

DFEC inspection areas and the GVI inspection areas.

We agree with the commenter's request for the reasons provided. We have revised the SUMMARY and ''Related Service Information Under 1 CFR part 51'' section of this AD accordingly.

Request for Clarification of the Affected Inspection Area

Boeing requested that we clarify the affected inspection area. Boeing mentioned that the SUMMARY of the NPRM states ''. . . DFEC inspections of a certain lap splice inner skin. . . .'' Boeing pointed out that this statement suggests that only one skin panel is affected. Boeing requested that we revise the SUMMARY of the NPRM to state ''. . . DFEC inspections of certain lap splice inner skins. . . .''

We agree with the commenter's request for the reasons provided. We have revised the SUMMARY of this AD accordingly.

Request To Clarify That the Inspections Are Not Limited to Lap Splices at Stringer (S) 14

Boeing requested that we clarify that the inspections are not limited to lap splices at S–14. Boeing mentioned that the ''Related Service Information Under 1 CFR part 51'' section of the NPRM describes the service information as procedures for ''. . . repetitive DFEC inspections of the S–14 lap splice inner skin for any crack. . . .'' Boeing pointed out that the description does not mention any of the other lap splice stringer locations where the inspections are required. Boeing requested that we revise the description to specify ''. . . repetitive DFEC inspections of certain lap splice inner skins for any crack. . . .''

We agree with the commenter's request for the reasons provided. We have revised the ''Related Service Information Under 1 CFR part 51'' section of this AD accordingly.

Request To Revise the Costs of Compliance of the NPRM

Boeing requested that we clarify the Costs of Compliance of the NPRM. Boeing mentioned that the NPRM specified 451 airplanes of U.S. registry. Boing specified that its records show there to be 561 airplanes of U.S. registry that would be affected by the NPRM. Boeing also pointed out that the difference in affected airplanes significantly increases the overall costs to the U.S. registered Model 757 fleet.

We agree that Boeing records account for U.S. registered airplanes that the FAA did not include in the NPRM, and that this number may be a more accurate representation of the U.S. registered airplanes. We did not originally include airplanes in our cost estimate that are in storage or not currently active. We have updated the Costs of Compliance section of this AD to reflect the specific number of U.S. registered airplanes and the revised cost on U.S. operators.

Request To Include Required for Compliance (RC) Language

Boeing requested that we revise paragraph (i) of the proposed AD to include RC language. Boeing mentioned that this change would clarify which actions are mandated.

We agree that clarification is necessary, however, we disagree with the request to include RC language in paragraph (i) of this AD. As noted in Boeing Alert Requirements Bulletin 757–53A0111 RB, dated May 21, 2018, if an RB is mandated by an AD, then all applicable requirements specified in the RB must be done. We did not include RC language because this AD requires accomplishment of all the actions specified in the Accomplishment Instructions of Boeing Alert Requirements Bulletin 757–53A0111 RB, dated May 21, 2018. Therefore, we have not changed this AD in this regard.

Request To Exclude Airplanes With Certain Modifications

FedEx and VT Mobile Aerospace Engineering (MAE) Inc. requested that we revise the NPRM to specify that inspections, methods, and compliance times regarding certain lap splices specified in Boeing Alert Requirements Bulletin 757–53A0111 RB, dated May 21, 2018, be omitted for the FedEx fleet of Model 757–200 airplanes. FedEx mentioned that its fleet has been modified using certain VT MAE Inc. supplemental type certificates (STCs), and is no longer configured as passenger airplanes. FedEx pointed out that its Model 757–200 fleet is identified as Groups 1, 4, and 5 in Boeing Alert Requirements Bulletin 757–53A0111 RB, dated May 21, 2018. VT MAE Inc. pointed out that because of the change in configuration related to the VT MAE Inc. STCs, certain lap splice inspection areas have been removed and those airplanes are unable to fully comply with the inspection procedures specified in Boeing Alert Requirements Bulletin 757–53A0111 RB, dated May 21, 2018. VT MAE Inc. proposed certain exceptions to the service information in the final rule. The proposed exceptions are for the lap splice inspections affected by the change in configuration related to the VT MAE Inc. STCs. FedEx requested that, in lieu of requesting an AMOC after publication, we include the exceptions proposed by VT MAE Inc. in the final rule.

We acknowledge the commenters' remarks, however, we disagree with the request to include exceptions in this final rule that are specific to certain airplanes operated by FedEx. There are many different airplane configurations across multiple operators, and ADs cannot accommodate all possible configurations. However, under the provisions of paragraph (i) of this AD, we will consider requests for approval of an AMOC that addresses the VT MAE Inc. STCs, if appropriate data are submitted to substantiate that the method would provide an acceptable level of safety. We have not changed this AD in this regard.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule with the changes described previously and minor editorial changes. We have determined that these minor changes:

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

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this final rule.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Requirements Bulletin 757–53A0111 RB, dated May 21, 2018. This service information describes procedures for a GVI of certain lap splice inspection areas for any repair common to the fuselage skin lap splice DFEC inspection areas, repetitive DFEC inspections of certain lap splice inner skins for any crack, and applicable on-condition actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 561 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
General visual inspection	Up to 6 work-hours × $85 per hour = up to $510.	$0	Up to $510	Up to $286,110.
Repetitive DFEC inspections	Up to 124 work-hours × $85 per hour = up to $10,540 per inspection cycle.	0	Up to $10,540 per inspection cycle.	Up to $5,912,940 per inspection cycle.

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2019–07–04 The Boeing Company: Amendment 39–19615; Docket No. FAA–2018–0899; Product Identifier 2018–NM–099–AD.

(a) Effective Date

This AD is effective May 22, 2019.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to all The Boeing Company Model 757–200, –200PF, –200CB, and –300 series airplanes, certificated in any category.

(2) Installation of Supplemental Type Certificate (STC) ST01518SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01518SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the inner skin of the lap splices, at the lower fastener row, is subject to scratch cracks that may interact with widespread fatigue damage (WFD). We are issuing this AD to address scratches that can grow into scratch cracks, which could interact with multi-site damage (MSD) fastener hole fatigue cracking. This condition, if not addressed, could result in accelerated crack growth rate, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 757–53A0111 RB, dated May 21, 2018, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 757–53A0111 RB, dated May 21, 2018.

Note 1 to paragraph (g) of this AD: Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 757–53A0111, dated May 21, 2018, which is referred to in Boeing Alert Requirements Bulletin 757–53A0111 RB, dated May 21, 2018.

(h) Exceptions to Service Information Specifications

(1) For purposes of determining compliance with the requirements of this AD: Where Boeing Alert Requirements Bulletin 757–53A0111 RB, dated May 21, 2018, uses the phrase ''the original issue date of Requirements Bulletin 757–53A0111 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Alert Requirements Bulletin 757–53A0111 RB, dated May 21, 2018, specifies contacting Boeing for alternative inspections or repair instructions, this AD requires alternative inspection or repair before further flight using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(3) Inspections performed in accordance with Boeing Alert Requirements Bulletin 757–53A0111 RB, dated May 21, 2018, are not necessary in areas where existing FAA approved repairs cover the affected inspection areas; provided the outermost repair doubler extends a minimum of three rows of fasteners above and below the

original group of lap splice fasteners subject to the inspection. Damage tolerance inspections specified for existing repairs must continue. Inspections outside of the repaired boundaries are still required as specified in Boeing Alert Requirements Bulletin 757–53A0111 RB, dated May 21, 2018.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *9-ANM-LAACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Related Information

(1) For more information about this AD, contact David Truong, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5224; fax: 562–627–5210; email: *david.truong@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (k)(3) and (k)(4) of this AD.

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 757–53A0111 RB, dated May 21, 2018.

(ii) [Reserved]

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; phone: 562–797–1717; internet *https://www.myboeingfleet.com.*

(4) You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(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 Des Moines, Washington, on April 8, 2019.

Michael J. Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. R1–2019–07587 Filed 4–18–19; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0903; Product Identifier 2018–NM–113–AD; Amendment 39–19616; AD 2019–07–05]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2016–19–14, which applied to certain Airbus SAS Model A318 and A319 series airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. AD 2016–19–14 required repetitive inspections for cracking of the 10VU rack fitting lugs, and repair of any cracking. Since we issued AD 2016–19–14, we have determined that the unsafe condition may exist on additional airplanes. This AD continues to require repetitive inspections for cracking of the 10VU rack fitting lugs, and repair of any cracking. This AD also adds airplanes to the applicability. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 24, 2019.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 24, 2019.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*; internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0903.

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–2018–0903; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2016–19–14, Amendment 39–18663 (81 FR 71602, October 18, 2016) (''AD 2016–19–14''). AD 2016–19–14 applied to certain Airbus SAS Model A318 and A319 series airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The NPRM published in the **Federal Register** on November 5, 2018 (83 FR 55299). Since we issued AD 2016–19–14, we have determined that the unsafe condition may exist on additional airplanes. This AD continues to require repetitive inspections for cracking of the 10VU rack fitting lugs, and repair of any cracking. This AD also adds airplanes to the applicability. We are issuing this AD to address reading difficulties of flight-critical information displayed to the flightcrew during a critical phase of flight, such as an approach or takeoff, which could result in loss of airplane

control at an altitude insufficient for recovery.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0131, dated June 19, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A318 and A319 series airplanes; Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The MCAI states:

During an unscheduled maintenance operation on an A330 aeroplane, the 10VU rack was removed for access and cracks were discovered on 10VU rack side fittings on lugs 1, 3 and 4. As a similar design is installed on A320 family aeroplanes, a sampling review was done to determine the possible fleet impact. The result showed that several aeroplanes had cracked or broken 10VU rack side fittings.

This condition, if not detected and corrected, could lead to a high vibration level on the primary flight and navigation displays during critical flight phases (take-off and landing), possibly creating reading difficulties for the crew.

Prompted by these findings, Airbus developed mod 35869 to reinforce the affected rack fitting lugs. For in-service aeroplanes, Airbus published SB [service bulletin] A320–92–1087 to provide detailed inspection (DET) and repair instructions. Consequently, EASA AD 2015–0170 [which corresponds to FAA AD 2016–19–14] was issued to require, for all pre mod 35869 aeroplanes, repetitive DET of the affected 10VU rack fitting lugs and, depending on findings, accomplishment of a repair.

Since that [EASA] AD was issued, analysis confirmed the need to extend the inspection to post mod 35869 aeroplanes. Airbus issued SB A320–92–1119 providing instructions for DET and repair of those aeroplanes accordingly. Airbus developed mod 157335 to further reinforce and adjust the affected rack fitting lugs. Analysis is still ongoing to confirm mod 157335 as terminating action for the requirements of this [EASA] AD, and further AD action may follow.

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2015–0170, which is superseded, expanding the Applicability to include post mod 35869 aeroplanes, and requiring, for all aeroplanes, repetitive DET of the affected 10VU rack fitting lugs and, depending on findings, accomplishment of a repair [and reporting positive and negative findings to Airbus].

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0903.

Comments

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

Request To Allow Flight With Cracked 10VU Lug

JetBlue Airways requested that paragraph (i) of the proposed AD be revised to allow flight with one cracked 10VU lug and to require repair of that cracked 10VU lug prior to exceeding 5,000 flight cycles, 10,000 flight hours, or within 24 months after the effective date of the AD, whichever occurred first. The commenter noted that paragraph (i) of the proposed AD would require repair before further flight even if only one 10VU lug was cracked. The commenter stated that allowing flight with one cracked 10VU lug would be in line with the requirements of EASA AD 2018–0131, dated June 19, 2018, and the procedures described in Airbus Service Bulletin A320–92–1087, Revision 03, dated July 31, 2017; and Airbus Service Bulletin A320–92–1119, dated July 28, 2017. The commenter noted that if more than one 10VU lug was cracked then the repair of all cracked 10VU lugs must be done before further flight.

We disagree with the commenter's request. As noted in the proposed AD, we have determined that, because of the safety implications and consequences associated with that cracking, any cracked 10VU rack fitting lug must be repaired before further flight. Our general policy does not allow flight with known cracks. This policy is based on the fact that such damaged airplanes do not conform to the FAA-certificated type design and, therefore, are not airworthy until a properly approved repair is made. However, under the provisions of paragraph (m)(1) of this AD, we will consider requests for approval of an extension of the compliance time if sufficient data are submitted to substantiate that the new compliance time would provide an acceptable level of safety, We have not changed this AD regarding this issue.

Request To Clarify Testing Procedure Requirements

United Airlines (UAL) requested that the final AD include a statement that the tests identified as ''Required for Compliance'' (RC) in Airbus Service Bulletin A320–92–1087, Revision 03, dated July 31, 2017 (''A320–92–1087, Revision 03''); and Airbus Service Bulletin A320–92–1119, dated July 28, 2017 (''A320–92–1119''), are only applicable if the component identified in the test was removed and re-installed in the airplane. The commenter suggested that the final AD allow operators to conduct tests only on components that were removed so operators could get access to the areas required to do the inspections.

The commenter noted that Airbus Service Bulletin A320–92–1087, Revision 03, subtask 921087–700–002–001, ''Testing,'' provides a list of components to be tested, but includes a statement that the required testing is dependent upon which components were removed for access to do an inspection and then re-installed on the airplane. The commenter stated that Airbus Service Bulletin A320–92–1119 does not include such a statement. The commenter explained that having this statement is important because not every component listed is installed on every 10VU rack, therefore operators could not do a test on a component that was never installed, and including this statement would account for different avionics equipment configurations within the 10VU rack. The commenter provided the example that some UAL airplanes are not equipped with angle-of-attack indicators or an integrated stand instrument system, therefore the required tests could not be accomplished for these components.

We agree with the intent of the commenter's request and we will provide clarification regarding the RC tests. The intent of the RC tests in the Airbus service information is to require testing of equipment that was removed for access to do an inspection and then re-installed in the airplane. The Airbus service information includes this explanation regarding required testing in different locations. Airbus Service Bulletin A320–92–1087, Revision 03, paragraph 3.D.(2), ''Subtask 921087–700–002–001, Testing,'' includes a statement that the testing is dependent upon which components were removed in order to do an inspection and are being re-installed on the airplane. The location of this statement in Airbus Service Bulletin A320–92–1119, paragraph 3.D.(2), ''Subtask 921119–710–001–001, Testing,'' is in a note, which states that ''The test procedure is to be accomplished after the installation of the equipment removed for access . . . .'' This note has the same intent as the statement and operators are not expected to do testing on components that were never installed in the 10VU rack; operators only have to test components that were removed and then re-installed. We have not changed this AD regarding this issue.

Request To Refer to Current Service Information

UAL requested that, prior to publication of the final AD, we verify that the current published revision level of Airbus Service Bulletin A320–92–1087 and Airbus Service Bulletin A320–92–1119 are referred to in the final AD. The comment stated that this would avoid the need to apply for an alternative method of compliance (AMOC) immediately after publication of the final AD.

We agree with the commenter's request and we have verified that Airbus Service Bulletin A320–92–1087, Revision 03; and Airbus Service Bulletin A320–92–1119; are the current published revision levels of these documents. We have not changed this AD regarding this issue.

Request To Revise Reporting Method

JetBlue Airways requested that paragraph (j) of the proposed AD be revised to remove the reference to the Airbus Service Bulletin Reporting Online Application on Airbus World (*https://w3.airbus.com/*). The commenter advocated that operators should be allowed to report their findings to Airbus using a method of their choosing and that the proposed AD should not specify how operators should report their findings.

We agree to clarify. Paragraph (j) of this AD does not require operators to report their findings using only the Airbus Service Bulletin Reporting Online Application. Paragraph (j) of this AD provides operators with the option of either using the Airbus Service Bulletin Reporting Online Application or submitting the results to Airbus in accordance with the instructions of Airbus Service Bulletin A320–92–1087, Revision 03 (for Group 1 airplanes); or Airbus Service Bulletin A320–92–1119 (for Group 2 airplanes); as applicable. We have not changed this AD regarding this issue.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. We have determined that these minor changes:

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

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletins A320–92–1087, Revision 03, dated July 31, 2017; and A320–92–1119, dated July 28, 2017. This service information describes procedures for repetitive inspections for cracking of the 10VU rack fitting lugs, and repair of any cracking. These documents are distinct since they apply to airplanes in different configurations.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 461 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
2 work-hours × $85 per hour = $170	$0	$170	$78,370

We estimate that it would take about 1 work-hour per product to comply with the reporting requirement in this AD. The average labor rate is $85 per hour. Based on these figures, we estimate the cost of reporting the inspection results on U.S. operators to be $85 per product.

We estimate the following costs to do any necessary repairs that would be required based on the results of the inspection. We have no way of determining the number of aircraft that might need these repairs:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
83 work-hours × $85 per hour = $7,055	$9,140	$16,195

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 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 current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW, Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES–200.

Authority for This Rulemaking

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

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

that is likely to exist or develop on products identified in this rulemaking action.

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2016–19–14, Amendment 39–18663 (81 FR 71602, October 18, 2016), and adding the following new AD:

2019–07–05 Airbus SAS: Amendment 39–19616; Docket No. FAA–2018–0903; Product Identifier 2018–NM–113–AD.

(a) Effective Date

This AD is effective May 24, 2019.

(b) Affected ADs

This AD replaces AD 2016–19–14, Amendment 39–18663 (81 FR 71602, October 18, 2016) (''AD 2016–19–14'').

(c) Applicability

This AD applies to the Airbus SAS airplanes identified in paragraphs (c)(1) through (c)(4) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Model A318–111, –112, –121, and –122 airplanes.

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

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

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

(d) Subject

Air Transport Association (ATA) of America Code 92, Electric and Electronic Common Installation.

(e) Reason

This AD was prompted by a report of cracks found during maintenance inspections on certain 10VU rack fitting lugs. We are issuing this AD to address reading difficulties of flight-critical information displayed to the flightcrew during a critical phase of flight, such as an approach or takeoff, which could result in loss of airplane control at an altitude insufficient for recovery.

(f) Compliance

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

(g) Definitions

For the purpose of this AD, Group 1 airplanes are in a pre-Airbus Modification 35869 configuration, and Group 2 airplanes are in a post-Airbus Modification 35869 configuration.

(h) Repetitive Inspections

(1) For Group 1 airplanes: At the later of the times specified in table 1 to paragraph (h)(1) of this AD, and thereafter at intervals not to exceed 20,000 flight cycles or 40,000 flight hours, whichever occurs first, do a detailed inspection for cracking of the 10VU rack fitting lugs, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–92–1087, Revision 03, dated July 31, 2017.

Table 1 to paragraph (h)(1) of this AD – *Initial inspection compliance time for Group 1 airplanes*

Compliance Time (whichever occurs later, A or B)	
A	Prior to exceeding 30,000 total flight cycles or 60,000 total flight hours
B	Within 24 months after November 22, 2016 (the effective date of AD 2016-19-14)

(2) For Group 2 airplanes: At the later of the times specified in paragraphs (h)(2)(i) and (h)(2)(ii) of this AD, and thereafter at intervals not to exceed 20,000 flight cycles or 40,000 flight hours, whichever occurs first, do a detailed inspection for cracking of the 10VU rack fitting lugs, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–92–1119, dated July 28, 2017.

(i) Prior to exceeding 30,000 total flight cycles or 60,000 total flight hours, whichever occurs first.

(ii) Within 30 days after the effective date of this AD.

(i) Repair

If any crack is found during any inspection required by paragraph (h)(1) or (h)(2) of this AD: Before further flight, do a repair in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–92–1087, Revision 03, dated July 31, 2017 (for Group 1 airplanes); or Service Bulletin A320–92–1119, dated July 28, 2017 (for Group 2 airplanes); as applicable. Repair of a 10VU rack fitting lug does not terminate the repetitive inspections required by paragraphs (h)(1) and (h)(2) of this AD.

(j) Reporting

At the applicable time specified in paragraph (j)(1) or (j)(2) of this AD: Submit a report of findings (positive and negative) of each inspection required by paragraph (h) of this AD to Airbus Service Bulletin Reporting Online Application on Airbus World (*https://w3.airbus.com/*), or submit the results to Airbus in accordance with the instructions of Airbus Service Bulletin A320–92–1087, Revision 03, dated July 31, 2017 (for Group 1 airplanes); or Service Bulletin A320–92–1119, dated July 28, 2017 (for Group 2 airplanes); as applicable. Where Figure A–FAAAA, Sheet 02, of Appendix 01, ''Inspection Report,'' of Airbus Service Bulletin A320–92–1087, Revision 03, dated July 31, 2017; and Figure A–FAAAA, Sheet 02, of Appendix 01, ''Inspection Report,'' of Service Bulletin A320–92–1119, dated July 28, 2017; specifies sending removed lugs to Airbus for investigation, this AD does not include that requirement.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 90 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 90 days after the effective date of this AD.

(k) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (h)(1) and (i) of this AD if those actions were performed before the effective date of this AD using Airbus Service Bulletin A320–92–1087, Revision 02, dated November 25, 2014.

(l) Paperwork Reduction Act Burden Statement

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 current 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, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(m) Other FAA AD Provisions

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (n)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0131, dated June 19, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0903.

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

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (o)(3) and (o)(4) of this AD.

(o) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A320–92–1087, Revision 03, dated July 31, 2017.

(ii) Airbus Service Bulletin A320–92–1119, dated July 28, 2017.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*; internet *http://www.airbus.com.*

(4) You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(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 Des Moines, Washington, on April 9, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–07940 Filed 4–18–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0706; Product Identifier 2018–NM–086–AD; Amendment 39–19612; AD 2019–07–01]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Dassault Aviation Model FAN JET FALCON and FAN JET FALCON SERIES C, D, E, F, and G airplanes. This AD was prompted by a determination of the need for a revision to the airplane airworthiness limitations to introduce changes to the maintenance requirements and airworthiness limitations. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations and maintenance requirements. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 24, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 24, 2019.

ADDRESSES: For service information identified in this final rule, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; internet *http://www.dassaultfalcon.com.* You may

view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0706.

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–2018–0706; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Dassault Aviation Model FAN JET FALCON and FAN JET FALCON SERIES C, D, E, F, and G airplanes. The NPRM published in the **Federal Register** on August 10, 2018 (83 FR 39628). The NPRM was prompted by a determination of the need for a revision to the airplane airworthiness limitations to introduce changes to the maintenance requirements and airworthiness limitations. The NPRM proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations and maintenance requirements.

We are issuing this AD to address among other things, fatigue cracking and damage in principal structural elements; such fatigue cracking and damage could result in reduced structural integrity of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0083, dated April 16, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Dassault Aviation Model FAN JET FALCON and FAN JET FALCON SERIES C, D, E, F, and G airplanes. The MCAI states:

> The airworthiness limitations and certification maintenance instructions for the Dassault Fan Jet Falcon aeroplanes, which are approved by EASA, are currently defined and published in the Dassault Fan Jet Falcon Aircraft Maintenance Manual (AMM) chapter 5–40. These instructions have been identified as mandatory for continued airworthiness.
>
> Failure to accomplish these instructions could result in an unsafe condition [among other things, fatigue cracking and damage in principal structural elements; such fatigue cracking and damage could result in reduced structural integrity of the airplane].
>
> Consequently, EASA issued AD 2014–0021 [which corresponds to FAA AD 2014–26–07, Amendment 39–18058 (80 FR 2815, January 21, 2015) (''AD 2014–26–07'')] to require accomplishment of the maintenance tasks, and implementation of the airworthiness limitations, as specified in Dassault Fan Jet Falcon AMM chapter 5–40 Revision 15.
>
> Since that [EASA] AD was issued, Dassault issued Revision 17 of the Dassault Fan Jet Falcon AMM chapter 5–40, which introduces new and more restrictive maintenance requirements and/or airworthiness limitations.
>
> For the reason described above, this [EASA] AD retains the requirements of EASA AD 2014–0021, which is superseded, and requires accomplishment of the actions specified in Revision 17 of the Dassault Fan Jet Falcon AMM chapter 5–40, (hereafter referred to as 'the ALS' in this [EASA] AD).

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0706.

Comments

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

Request To Withdraw NPRM

Kalitta Charters, LLC, (Kalitta) implied that the NPRM did not include a valid unsafe condition to justify the issuance of an AD. The commenter stated that the unsafe condition specified in the NPRM is based on speculation. The commenter remarked that the AD docket does not include evidence of actual fatigue cracking or any other indicators of possible conditions that indicate the existence of an actual potential problem.

We infer that the commenter is requesting that we withdraw the NPRM. We do not agree with the commenter's request. We have identified airworthiness limitations and maintenance requirements as mandatory for an airplane's continued airworthiness. An operator's failure to accomplish these instructions could result in a variety of unsafe conditions, including fatigue cracking and damage in principal structural elements; such fatigue cracking and damage could result in reduced structural integrity of the airplane.

In addition, we issue ADs to require actions to address unsafe conditions that are not otherwise being addressed (or are not addressed adequately) by normal maintenance procedures. We may address such unsafe conditions by requiring revisions to maintenance or inspection programs, as applicable, as a condition under which airplanes may continue to be operated. We have determined that it is necessary to issue this final rule.

Request To Include Method To Determine Flight Cycles

Kalitta requested that the proposed AD include a method for operators to determine the number of flight cycles on landing gear parts based on the part number or date of manufacture. The commenter pointed out that there was no previous requirement to track flight cycles on landing gear parts. The commenter stated that without a method to determine the number of flight cycles, its fleet would be grounded because it would not be able to comply with the requirements specified in the proposed AD.

The commenter also stated that a method for operators to determine the number of flight cycles on landing gear parts is related to its ability to satisfy the initial 90-day compliance time for accomplishing the actions specified in the proposed AD. The commenter noted that some of the affected airframes and parts have been in service over 50 years and during this 50-year period many of the affected parts were removed and installed on other airframes.

We partially agree with the commenter's request. This AD does not include a method for operators to determine the number of flight cycles on landing gear parts based on the part number or date of manufacture; however, this AD extends the initial compliance time for accomplishing the required actions.

In April 2015, Dassault issued ''Falcon Service Advisory'' FSA–05–40–003–R00–A, notifying operators of impending changes to the Airworthiness Limitations affecting the life limits of internal landing gear parts. Dassault also issued FSA–05–40–002–R00A, in April 2015, to provide guidance on determining the cycles-since-new of

landing gear assemblies for operators that had not been rigorously tracking the cycles on life-limited parts. This FSA allowed operators to submit a ''Landing Gear Survey'' so that Dassault could help them ''rebuild the life'' of a given landing gear leg or subpart.

Dassault has informed us that it is in the process of creating an updated methodology for operators to follow if they do not know the exact number of flight cycles on landing gear parts for their airplanes. Therefore, we have revised paragraph (g) of this AD by extending the initial compliance time from 90 days after the effective date of this AD to 12 months after the effective date of this AD for accomplishing the actions specified in Chapter 5–40, Airworthiness Limitations, DGT 131028, Revision 17, dated September 2017, of the Dassault Aviation Falcon 20 Maintenance Manual. This will allow Dassault time to develop the methodology to determine the number of flight cycles on landing gear parts and provide this information to operators. We expect to approve this methodology as an alternative method of compliance (AMOC) to this AD. In addition, under the provisions of paragraph (j)(1) of this AD, we will consider requests for approval of an extension of the compliance time if sufficient data are submitted to substantiate that the extension would provide an acceptable level of safety.

Economic Impact of NPRM

Kalitta stated that the Regulatory Findings section of the NPRM did not take into account operators that have Model DA–20 airplanes as a significant portion of their fleet. The commenter noted that these operators should be considered ''small entities,'' are considered small businesses by the U.S. government, and could be economically destroyed by the proposed requirements of the NPRM.

The commenter also noted that, without a method to compute the flight cycles on landing gear parts, the costs of compliance estimate in the NPRM would be grossly underestimated because, instead of just replacement of the landing gear components, complete landing gear assemblies would have to be replaced.

We acknowledge the commenter's concern regarding the economic impact of this AD. However, as stated in the Regulatory Findings section of this final rule, we have determined that this AD 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. As stated earlier, we have extended the initial compliance time from 90 days to 12 months after the effective date of this AD. Extending the compliance time will reduce the impact to operators and should allow adequate time for Dassault to develop a methodology to determine the number of flight cycles on landing gear parts so that operators will not need to replace complete landing gear assemblies. As stated previously, we expect to approve this methodology as an AMOC to this AD.

In addition, under the provisions of paragraph (j)(1) of this AD, we will consider requests for approval of an extension of the compliance time if sufficient data are submitted to substantiate that the extension would provide an acceptable level of safety.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule with the change described previously and minor editorial changes. We have determined that these minor changes:

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

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this final rule.

Related Service Information Under 1 CFR Part 51

Dassault has issued Chapter 5–40, Airworthiness Limitations, DGT 131028, Revision 17, dated September 2017, of the Dassault Aviation Falcon 20 Maintenance Manual. This service information describes, among other things, new or more restrictive airworthiness limitations and maintenance requirements; these include life limits for certain components, including the engine front mounts and the legs of the nose landing gear and main landing gear, and maintenance tasks for, among other systems, the air conditioning system and the passenger/crew door warning system.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 168 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

We have determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although we recognize that this number may vary from operator to operator. In the past, we have estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), we have determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, we estimate the total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2019–07–01 Dassault Aviation: Amendment 39–19612; Docket No. FAA–2018–0706; Product Identifier 2018–NM–086–AD.

(a) Effective Date

This AD is effective May 24, 2019.

(b) Affected ADs

This AD affects AD 2014–26–07, Amendment 39–18058 (80 FR 2815, January 21, 2015) (''AD 2014–26–07'').

(c) Applicability

This AD applies to Dassault Aviation Model FAN JET FALCON and FAN JET FALCON SERIES C, D, E, F, and G airplanes, certificated in any category, all serial numbers, except those on which the Dassault Fan Jet Falcon Supplemental Structural Inspection Program (Service Bulletin (SB) 730) has been embodied into the airplane's maintenance or inspection program.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits and Maintenance Checks.

(e) Reason

This AD was prompted by a determination of the need for a revision to the airplane airworthiness limitations to introduce changes to the maintenance requirements and airworthiness limitations. We are issuing this AD to address, among other things, fatigue cracking and damage in principal structural elements; such fatigue cracking and damage could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Revision of Maintenance or Inspection Program

Within 12 months after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the airworthiness limitations and maintenance requirements specified in Chapter 5–40, Airworthiness Limitations, DGT 131028, Revision 17, dated September 2017, of the Dassault Aviation Falcon 20 Maintenance Manual (MM). The initial compliance time for accomplishing the actions is at the applicable time specified in Chapter 5–40, Airworthiness Limitations, DGT 131028, Revision 17, dated September 2017, of the Dassault Aviation Falcon 20 MM; or within 12 months after the effective date of this AD; whichever occurs later. Where the threshold column in the table in paragraph B, Mandatory Maintenance Operations, of Chapter 5–40, Airworthiness Limitations, DGT 131028, Revision 17, dated September 2017, of the Dassault Aviation Falcon 20 MM specifies a compliance time in years, those compliance times are since the date of issuance of the original French or European Aviation Safety Agency (EASA) airworthiness certificate or date of issuance of the original French or EASA export certificate of airworthiness.

(h) No Alternative Actions or Intervals

After accomplishing the revision required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions and intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j)(1) of this AD.

(i) Terminating Action for AD 2014–26–07

Accomplishing the actions required by paragraph (g) of this AD terminates all of the requirements of AD 2014–26–07.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (k)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the EASA; or Dassault Aviation's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0083, dated April 16, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0706.

(2) For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226.

(l) Material Incorporated by Reference

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

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

(i) Chapter 5–40, Airworthiness Limitations, DGT 131028, Revision 17, dated September 2017, of the Dassault Aviation Falcon 20 Maintenance Manual.

(ii) [Reserved]

(3) For service information identified in this AD, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; internet *http://www.dassaultfalcon.com.*

(4) You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(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 Des Moines, Washington, on April 10, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–07939 Filed 4–18–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9395; Product Identifier 2016–SW–027–AD; Amendment 39–19618; AD 2019–07–07]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for various Airbus Helicopters Deutschland GmbH (Airbus Helicopters) Model MBB–BK117 and Model BO–105 helicopters. This AD requires removing the swashplate bellows (bellows) and repetitively inspecting the swashplate assembly. This AD was prompted by reports of loose and missing clamps installed on bellows. The actions of this AD are intended to detect and prevent an unsafe condition on these products.

DATES: This AD is effective May 24, 2019.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of May 24, 2019.

ADDRESSES: For service information identified in this final rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub*.

You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9395.

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–2016–9395; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *matthew.fuller@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

On April 20, 2018, at 83 FR 17510, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Airbus Helicopters Model BO–105A, BO–105C, BO–105S, BO105LS A–3, MBB–BK 117A–1, MBB–BK 117A–3, MBB–BK 117A–4, MBB–BK 117B–1, MBB–BK 117B–2, MBB–BK 117C–1, MBB–BK 117C–2, and MBB–BK 117D–2 helicopters. The NPRM proposed to require removing the bellows and repetitively inspecting the swashplate assembly. The proposed requirements were intended to detect and prevent a loose bellows clamp. This condition can cause loss of the bellows, contact of the bellows with the main rotor blades, main rotor mast, and tail rotor, and subsequent loss of helicopter control.

The NPRM was prompted by AD No. 2016–0142, dated July 19, 2016, issued by EASA (EASA AD 2016–0142), which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Airbus Helicopters Model MBB–BK 117A–1, MBB–BK 117A–3, MBB–BK 117A–4, MBB–BK 117B–1, MBB–BK 117B–2, MBB–BK 117C–1, MBB–BK 117C–2, MBB–BK 117C–2e, BO–105A, BO–105C, BO–105D, BO105S, BO–105LS A–3 helicopters.

EASA advises of several reports of a lower clamp found missing from the bellows and damaging the swashplate bearing ring before becoming detached. EASA states an investigation showed that over-torqueing can damage the clamp, which may have caused the clamp to become loose and detach. According to EASA, this condition, if not detected and corrected, could lead to loss of a swashplate clamp, resulting in loss of helicopter control. A detached clamp could damage the swashplate and pitch link or strike the tail rotor. EASA states that its AD is considered interim action and a further AD to implement a terminating action will follow.

Changes to the Final Rule

On April 12, 2018, EASA revised its AD and issued AD No. 2016–0142R1 (''EASA AD 2016–0142R1''). EASA AD 2016–0142R1 removed the repetitive 100-hour and 400-hour inspections contained in EASA AD 2016–0142. EASA determined that the repetitive inspections were no longer required to address the unsafe condition. EASA states the 400-hour inspections will be included in the airworthiness limitations section of the aircraft maintenance manual, and the 100-hour inspections will be deleted.

We have made the same determination because of the lack of corrosion found on the parts since the bellows were removed. The 100-hour repetitive inspections contained in the NPRM have been removed in this Final rule.

Comments

We gave the public the opportunity to participate in developing this AD, but we received no comments on the NPRM.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to our bilateral agreement with the European Union, EASA has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed, except for the change previously described. This change is consistent with the intent of the proposals in the NPRM and will not increase the economic burden on any operator nor increase the scope of this AD.

Interim Action

We consider this AD to be an interim action. The design approval holder is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, we might consider additional rulemaking.

Differences Between This AD and the EASA AD

EASA AD 2016–0142R1 has a different compliance time for helicopters with new bellows, while this AD does not. This AD applies to Model MBB–BK 117D–2 helicopters while EASA AD 2016–0142R1 does not. EASA AD 2016–0142R1 applies to

Model BO–105D helicopters, while this AD does not. This AD requires repetitively inspecting the swashplate every 400 hours time-in-service, while EASA AD 2016–0142R1 does not.

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Helicopters Alert Service Bulletin (ASB) BO105–40A–107 for Model BO105 C-series, D-series and S-series helicopters; ASB BO105 LS–40A–12 for Model BO–105LS A–3 helicopters; ASB MBB–BK117–40A–115 for Model MBB–BK 117A–1, MBB–BK 117A–3, MBB–BK 117A–4, MBB–BK 117B–1, MBB–BK 117B–2, and MBB–BK 117C–1 helicopters; and ASB MBB–BK117 C–2–62A–007 for Model MBB–BK 117C–2 and MBB–BK 117C–2e helicopters. These ASBs are all Revision 4 and all dated May 23, 2016. We also reviewed Airbus Helicopters ASB MBB–BK117 D–2–62A–003, Revision 2, dated May 23, 2016, for Model MBB–BK117 D–2 and MBB–BK117 D–2m helicopters. This service information specifies removing the bellows and repetitively inspecting the swashplate.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 286 helicopters of U.S. Registry and that labor costs average $85 per work hour. Based on these estimates, we expect the following costs:

- Removing and inspecting the swashplate assembly requires 3 work-hours. No parts are needed for a cost of $255 per helicopter and $72,930 for the U.S. fleet per inspection cycle.
- Repairing a scratched support tube requires 3 work-hours. No parts are needed for a cost of $255 per helicopter.
- Replacing a corroded or damaged clamp requires 2 work-hours. Parts cost $8 for a cost of $178 per helicopter.
- Replacing corroded ball bearings requires 4 work-hours. Parts cost $3,000 for a cost of $3,340 per helicopter.
- Removing foreign objects from the outer deflection ring requires 2 work-hours. No parts are needed for a cost of $170 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

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

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2019–07–07 Airbus Helicopters Deutschland GmbH: Amendment 39–19618; Docket No. FAA–2016–9395; Product Identifier 2016–SW–027–AD.

(a) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH Model BO–105A, BO–105C, BO–105S, BO105LS A–3, MBB–BK 117A–1, MBB–BK 117A–3, MBB–BK 117A–4, MBB–BK 117B–1, MBB–BK 117B–2, MBB–BK 117C–1, MBB–BK 117C–2, and MBB–BK 117D–2 helicopters, certificated in any category.

Note 1 to paragraph (a) of this AD: Helicopters with an MBB–BK 117C–2e designation are Model MBB–BK 117C–2 helicopters.

(b) Unsafe Condition

This AD defines the unsafe condition as a loose bellows clamp. This condition can cause loss of the bellows, contact of the bellows with the main rotor blades, main rotor mast, and tail rotor, and subsequent loss of helicopter control.

(c) Effective Date

This AD becomes effective May 24, 2019.

(d) Compliance

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

(e) Required Actions

(1) Within 50 hours time-in-service (TIS):

(i) Remove the swashplate bellows (bellows) part number (P/N) 105–10113.05, P/N 4638305043, P/N 4619305044, or B623M20X2240 from the swashplate.

(ii) Inspect the swashplate by following the Accomplishment Instructions, paragraph 3.B.1.(h) through 3.B.1.(k) of Airbus Helicopters Alert Service Bulletin (ASB) BO105–40A–107, Revision 4, dated May 23, 2016 (ASB BO105–40A–107); ASB BO105 LS–40A–12, Revision 4, dated May 23, 2016 (ASB BO105 LS–40A–12); ASB MBB–BK117–40A–115, Revision 4, dated May 23, 2016 (ASB MBB–BK117–40A–115); or ASB MBB–BK117 C–2–62A–007, Revision 4, dated May 23, 2016 (ASB MBB–BK117 C–2–62A–007); or paragraph 3.B.1.5 through 3.B.1.8 of Airbus Helicopters ASB MBB–BK117 D–2–62A–003, Revision 2, dated May 23, 2016 (ASB MBB–BK117 D–2–62A–003); whichever is applicable to your helicopter. If there is corrosion on a ball bearing, you are not required to contact Airbus Helicopters customer support; instead, before further flight, replace the ball bearing.

(2) Within 400 hours TIS after complying with the actions in paragraph (1) of this AD, and thereafter at intervals not to exceed 400 hours TIS, inspect the swashplate by following the Accomplishment Instructions, paragraph 3.B.3 of ASB BO105–40A–107, ASB BO105 LS–40A–12, ASB MBB–BK117–40A–115, ASB MBB–BK117 C–2–62A–007, or ASB MBB–BK117 D–2–62A–003.

(3) Do not install a bellows P/N 105–10113.05, P/N 4619305044, or P/N 4638305043 or a gearbox with a bellows P/N 105–10113.05, P/N 4619305044, or P/N 4638305043 on any helicopter.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Section, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

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

(g) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2016–0142, dated July 19, 2016, and EASA AD No. 2016–0142R1, dated April 12, 2018. You may view the EASA ADs on the internet at *http://www.regulations.gov* in Docket No. FAA–2016–9395.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6200, Main Rotor System.

(i) Material Incorporated by Reference

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

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

(i) Airbus Helicopters Alert Service Bulletin BO105–40A–107, Revision 4, dated May 23, 2016.

(ii) Airbus Helicopters Alert Service Bulletin BO105 LS–40A–12, Revision 4, dated May 23, 2016.

(iii) Airbus Helicopters Alert Service Bulletin MBB–BK117–40A–115, Revision 4, dated May 23, 2016.

(iv) Airbus Helicopters Alert Service Bulletin MBB–BK117 C–2–62A–007, Revision 4, dated May 23, 2016.

(v) Airbus Helicopters Alert Service Bulletin MBB–BK117 D–2–62A–003, Revision 2, dated May 23, 2016.

(3) For Airbus Helicopters service information identified in this AD, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.*

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

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Fort Worth, Texas, on March 21, 2019.

Scott A. Horn,

Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2019–07562 Filed 4–18–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0086; Airspace Docket No. 19–ASO–1]

RIN 2120–AA66

Amendment of Class D and Class E Airspace, and Revocation of Class E Airspace; Brooksville, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class D airspace and Class E airspace extending upward from 700 feet above the surface at Brooksville-Tampa Bay Regional Airport, (previously Hernando County Airport), Brooksville, FL, by recognizing the airport's name change and updating the airport's geographic coordinates. Also, Class E surface airspace is removed as it is no longer necessary. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport. This action also replaces the outdated term Airport/Facility Directory with the term Chart Supplement in the legal descriptions of associated Class D airspace of this airport.

DATES: Effective 0901 UTC, June 20, 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.

ADDRESSES: FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line 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 *https://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: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class D and Class E airspace extending upward from 700 feet above the surface, and removes Class E surface airspace at Brooksville-Tampa Bay Regional Airport, (previously Hernando County Airport), Brooksville, FL, to support standard instrument approach procedures for IFR operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (84 FR 6987, March 1, 2019) for Docket No. FAA–2019–0086 to amend Class D and Class E airspace extending upward from 700 feet above the surface by recognizing the airport's name change to Brooksville-Tampa Bay Regional Airport, (formerly Hernando County Airport), and updating the geographic coordinates of the airport to be in concert with the FAA's aeronautical database. Also, Class E surface airspace would be removed, providing the controlled airspace required to support the new RNAV (GPS) standard instrument approach procedures for IFR operations at this airport.

Interested parties were invited to participate in this rulemaking effort by

submitting written comments on the proposal to the FAA. No comments were received.

Class D and E airspace designations are published in Paragraphs 5000, 6002, and 6005 respectively, of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR part 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 amends Class D and Class E airspace extending upward from 700 feet above the surface by recognizing the airport's name change to Brooksville-Tampa Bay Regional Airport, (formerly Hernando County Airport), and updating the geographic coordinates of the airport to be in concert with the FAA's aeronautical database. Also, Class E surface airspace is removed, providing the controlled airspace required to support the new RNAV (GPS) standard instrument approach procedures for IFR operations at this airport. Additionally, an editorial change is made replacing the outdated term Airport/Facility Directory with the term Chart Supplement in the associated Class D airspace legal description of this airport. These changes are necessary for continued safety and management of IFR operations at this airport.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 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, effective September 15, 2018, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASO FL D Brooksville, FL [Amended]

Brooksville-Tampa Bay Regional Airport, FL (Lat. 28°28′25″ N, long. 82°27′20″ W)

That airspace extending upward from the surface up to and including 1,500 feet MSL within a 5.1-mile radius of the Brooksville-Tampa Bay Regional Airport. This Class D airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Surface Area Airspace.

* * * * *

ASO FL E2 Brooksville, FL [Remove]

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASO FL E5 Brooksville, FL [Amended]

Brooksville-Tampa Bay Regional Airport, FL (Lat. 28°28′25″ N, long. 82°27′20

That airspace extending upward from 700 feet above the surface within a 7.6-mile radius of Brooksville-Tampa Bay Regional Airport.

Issued in College Park, Georgia, on April 11, 2019.

Matthew Cathcart,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2019–07834 Filed 4–18–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–476]

Chemical Names of Previously Controlled Fentanyl-Related Substances

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notification of chemical names of previously controlled substances.

SUMMARY: The Drug Enforcement Administration (DEA) is providing additional descriptive information with respect to five specific substances already covered by a temporary scheduling order that appeared in the **Federal Register** on February 6, 2018. That order placed fentanyl-related substances temporarily in schedule I of the Controlled Substances Act. The order further stated that if and when DEA identifies a specific new substance that falls under the definition of a fentanyl-related substance, the agency will publish in the **Federal Register**, and on the agency website, the chemical name of such substance. Consistent therewith, this document provides the chemical names of five substances that fall within the definition of fentanyl-related substances that were temporarily controlled under the scheduling order issued February 6, 2018.

DATES: This notification has the same effective period as the temporary scheduling order published on February 6, 2018 (83 FR 5188): February 6, 2018 through February 6, 2020.

FOR FURTHER INFORMATION CONTACT: Lynnette M. Wingert, Diversion Control

Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION: On February 6, 2018, DEA issued an order pursuant to 21 U.S.C. 811(h), which temporarily placed fentanyl-related substances in schedule I of the Controlled Substances Act (CSA). 83 FR 5188. As defined in the order, fentanyl-related substances include any substance not otherwise controlled in any schedule (*i.e.,* not included under any other Administration Controlled Substance Code Number) that is structurally related to fentanyl by one or more of the following modifications:

1. Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

2. substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino or nitro groups;

3. substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino or nitro groups;

4. replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; and/or

5. replacement of the *N*-propionyl group by another acyl group.

The order further stated that if and when DEA identifies a specific new substance that falls under the definition of a fentanyl-related substance, the agency will publish in the **Federal Register**, and on the agency website, the chemical name of such substance. Consistent therewith, DEA is hereby providing the chemical names of five substances, which have been identified on the illicit market in the United States, that fall within the existing definition of a fentanyl-related substance:

N-(1-(2-fluorophenethyl)piperidin-4-yl)-*N*-(2-fluorophenyl)propionamide (2′-fluoro *ortho*-fluorofentanyl);

N-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide (*ortho*-methyl acetylfentanyl);

N-(1-phenethylpiperidin-4-yl)-*N*,3-diphenylpropanamide (beta′-phenyl fentanyl; hydrocinnamoyl fentanyl);

N-(1-phenethylpiperidin-4-yl)-*N*-phenylthiophene-2-carboxamide (thiofuranyl fentanyl); and

(*E*)-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbut-2-enamide (crotonyl fentanyl).

The five foregoing substances fall within the definition of fentanyl-related substances as they are not otherwise listed under another Administration Controlled Substance Code Number and are structurally related to fentanyl by the following modifications:

2′-fluoro *ortho*-fluorofentanyl: Substitution on the phenethyl group with a halo group and substitution on the aniline ring (meets definition for modifications 2 and 4);

ortho-methyl acetylfentanyl: Substitution on the aniline ring and replacement of the *N*-propionyl group with another acyl group (meets definition for modifications 4 and 5);

beta′-phenyl fentanyl: Replacement of the *N*-propionyl group by another acyl group (meets definition for modification 5);

thiofuranyl fentanyl: Replacement of the *N*-propionyl group by another acyl group (meets definition for modification 5);

crotonyl fentanyl: Replacement of the *N*-propionyl group by another acyl group (meets definition for modification 5).

It bears emphasis that, as DEA stated in the temporary scheduling order for fentanyl-related substances, even in the absence of this publication providing the chemical names of the foregoing five substances that fall within the definition of a fentanyl-related substance, these five substances (along with any others that might be identified in the future) were controlled as of February 6, 2018 by virtue of the temporary scheduling order that DEA issued on that date. 83 FR 5188.

Dated: April 3, 2019.

Uttam Dhillon,

Acting Administrator.

[FR Doc. 2019–07457 Filed 4–18–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF STATE

22 CFR Part 126

[Public Notice: 10363]

RIN 1400–AE24

International Traffic in Arms Regulations: Transfers Made by or for a Department or Agency of the U.S. Government

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State is amending the International Traffic in Arms Regulations (ITAR) to revise the licensing exemption for transfers made by or for an agency of the U.S. Government.

DATES: This rule is effective on April 19, 2019.

FOR FURTHER INFORMATION CONTACT: Robert Monjay, Office of Defense Trade Controls Policy, Department of State, telephone (202) 663–2817; email *DDTCPublicComments@state.gov.* ATTN: ITAR Amendment—By or For.

SUPPLEMENTARY INFORMATION: The Department published a proposed rule on May 22, 2015 (RIN 1400–AC88, 80 FR 29565) (Proposed Rule) and received 17 public comments. The Department published a final rule on August 17, 2016 (81 FR 54732) covering those elements of the Proposed Rule not related to the exemption for exports and temporary imports made to or on behalf of a department or agency of the U.S. Government in ITAR § 126.4, and addressed the relevant public comments. This final rule addresses only the proposed revision of that exemption, and addresses only the public comments related to that proposal. The changes to § 126.4 relevant to the existing text are described below.

This final rule revises ITAR § 126.4 to clarify when exports, reexports, retransfers, temporary imports, and performance of a defense service (collectively described as ''transfers'' for the remainder of this rule) may be made by or for an agency of the U.S. Government without a license, including by employees of the U.S. Government in the performance of their official duties. This rule expands the scope of this exemption to allow for permanent exports, reexports, and retransfers, in addition to temporary exports and imports, and to allow transfers by third parties acting for the U.S. Government. In addition, this rule revises the section heading from shipments to transfers to reflect the scope of the exemption.

The authorization to transfer defense articles and defense services by or for the U.S. Government is divided between paragraphs (a) and (b) in the revised § 126.4. Paragraph (a) applies to transfers made by the U.S. Government and paragraph (b) applies to transfers made for, or on behalf of, the U.S. Government. Paragraphs (c), (d), (e) and (f) set out additional requirements applicable to transfers made under either paragraph (a) or (b).

Paragraph (a) is revised to authorize those transfers made by a department or agency of the U.S. Government (1) for official use by the U.S. Government, (2) for carrying out certain international agreements or arrangements, (3) for carrying out foreign assistance, or sales programs authorized by statute, or (4) for carrying out certain Department of Defense (DOD) ''security cooperation

programs and activities,'' as that term is defined in paragraph (a)(4)(i). Certain agreements or arrangements entered into with international partners authorized by Title 10, Title 22, or a National Defense Authorization Act are included in paragraph (a)(2), and may be for cooperative research, development, testing, evaluation, or production; reciprocal use of test facilities; loan of equipment and material; personnel exchange; cooperative logistics support, acquisition, and cross-servicing; security of supply; or reciprocal defense procurement activities, among others. The exemption continues to authorize the transfer of technical data, although the Department has deleted the term as redundant because the definition of ''defense article'' in § 120.6 includes technical data.

Paragraph (a)(1) also provides that use by U.S. Government contractors can be within the scope of the official use of the U.S. Government, when the U.S. Government contractor is either operating within a U.S. Government-controlled facility or a U.S. Government employee is empowered and responsible to exercise control over the defense article. Additionally, the Deputy Assistant Secretary of State for Defense Trade Controls may approve the use of this exemption for other activities by U.S. Government contractors if requested by a department or agency of the U.S. Government. Paragraph (a)(1)(ii)(D) is added to clarify that the provision does not authorize the release of technical data to persons or entities of a country identified in § 126.1, even if they are in a contractual relationship with the U.S. Government.

The existing note is deleted, as the special definition of an item considered to be permanently exported is no longer necessary because the exemption is expanded to allow for permanent and temporary transactions. Paragraph (a)(5) is added to explain that authorization of a transfer under § 126.4 is for purposes of the ITAR only, and that it does not constitute any other form of U.S. Government approval that may be required, including but not limited to requirements imposed by statutes, contracts, or agreements, such as a third party transfer requirement under a Memorandum of Understanding or foreign assistance program. Additionally, authorization to export does not absolve parties of the requirement to comply with any applicable U.S. Government processes, procedures, or practices, including the need for exports of items on the MTCR Annex to receive the case-by-case review called for by the MTCR Guidelines.

Paragraph (a)(6) is added to retain the existing provision that this exemption cannot be used when the U.S. Government is acting as a transmittal agent on behalf of a private individual or firm, even when it does so in satisfaction of security requirements. The Department removed the requirement that the U.S. Government must conduct all aspects of the transaction and the special definition of permanent export. The Department also eliminated language limiting the scope of the rule to temporary imports and temporary exports, and added a new paragraph (f) to clarify that a Directorate of Defense Trade Controls (DDTC) authorization is required for any change in end-use or end-user not authorized by the section.

Paragraph (a)(7) is added to clarify that exports made in compliance with section 38(b)(2) of the Arms Export Control Act (AECA) (22 U.S.C. 2778(b)(2)) are excluded from the licensing requirements of the AECA and do not require export authorization from DDTC. Any defense article or defense service exported in compliance with section 38(b)(2) is excluded from ITAR control provided it is either: (1) For official use by a department or agency of the United States Government, as implemented in § 126.4(a)(1) and (b), or (2) for carrying out any foreign assistance or sales program authorized by law and subject to the control of the President by other means, as stated in § 126.4(a)(3) and (b). Unless otherwise authorized pursuant to U.S. law or regulation, reexport or retransfer of defense articles and services exported pursuant to section 38(b)(2) but which no longer are subject to independent controls require authorization from the Department of State. Nothing in ITAR § 126.4 relieves exporters from any other obligation imposed by U.S. law or regulation outside of the ITAR, including any applicable United Nations or U.S. embargo or sanction.

Paragraph (a)(4)(ii) is added to clarify that the U.S. Government agency or entity exporting pursuant to the exemption is required to obtain appropriate end-use assurances from the recipient, including verification that the recipient has knowledge of and intent to comply with paragraph (f).

A new paragraph (b) is added to authorize transfers performed by another entity for a department or agency of the U.S. Government. Third parties may only perform a transfer for a department or agency of the U.S. Government under this exemption when that department or agency would have been authorized to perform the transfer itself under paragraph (a). Transfers by third parties directly to the U.S. Government overseas may be conducted at the request of the U.S. Government. Transfers by third parties to anyone other than the U.S. Government, including directly to any U.S. Government contractors, must be conducted pursuant to written direction from the U.S. Government department or agency, such as through contractual documents, or pursuant to an international agreement or arrangement. For example, transfers by a company to itself may be authorized by written direction from the U.S. Government department or agency requiring the transfer. Under no circumstances shall a transfer to any non-U.S. Government entity be authorized under paragraph (b)(1). Each department or agency will determine for itself who is authorized to issue such written directions.

A new paragraph (c) is added to clarify that the ITAR does not require an authorization for the return to the United States of a defense article exported under this section provided the defense articles have not been subsequently transferred without authorization or by license or other approval pursuant to another provision of the ITAR. The defense article must be returned to the U.S. Government or to the person who exported it pursuant to paragraph (b).

The Department redesignated the existing paragraph (b) as new paragraph (d) and existing paragraph (d) as new paragraph (e). The Department also removed the text of the existing paragraph (c), as permanent exports are now included in the authorizations in paragraphs (a) and (b). The Department revised new paragraph (d) for clarity and to specifically state that this exemption does not authorize exports that would violate a U.S. or United Nations Security Council arms embargo. The Department revised new paragraph (e) (former paragraph (d)) to clarify that exporters no longer need to provide U.S. Customs and Border Protection with a written certification of compliance with this section and to clarify that the ITAR does not impose an Electronic Export Information (EEI) filing requirement on exports via U.S. Government vehicles, aircraft and vessels. To the extent that other U.S. Government statutes and regulations do impose an EEI filing requirement, this provision is not intended to serve as an exemption from that requirement.

The Department added a new paragraph (f) which provides that authorization from DDTC in the form of a license or other approval, including through § 126.4, is required for any change in the end-use or end-user.

The Department also revised § 126.1(a) to add § 126.4(a)(1) and (3) and (b)(1) to the list of exemptions provided for in the ITAR that apply with respect to defense articles or defense services originating in or for export to any proscribed countries, areas, or persons. Exports may not be made under any other provision of this exemption to the countries that are subject to restrictions identified in § 126.1.

Public Comments and Responses

Several commenters noted the removal of the reference to technical data and assumed that this indicated that the exemption would no longer authorize exports of technical data. As noted above, the Department removed the reference to technical data because it was redundant and confusing. Technical data is a form of defense article and is authorized by the language authorizing the export (now export, reexport, retransfer, and temporary import) of defense articles. By including a reference to technical data, the provision implied that other references to defense articles may not include technical data, which is not accurate. This could leave readers with an incorrect understanding of the ITAR. When the Department wishes to refer only to hardware defense articles or otherwise exclude technical data, it does so explicitly. When the Department refers to defense articles, without modification, the reference includes technical data.

Several commenters requested clarification regarding the scope of official use. Several commenters requested that the Department allow use by contractors who are not U.S. persons. One commenter requested that the Department reevaluate the scope of allowed use by contractors under the exemption. One commenter specifically asked the Department to state that any use by a U.S. Government contractor in the course of contract is within the scope of official use by the U.S. Government. As noted above and in response to these comments, the Department has revised the provisions regarding use by a U.S. Government contractor, and provided that use by U.S. Government contractors is within the scope of the exemption when: (1) The contractor is operating within a U.S. Government-owned facility; (2) a U.S. Government employee is responsible for control of the defense articles; or (3) otherwise approved by DDTC. The Department also removed the requirement from the proposed rule that the contractors be U.S. persons in response to comments, but maintained a restriction on using contractors from § 126.1 countries.

Two commenters requested clarification with respect to exports to U.S. Government contractors for the purpose of carrying out any foreign assistance, cooperative project, or sales program authorized by law. The Department declines to provide a general rule on who can be the recipient of such transfers, but notes that the transfers should be guided by their authorizing language, such as in an international agreement or statute. If you have questions regarding the scope of a specific international agreement or statutory program, please first contact the department or agency responsible for its implementation. If questions still exist as to the applicability of this provision to a transfer, please submit a request for an advisory opinion to DDTC.

One commenter objected to the prohibition on using the exemption to export an item subject to the Export Administration Regulations (EAR) that is on the MTCR Annex, as the exemption may be used to export a defense article that is on the MTCR Annex. The commenter noted that it does not make sense to require a separate individual authorization for items subject to the EAR, which have been determined to be less sensitive. The Department agrees with this comment. Any MTCR Annex item subject to the EAR may be authorized under this exemption when used in or with a defense article and transferred with a defense article, as set forth in § 120.5(b), and where consistent with paragraph (a)(5).

One commenter requested that the Department revise the provision requiring the U.S. Government to perform or direct all aspects of the transaction. The Department has removed this provision, and replaced it with provisions providing specific guidance that most exports by third parties require written direction from the relevant department or agency, but that exports directly to the U.S. Government may be performed on request.

Several commenters requested that the Department remove the requirement to include a certification on the airway bill. The Department agrees.

Several commenters requested that the Department remove the requirement to provide a certification to the Port Director. The Department agrees.

Regulatory Analysis and Notices

Administrative Procedure Act

This rulemaking is exempt from section 553 (Rulemaking) and section 554 (Adjudications) of the Administrative Procedure Act (APA) pursuant to 5 U.S.C. 553(a)(1) as a military or foreign affairs function of the United States Government. Although the Department is of the opinion that this rule is exempt from the rulemaking provisions of the APA, the Department published a proposed rule with a 45-day provision for public comment.

Regulatory Flexibility Act

Since the Department of State is of the opinion that this rule is exempt from the provisions of 5 U.S.C. 553, and there is no other statute that requires that the Regulatory Flexibility Act apply, there is no requirement for an analysis under the Regulatory Flexibility Act.

Unfunded Mandates Reform Act of 1995

This rulemaking does not involve a mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

The Department does not believe this rulemaking is a major rule as defined in 5 U.S.C. 804.

Executive Orders 12372 and 13132

This rulemaking will not have substantial direct effects on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rulemaking does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess costs and benefits of available regulatory alternatives and, if regulation is

necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributed impacts, and equity). These executive orders stress the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a ''significant regulatory action,'' although not economically significant, under Executive Order 12866. Accordingly, this rule has been reviewed by the Office of Management and Budget (OMB).

Executive Order 12988

The Department of State has reviewed this rulemaking in light of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13175

The Department of State has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Accordingly, the provisions of Executive Order 13175 do not apply to this rulemaking.

Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 126

Arms and munitions, Exports.

Accordingly, for the reasons set forth above, title 22, chapter I, subchapter M, part 126, of the Code of Federal Regulations is amended as follows:

PART 126—GENERAL POLICIES AND PROVISIONS

■ 1. The authority citation for part 126 continues to read as follows:

Authority: Secs. 2, 38, 40, 42, and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2780, 2791, and 2797); 22 U.S.C. 2651a; 22 U.S.C. 287c; E.O. 12918, 59 FR 28205; 3 CFR, 1994 Comp., p. 899; Sec. 1225, Pub. L. 108–375; Sec. 7089, Pub. L. 111–117; Pub. L. 111–266; Section 7045, Pub. L. 112–74; Section 7046, Pub. L. 112–74; E.O. 13637, 78 FR 16129.

■ 2. Section 126.1 is amended by revising paragraph (a) to read as follows:

§ 126.1 Prohibited exports, imports, and sales to or from certain countries.

(a) *General.* It is the policy of the United States to deny licenses and other approvals for exports and imports of defense articles and defense services, destined for or originating in certain countries. The exemptions provided in this subchapter, except § 123.17 of this subchapter and §§ 126.4(a)(1) or (3) and (b)(1) and 126.6, or when the recipient is a U.S. Government department or agency, do not apply with respect to defense articles or defense services originating in or for export to any proscribed countries, areas, or persons. (See § 129.7 of this subchapter, which imposes restrictions on brokering activities similar to those in this section).

* * * * *

■ 3. Section 126.4 is revised to read as follows:

§ 126.4 Transfers by or for the United States Government.

(a) *By a department or agency.* A license is not required for the export, reexport, retransfer, or temporary import of a defense article or the performance of a defense service, when made by a department or agency of the U.S. Government:

(1) For official use by a department or agency of the U.S. Government, including:

(i) By employees of the U.S. Government acting within their official capacity; or

(ii) By persons or entities in a contractual relationship with the U.S. Government using the defense article or performing the defense service to conduct the contracted-for activities within the scope of the contractual relationship and:

(A) Within a U.S. Government-controlled facility;

(B) When an employee of the U.S. Government is empowered and responsible to ensure that the defense article is not diverted and is only used within the scope of the contractual relationship; or

(C) Use of the exemption in paragraph (a)(1)(ii) is authorized by the Deputy Assistant Secretary of State for Defense Trade Controls at the request of a department or agency of the U.S. Government.

(D) The provision in this paragraph (a)(1)(ii) may not be used to release technical data to a person or entity of a country identified in § 126.1.

(2) For carrying out a cooperative project, program, or other activity in furtherance of an agreement or arrangement that provides for the export, reexport, retransfer, or temporary import of the defense article, or the performance of activities that constitute the defense service, and is one of the following:

(i) A binding international agreement to which the United States or any agency thereof is a party; or

(ii) An arrangement with international partners authorized by Title 10 or 22 of the United States Code or pertinent National Defense Authorization Act provisions.

(3) For carrying out any foreign assistance or sales program authorized by law and subject to control by the President by other means.

(4) For any other security cooperation programs and activities of the Department of Defense authorized by law and subject to control by the President by other means.

(i) For purposes of this paragraph (a)(4), ''security cooperation programs and activities of the Department of Defense'' means any program, activity, or interaction of the Department of Defense with the security establishment of a foreign country to:

(A) Build and develop allied and friendly security capabilities for self-defense and multinational operations;

(B) Provide the armed forces with access to the foreign country during peacetime or a contingency operation; or

(C) Build relationships that promote specific United States security interests.

(ii) The U.S. Government must obtain appropriate end-use and retransfer assurances from the foreign party and to ensure that the recipient is aware of and will comply with paragraph (f) of this section.

(5) Authorization under this section is for compliance with the ITAR only and does not constitute any other U.S. Government approval that may be required prior to the transfer of a defense article, and does not satisfy other obligations of U.S. law or regulation, or applicable Government process, procedure, or practice, including the requirement that any export of an item listed on the MTCR Annex receive the case-by-case review called for in the MTCR Guidelines.

(6) The exemption in this paragraph (a) does not apply when a U.S. Government department or agency acts as a transmittal agent on behalf of a private individual or firm, either as a convenience or in satisfaction of security requirements.

(7) The authorization requirement expressed in paragraph (f) of this section does not apply to defense articles and services exported from the United States pursuant to paragraphs (a)(1) and (3) of this section, provided the defense articles and services are subject to the terms thereof.

(b) *By a person on behalf of a department or agency.* A license is not

required for the export, reexport, retransfer, or temporary import of a defense article or the performance of a defense service, when made by another person for a department or agency of the U.S. Government:

(1) To a department or agency of the U.S. Government at its request; or

(2) To an entity other than the U.S. Government at the written direction of a department or agency of the U.S. Government or pursuant to an international agreement or arrangement, for an activity authorized for that department or agency in paragraphs (a)(1) through (4) of this section.

(c) *Return to the United States.* No license is required under this subchapter for the return to the United States of a defense article exported pursuant to this section and not subsequently reexported or retransferred other than pursuant to this section, to:

(1) A department or agency of the U.S. Government; or

(2) The person who exported the item.

(d) *Prohibited activities and arms embargoes.* This section does not authorize any department or agency of the U.S. Government to make or authorize any export that is otherwise prohibited by any other administrative provisions or by any statute or that is inconsistent with U.S. arms embargoes or United Nations Security Council Resolutions (*see* § 126.1).

(e) *Export clearance.* For exports shipped other than by a U.S. diplomatic pouch or a U.S. Government aircraft, vehicle, or vessel, an Electronic Export Information (EEI) filing must be submitted to U.S. Customs and Border Protection using its electronic system(s) at the time of export, unless electronic submission of such information is unavailable, in which case U.S. Customs and Border Protection or the Department of Defense transmittal authority will issue instructions.

(f) *Change in end-use or end-user.* Any change in end-use or end-user of a defense article, to any party or use not authorized by this section, requires approval of the Directorate of Defense Trade Controls through a license or other approval.

Andrea Thompson,

Under Secretary for Arms Control and International Security, U.S. Department of State.

[FR Doc. 2019–07696 Filed 4–18–19; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 552

[Docket ID: USA–2018–HQ–0015]

RIN 0702–AA95

Regulations Affecting Military Reservations

AGENCY: Department of the Army, DoD.

ACTION: Final rule.

SUMMARY: This final rule removes subparts containing internal policies concerning real estate claims upon contract, and obsolete information on the operation and use of fishing facilities at Fort Monroe, Virginia and the restriction of training areas on Fort Benjamin Harrison, Indiana. Those military installations have been decommissioned.

DATES: This rule is effective on April 19, 2019.

FOR FURTHER INFORMATION CONTACT: Arthur Dias at 703–697–0843.

SUPPLEMENTARY INFORMATION: These subparts convey internal Army policy and procedures and obsolete regulations for military installations decommissioned through the Defense Base Closure Act of 1990 and the National Defense Authorization Act of Fiscal Year 2002. The subparts are unnecessary.

It has been determined that public comment on the removal of these subparts is impracticable, unnecessary, and contrary to public interest since it is based on removing obsolete information and DoD internal policies and procedures that are publicly available on the Department's website. DoD internal guidance will continue to be published in Engineer Regulation 405–1–21, ''Claims and Damages,'' available at *https://www.publications.usace.army.mil/USACE-Publications/Engineer-Regulations*.

This rule is not significant under Executive Order (E.O.) 12866, ''Regulatory Planning and Review,'' therefore, E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs'' does not apply.

List of Subjects in 32 CFR Part 552

Claims, Consumer protection, Federal buildings and facilities, Government employees, Life insurance, Military personnel, Youth organizations.

Accordingly, 32 CFR part 552 is amended as follows:

PART 552—REGULATIONS AFFECTING MILITARY RESERVATIONS

■ 1. The authority citation for part 552 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. 3012, 15 U.S.C. 1601; 18 U.S.C. 1382; 31 U.S.C. 71; 40 U.S.C. 258a; 41 U.S.C. 14; 50 U.S.C. 797.

Subpart A—[Removed and Reserved]

■ 2. Amend part 552 by removing and reserving subpart A, consisting of § 552.16.

Subpart K—[Removed and Reserved]

■ 3. Amend part 552 by removing and reserving subpart K, consisting of §§ 552.140 through 552.145.

Subpart N—[Removed and Reserved]

■ 4. Amend part 552 by removing and reserving subpart N, consisting of §§ 552.180 through 552.185.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2019–07897 Filed 4–18–19; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2019–0083]

RIN 1625–AA08

Special Local Regulation; Bush River and Otter Point Creek, Harford County, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary special local regulations for certain navigable waters of the Bush River and Otter Point Creek. This action is necessary to provide for the safety of life on these waters located at Edgewood, Harford County, MD, on May 11, 2019, and May 12, 2019, during a high-speed power boat racing event. This regulation prohibits persons and vessels from being in the regulated area unless authorized by the Captain of the Port Maryland-National Capital Region or Coast Guard Patrol Commander.

DATES: This rule is effective from 9:30 a.m. on May 11, 2019 to 6:30 p.m. on May 12, 2019. This rule will be enforced from 9:30 a.m. to 6:30 p.m. on May 11, 2019, and, from 9:30 a.m. to 6:30 p.m. on May 12, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2019–0083 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Ronald Houck, U.S. Coast Guard Sector Maryland-National Capital Region; telephone 410–576–2674, email *Ronald.L.Houck@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
PATCOM Coast Guard Patrol Commander
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Carolina-Virginia Racing Association of Havre de Grace, MD, notified the Coast Guard that it will be conducting the Flying Point Park Outboard Regatta from 10 a.m. to 6 p.m. on May 11, 2019, and from 10 a.m. to 6 p.m. on May 12, 2019. The high-speed power boat racing event consists of approximately 60 participating outboard hydroplane and runabout race boats of various classes, 9 to 14 feet in length, with 4 to 12 boats racing in 3-lap heats, along a designated, marked racetrack-type course located in Bush River and Otter Point Creek at Edgewood, Harford County, MD. In response, on March 4, 2019, the Coast Guard published a notice of proposed rulemaking (NPRM) titled ''Special Local Regulation; Bush River and Otter Point Creek, Harford County, MD'' (84 FR 7310). There we stated why we issued the NPRM and invited comments on our proposed regulatory action related to this power boat racing race. During the comment period that ended April 3, 2019, we received one comment.

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**. Due to the date of the event, it would be impracticable to make the regulation effective 30 days after publication in the **Federal Register**. Delaying the effective date of this rule is impracticable and contrary to public interest because it would delay the safety measures necessary to respond to potential safety hazards associated with this marine event. Immediate action is needed to protect participants, spectators, and other persons and vessels during the high-speed race event on these navigable waters.

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 Maryland-National Capital Region (COTP) has determined that potential hazards associated with the power boat racing event will be a safety concern for anyone intending to operate in or near the event area. The purpose of this rule is to protect event participants, spectators, and transiting vessels on specified waters of the Bush River and Otter Point Creek before, during, and after the scheduled event.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received one public submission to the docket responding to our NPRM published March 4, 2019. We thank the commenter for taking time to review the NPRM and submitting a comment regarding this action.

The comment was in support of the Coast Guard's rulemaking. However, the commenter stated that because high-speed power boats will pass a certain area, the Coast Guard should make sure to inform the public, especially residents around that area.

Patrol vessels assigned by the COTP Maryland-National Capital Region will be present to monitor the event and enforce the special local regulation. In addition, the COTP Maryland-National Capital Region will notify the public of the specific enforcement times of the regulated area by all appropriate means to affect the widest publicity among the affected segments of the public, including publishing a notice in the **Federal Register** and an article in the Local Notice to Mariners. Broadcast Notice to Mariners will also be made for this event, to begin prior to that start of the scheduled event, and to continue to notify the public, until immediately after its completion.

There are no changes in the regulatory text of this rule from that proposed in the NPRM.

This rule establishes a special local regulation to be enforced from 9:30 a.m. to 6:30 p.m. on May 11, 2019, and from 9:30 a.m. to 6:30 on May 12, 2019. The regulated area will cover all navigable waters of the Bush River and Otter Point Creek, from shoreline to shoreline, bounded to the north by a line drawn from the western shoreline of the Bush River at latitude 39°27′15″ N, longitude 076°14′39″ W and thence eastward to the eastern shoreline of the Bush River at latitude 39°27′03″ N, longitude 076°13′57″ W; and bounded to the south by the Amtrak Railroad Bridge, across the Bush River at mile 6.8, between Perryman, MD, and Edgewood, MD. The duration of the special local regulations and size of the regulated area are intended to ensure the safety of life on these navigable waters before, during, and after the power boat racing event, scheduled from 10 a.m. until 6 p.m. on May 11, 2019, and May 12, 2019.

Except for participants and vessels already at berth, a person or vessel within the regulated area at the start of enforcement of this regulation must immediately depart the regulated area. A person or vessel that desires to transit, moor, or anchor within the regulated area must first obtain authorization from the COTP Maryland-National Capital Region or PATCOM. A person or vessel seeking such permission can contact the COTP Maryland-National Capital Region at telephone number 410–576–2693 or on VHF–FM channel 16, or the PATCOM on VHF–FM channel 16 and channel 22A. A vessel within the regulated area must operate at safe speed that minimizes wake. 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 Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign. Official Patrols enforcing this regulated area can be contacted on VHF–FM channel 16 and channel 22A. If permission is granted, the spectator may enter the designated spectator area or must pass directly through the regulated area as instructed by PATCOM. A spectator vessel must not loiter within the navigable channel while within the regulated area. Official Patrols will direct spectator vessels to the designated spectator area. All spectator vessels within the designated spectator area must be anchored or operate at a No Wake Speed while within the designated spectator area. Only participants and Official Patrols are allowed to enter the race area. The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF–FM marine band radio announcing specific event date and times.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses

based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, duration and time of year of the regulated area, which will impact a small designated area of the Bush River and Otter Point Creek for 18 total enforcement hours. The Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the status of the regulated area. Moreover, the rule will allow vessels to seek permission to enter the regulated area, and vessel traffic will be able to safely transit the regulated area once the COTP or 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 received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves implementation of regulations within 33 CFR part 100 applicable to organized marine events on the navigable waters of the United States. The temporary regulated area will be in effect for 33 hours. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Memorandum For Record for Categorically Excluded Actions supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 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 § 100.501T05–0083 to read as follows:

§ 100.501T05–0083 Special Local Regulation; Bush River and Otter Point Creek, Harford County, MD.

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

Buffer Zone is a neutral area that surrounds the perimeter of the Race Area within the regulated area described by this section. The purpose of a buffer zone is to minimize potential collision conflicts with marine event participants or race boats and spectator vessels or nearby transiting vessels. This area provides separation between a Race Area and a specified Spectator Area or other vessels that are operating in the vicinity of the regulated area established by the special local regulations.

Captain of the Port (COTP) Maryland-National Capital Region means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region 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 by the Commander, Coast Guard Sector Maryland-National Capital Region.

Official Patrol means any vessel assigned or approved by Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

Participant means a person or vessel registered with the event sponsor as participating in the Flying Point Park Outboard Regatta or otherwise designated by the event sponsor as having a function tied to the event.

Race Area is an area described by a line bound by coordinates provided in latitude and longitude that outlines the boundary of a race area within the regulated area defined by this section.

Spectator means a person or vessel not registered with the event sponsor as participants or assigned as official patrols.

Spectator Area is an area described by a line bound by coordinates provided in latitude and longitude that outlines the boundary of a spectator area within the regulated area defined by this part.

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

(1) *Regulated area.* All navigable waters of Bush River and Otter Point Creek, from shoreline to shoreline, bounded to the north by a line drawn from the western shoreline of the Bush River at latitude 39°27′15″ N, longitude 076°14′39″ W and thence eastward to the eastern shoreline of the Bush River at latitude 39°27′03″ N, longitude 076°13′57″ W; and bounded to the south by the Amtrak Railroad Bridge, across the Bush River at mile 6.8, between Perryman, MD and Edgewood, MD. The following locations are within the regulated area:

(2) *Race Area.* The race area is a polygon in shape measuring approximately 540 yards in length by 270 yards in width. The area is bounded by a line commencing at position latitude 39°26′33.1″ N, longitude 076°15′46.8″ W; thence westerly to latitude 39°26′33.1″ N, longitude 076°15′49.3″ W; thence northerly to latitude 39°26′37.1″ N, longitude 076°15′52.4″ W; thence northeasterly to latitude 39°26′40.0″ N, longitude 076°15′52.5″ W; thence easterly to latitude 39°26′45.9″ N, longitude 076°15′32.2″ W; thence southeasterly to latitude 39°26′45.3″ N, longitude 076°15′30.0″ W; thence southerly to latitude 39°26′43.8″ N, longitude 076°15′29.1″ W; thence southerly to latitude 39°26′42.2″ N, longitude 076°15′28.9″ W; thence southwesterly to latitude 39°26′40.8″ N, longitude 076°15′29.3″ W; thence westerly terminating at point of origin.

(3) *Buffer Zone.* The buffer zone surrounds the entire race area described in the preceding paragraph of this section. This area is a polygon in shape and provides a buffer around the perimeter of the race area. The area is bounded by a line commencing at the shoreline at Flying Point Park at position latitude 39°26′31.9″ N, longitude 076°15′32.5″ W; thence westerly to latitude 39°26′30.5″ N, longitude 076°15′52.7″ W; thence northerly to latitude 39°26′39.9″ N, longitude 076°16′00.0″ W; thence easterly to latitude 39°26′51.6″ N, longitude 076°15′26.7″ W; thence southerly to latitude 39°26′37.0″ N, longitude 076°15′22.5″ W; thence southerly to latitude 39°26′33.7″ N, longitude 076°15′22.8″ W, located at the shoreline at Flying Point Park.

(4) *Spectator Area.* The designated spectator area is a polygon in shape and is bounded by a line commencing at position latitude 39°26′39.9″ N, longitude 076°15′23.3″ W; thence east to latitude 39°26′39.6″ N, longitude 076°15′19.4″ W; thence south to latitude 39°26′36.6″ N, longitude 076°15′18.7″ W; thence west to latitude 39°26′37.0″ N, longitude 076°15′22.5″ W; thence north to point of origin.

(c) *Special local regulations:* (1) The COTP Maryland-National Capital Region 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 must 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 Maryland-National Capital Region or PATCOM may terminate the event, or a participant's operations at any time the COTP Maryland-National Capital Region or PATCOM believes it necessary to do so for the protection of life or property.

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

(3) A spectator must contact the PATCOM to request permission to either enter or pass through the regulated area. The PATCOM, and official patrol vessels enforcing this regulated area, can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz) and channel 22A (157.1 MHz). If permission is granted, the spectator may enter the designated Spectator Area or must pass directly through the regulated area as instructed by PATCOM. A vessel within the regulated area must operate at safe speed that minimizes wake. A spectator vessel must not loiter within the navigable channel while within the regulated area.

(4) A person or vessel that desires to transit, moor, or anchor within the regulated area must first obtain authorization from the COTP Maryland-National Capital Region or PATCOM. A person or vessel seeking such permission can contact the COTP Maryland-National Capital Region at telephone number 410–576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz) or the PATCOM on Marine Band Radio, VHF–FM channel 16 (156.8 MHz).

(5) Only participant vessels and official patrol vessels are allowed to enter the race area.

(6) Spectators are only allowed inside the regulated area if they remain within the designated spectator area. All spectator vessels must be anchored or operate at a No Wake Speed within the designated spectator area. Official patrol vessels will direct spectator vessels to the spectator area. Spectators must contact the Coast Guard Patrol Commander to request permission to pass through the regulated area. If permission is granted, spectators must pass directly through the regulated area at safe speed and without loitering.

(7) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF–

FM marine band radio announcing specific event date and times.

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

(e) *Enforcement periods.* This section will be enforced from 9:30 a.m. to 6:30 p.m. on May 11, 2019, and, from 9:30 a.m. to 6:30 p.m. on May 12, 2019.

Dated: April 15, 2019.

Joseph B. Loring,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2019–07910 Filed 4–18–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 6

[Docket No. PTO–T–2018–0063]

RIN 0651–AD32

International Trademark Classification Changes

Correction

In rule document 2018–26373 beginning on page 62711 in the issue of December 6, 2018, make the following correction:

§ 6.1 International schedule of classes of goods and services [Corrected].

■ On page 62713 in the second column, in the first paragraph of section 6.1, under the heading titled ''Goods'', the numerical text entry ''1.'' was inadvertently omitted and should appear prior to the word ''Chemical''.

[FR Doc. C1–2018–26373 Filed 4–18–19; 8:45 am]

BILLING CODE 1301–00–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R07–OAR–2018–0837; FRL–9992–09–Region 7]

Approval of State Plans for Designated Facilities and Pollutants; Missouri; Diammonium Phosphate Fertilizer Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to rescind the current state plan and associated regulation and to accept the negative declaration submitted by the State of Missouri for Diammonium Phosphate Fertilizer units. The negative declaration submitted by the Missouri Department of Natural Resources (MoDNR) certifies that Diammonium Phosphate Fertilizer (DPF) units subject to section 111(d) of the Clean Air Act (CAA) do not operate within the jurisdiction of the State of Missouri. The EPA is accepting the negative declaration in accordance with the requirements of the CAA.

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

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2018–0837. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Larry Gonzalez, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7041 or by email at *gonzalez.larry@epa.gov.*

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

Table of Contents

I. Background
II. What action is the EPA taking?
III. Statutory and Executive Order Reviews

I. Background

The Clean Air Act (CAA) requires that state regulatory agencies implement emission guidelines and associated compliance times using a state plan developed under sections 111(d) of the CAA. The general provisions for the submittal and approval of state plans are codified in 40 CFR part 60, subpart B and 40 CFR part 62, subpart A. Section 111(d) establishes general requirements and procedures on state plan submittals for the control of designated pollutants. States have options other than submitting a state plan in order to fulfill their obligations under CAA section 111(d). If a state does not have any existing units for the relevant emission guidelines, a letter can be submitted certifying that no such units exist within the state (*i.e.,* a negative declaration) in lieu of a state plan, in accordance with 40 CFR 60.5010. The negative declaration exempts the state from the requirements of subpart B that would otherwise require the submittal of a CAA section 111(d) plan.

On August 6, 1975, the EPA finalized standards of performance for new stationary sources from the phosphate fertilizer industry which included diammonium phosphate fertilizer production plants under the authority of section 111 of the CAA. As required by the CAA 111(d) and 40 CFR part 60, subpart B, each state must adopt and submit a plan for the control of pollutants from existing facilities regulated under section 111(b) New Source Performance Standards following publication of a notice of availability of an applicable emission control guideline unless no such facilities exist within the state. If there are no facilities in the state, the state is required to submit a letter of certifying that fact.

In response to these requirements, the State of Missouri submitted a plan for the control of fluoride emissions from phosphate fertilizer plants on January 3, 1985. The state plan was based on the state regulation 10 CSR 10–3.160 ''Restriction of Emissions from Diammonium Phosphate Fertilizer Plants''. At the time of the submittal there was a single operating phosphate fertilizer plant in the State located in Joplin, Missouri. On March 14, 1986, the EPA approved the state plan and associated regulation submitted by the State of Missouri pursuant to CAA section 111(d) and 40 CFR part 60, subpart B. Subsequent to this state plan approval, the single phosphate fertilizer plant operating in Joplin, Missouri ceased fertilizer production and dismantled its fertilizer production equipment in between the years of 2003 and 2004.

On December 3, 2018, MoDNR submitted a negative declaration to the EPA, certifying that there are no operating phosphate fertilizer plants in Missouri, and requested that the EPA rescind its previous state plan applicable to phosphate fertilizer production facilities. Additionally, MoDNR notified the EPA that it would rescind its 10 CSR 10–3.160 rule that controlled emissions of fluoride from diammonium phosphate fertilizer plants.

On February 4, 2019, the EPA published in the **Federal Register** (84 FR 1039) a rule proposing to accept

MoDNR's certification that there are no diammonium phosphate fertilizer production units operating in the State of Missouri subject to 40 CFR part 60, subpart V. In response to the proposal, the EPA received no adverse comments.

II. What action is the EPA taking?

The EPA is taking final action to amend 40 CFR part 62 by accepting withdrawal of Missouri's 111(d) plan for control of fluoride emissions from existing phosphate fertilizer plants and accepting MoDNR's negative declaration certifying that there are no phosphate fertilizer production facilities operating in Missouri subject to 40 CFR part 60, subpart V. This action applies to the state's regulatory requirements for existing facilities and not new sources. Simultaneously, we are amending 40 CFR part 62, subpart AA, to remove phosphate fertilizer plants from the list of affected source categories found at 40 CFR 62.6350(c)(1).

III. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011). This final 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). This action merely approves the state's negative declaration as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rulemaking 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.*). Because this action does not impose an enforceable duty upon State, local, or tribal governments, and does not reduce or eliminate the amount of authorization of Federal appropriations, and because it contains no regulatory requirements applicable to small governments, this action 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).

This action is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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). Thus, Executive Order 13132 does not apply to this action. This action merely approves a state negative declaration submitted in response to a Federal standard and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rulemaking 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 approves a state submission in response to a Federal standard.

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Burden is defined at 5 CFR 1320.3(b).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 18, 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 62

Environmental protection, Administrative practice and procedure, Air pollution control, Phosphate fertilizer plants.

Dated: April 12, 2019.

James Gulliford,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA is amending 40 CFR part 62 as set forth below:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

Subpart AA—Missouri

■ 2. Amend § 62.6350 by adding paragraph (b)(7) and revising paragraph (c) to read as follows:

§ 62.6350 Identification of plan.

* * * * *

(b) * * *

(7) A withdrawal of Missouri's 111(d) plan, including state rule 10 CSR 10.3.160, for control of fluoride emissions from existing phosphate fertilizer plants was state effective on September 30, 2018 and was submitted on December 3, 2018.

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

(1) Primary aluminum reduction plants.

(2) Sulfuric acid production plants.

■ 3. Section 62.6351 is revised to read as follows:

§ 62.6351 Identification of plan—negative declaration.

Letter from the Missouri Department of Natural Resources, submitted December 3, 2018, certifying that there are no Diammonium Phosphate Fertilizer Units subject to 40 CFR part 60, subpart V of this chapter. *Effective date:* The effective date of the negative declaration and EPA withdrawal of the prior plan approval is May 20, 2019.

[FR Doc. 2019–07797 Filed 4–18–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R04–RCRA–2018–0529; FRL–9992–49–Region 4]

Alabama: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final authorization.

SUMMARY: The Environmental Protection Agency (EPA) is granting Alabama final authorization for changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Agency published a proposed rule on December 10, 2018 and provided for public comment. The Agency received three comments in support of authorizing the Alabama program changes. These comments can be reviewed in the docket for this action under Docket ID No. EPA–R04–RCRA–2018–0529. No further opportunity for comment will be provided.

DATES: This final authorization is effective April 19, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R04–RCRA–2018–0529. All documents in the docket are listed on the *http://www.regulations.gov* website. 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 electronically through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Audrey E. Baker, Materials and Waste Management Branch, RCR Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960; telephone number: (404) 562–8562; fax number: (404) 562–9964; email address: *baker.audrey@epa.gov.*

SUPPLEMENTARY INFORMATION:

A. What changes to Alabama's hazardous waste program is EPA authorizing with this action?

Alabama submitted final complete program revision applications, dated November 2, 2016 and May 11, 2018, seeking authorization of changes to its hazardous waste program in accordance with 40 CFR 271.21. EPA now makes a final decision that Alabama's hazardous waste program revisions that are being authorized are equivalent to, consistent with, and no less stringent than the Federal program, and therefore satisfy all of the requirements necessary to qualify for final authorization. For a list of State rules being authorized with this Final Authorization, please see the proposed rule published in the December 10, 2018 **Federal Register** at 83 FR 63461.

B. What is codification and is EPA codifying Alabama's hazardous waste program as authorized in this rule?

Codification is the process of placing citations and references to the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. EPA does this by adding those citations and references to the authorized State rules in 40 CFR part 272. EPA is not codifying the authorization of Alabama's revisions at this time. However, EPA reserves the ability to amend 40 CFR part 272, subpart B for the authorization of Alabama's program changes at a later date.

C. Statutory and Executive Order Reviews

This final authorization revises Alabama's authorized hazardous waste management program pursuant to Section 3006 of RCRA and imposes no requirements other than those currently imposed by State law. For further information on how this authorization complies with applicable executive orders and statutory provisions, please see the Proposed Rule published in the December 10, 2018 **Federal Register** at 83 FR 63461. 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 document 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 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). This final action will be effective April 19, 2019.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: March 30, 2019.

Mary S. Walker,

Acting Regional Administrator, Region 4.

[FR Doc. 2019–07922 Filed 4–18–19; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 84

[Docket No. CDC–2018–0003; NIOSH–309]

RIN 0920–AA66

[Docket No. CDC–2018–0068; NIOSH–318]

RIN 0920–AA67

Removal of Compliance Deadline for Closed-Circuit Escape Respirators and Clarification of Post-Approval Testing Standards for Closed-Circuit Escape Respirators

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Final rule.

SUMMARY: With this deregulatory action, the Department of Health and Human Services (HHS) revises regulatory language to remove a deadline by which respirator manufacturers must discontinue the manufacturing, labeling, and sale of certain self-contained self-rescuer models. The National Institute for Occupational Safety and Health (NIOSH) within the Centers for Disease Control and Prevention, HHS, has determined that discontinuing the manufacturing, labeling, and sale of certain self-contained self-rescuer models is likely to result in a shortage of person-wearable large capacity escape respirators for underground coal miners who rely on these devices. In addition to removing the compliance deadline, HHS is also modifying regulatory language to clarify that post-approval testing of closed-circuit escape respirators may exclude human subject testing and environmental conditioning, at the discretion of NIOSH.

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

FOR FURTHER INFORMATION CONTACT: Rachel Weiss, Office of the Director, NIOSH; 1090 Tusculum Avenue, MS:C–48, Cincinnati, OH 45226; telephone

(855) 818–1629 (this is a toll-free number); email *NIOSHregs@cdc.gov*.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested persons or organizations were invited to participate in this rulemaking by submitting written views, recommendations, and data. Substantive comments supportive of this action were submitted by three interested parties to the rulemaking docket for the closed-circuit escape respirator (CCER) compliance deadline notice of proposed rulemaking (NPRM), RIN 0920–AA67.[1] Commenters included a mining industry trade association, a mining company, and a respirator manufacturer. No comments were received on the post-approval testing standards NPRM, RIN 0920–AA66.[2] The public comments are described in section IV, below.

II. Statutory Authority

Pursuant to the Occupational Safety and Health (OSH) Act of 1970 (Pub. L. 91–596), the Organic Act of 1910 (Pub. L. 179), and the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 842(h), 844, 957; Pub. L. 91–173), NIOSH is authorized to approve respiratory equipment used in mines and other workplaces for the protection of employees potentially exposed to hazardous breathing atmospheres. The Department of Labor's Mine Safety and Health Administration (MSHA) requires U.S. coal mine operators to supply NIOSH-approved respirators to miners whenever the use of respirators is required.

III. Background

As discussed in the October 2018 NPRM, NIOSH uses the terms ''self-contained self-rescuer'' (SCSR) and ''closed-circuit escape respirator'' (CCER) to distinguish closed-circuit devices approved under 42 CFR part 84, subpart H from those approved under subpart O, respectively. The SCSRs approved under subpart H and CCERs approved under subpart O reflect two generations of the same respirator type used in certain industrial and other work settings during emergencies to enable users to escape from atmospheres that can be immediately dangerous to life and health. SCSRs and CCERs are used by miners and other workers to escape dangerous atmospheres.

Since the publication of an April 2017 guidance document in which NIOSH announced its intent not to revoke any certificate of approval for subpart H 1-hour SCSRs manufactured, labeled, or sold prior to June 1, 2019,[3] no new CCER approvals have been issued by the NIOSH National Personal Protective Technology Laboratory. Accordingly, NIOSH determined that removing further restrictions on manufacturers' abilities to manufacture, label, or sell subpart H SCSRs is necessary for the safety of underground coal miners who rely on these devices. HHS published an NPRM in October 2018 to propose revising 42 CFR part 84 to allow the continued manufacturing, labeling, and sale of subpart H SCSRs with current certificates of approval, indefinitely. The need for this rulemaking is discussed in greater detail in the NPRM, available in the docket for this action.

HHS also published a March 2018 NPRM to propose the clarification of regulatory text that failed to specify that neither the human subject trials described in 42 CFR 84.303–84.305, nor the environmental conditioning described in § 84.305, would be conducted on post-market respirators (through the NIOSH National Personal Protective Technology Laboratory's Long-Term Field Evaluation program) except at NIOSH's discretion.

IV. Summary of Public Comments and HHS Response

Three comments were received on the CCER compliance deadline NPRM. All three commenters support the HHS proposal to revise the regulatory language in §§ 84.70 and 84.301 to allow the indefinite manufacturing, labeling, and sale of approved subpart H SCSRs.

One of the commenters expressed concern about whether subpart H SCSRs were available in sufficient quantity to replenish the portion of the inventory that reached the end of its service life in 2017 and 2018. The commenter asked that NIOSH coordinate with MSHA to determine whether a sufficient number of SCSRs will be produced to replace retiring units.

Throughout the history of this action, at no time was the manufacturing, labeling, or sale of 1-hour SCSRs for mining prohibited by the changing compliance deadline. HHS is not aware that either SCSR manufacturer stopped production because of the compliance deadline extensions, and neither company has indicated to NIOSH that it was unable to fill orders to replace out-of-date units. NIOSH has and will continue to work closely with respirator manufacturers and other industry stakeholders to ensure the uninterrupted supply of NIOSH-approved escape respirators.

V. Summary of Final Rule

For the reasons discussed in the NPRM published in October 2018, NIOSH has determined that removing further restrictions on manufacturers' abilities to manufacture, label, or sell subpart H SCSRs is necessary for the safety of underground coal miners who rely on these devices. Therefore, with this final rule HHS now allows the continued manufacturing, labeling, and sale of subpart H SCSRs with current certificates of approval, indefinitely. No new approvals under subpart H will be issued. Accordingly, § 84.70 is revised by removing paragraph (a), which was added in 2012 to limit the scope of subpart H to open-circuit escape respirators and those closed-circuit escape respirators approved under subpart H. Removing this paragraph alleviates any confusion about the applicability of subpart H. The remainder of the section is unchanged but for the remaining paragraphs being redesignated (a) through (d).

Paragraph § 84.301(c) is redesignated as paragraph (a) and revised to state plainly that any CCER approvals issued after April 9, 2012, the original effective date for the subpart O standards, must comply with the technical requirements of subpart O. Paragraph § 84.301(a) is redesignated as paragraph (b) and is revised to indicate that the manufacturing, labeling, and sale of SCSRs already holding a subpart H approval for units intended to be used in mining may continue indefinitely. Finally, paragraph § 84.301(b) is redesignated as paragraph (c) and revised to strike the word ''former,'' to indicate that the subpart H technical requirements would still be used for maintenance of subpart H approvals. The paragraph continues to state that major modifications to a design approved under subpart H will render that approval obsolete. In that case, the entire resulting redesign must fully meet the technical requirements of subpart O and the manufacturer will be issued a new approval accordingly.

For the reasons discussed in the March 2018 NPRM, HHS is revising 42 CFR 84.310 to clarify that neither human subject testing nor environmental testing is required to be routinely conducted on respirators obtained by the NIOSH National

[1] Notice of proposed rulemaking: *Removal of Compliance Deadline for Closed-Circuit Escape Respirators,* 83 FR 53835 (October 25, 2018). *See* Docket No. CDC–2018–0068; NIOSH–318 to read public comments.

[2] Notice of proposed rulemaking: *Clarification of Post-Approval Testing Standards for Closed-Circuit Escape Respirators; Technical Amendments,* 83 FR 12527 (March 22, 2018).

[3] Notice of availability, *Closed-Circuit Escape Respirators; Final Guidance for Industry; Availability,* 82 FR 18002 (April 14, 2017).

Personal Protective Technology Laboratory's Long-Term Field Evaluation program. The revision allows NIOSH to forego human subject testing or environmental treatments in the Program when NIOSH deems either or both of those tests to be unnecessary. The language in existing paragraph (d) is unchanged, and moved into a new paragraph (c)(2). The remainder of the paragraphs in § 84.310 are redesignated accordingly.

VI. Regulatory Assessment Requirements

A. Executive Order 12866 (Regulatory Planning and Review) and Executive Order 13563 (Improving Regulation and Regulatory Review)

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

This final rule has been determined not to be a ''significant regulatory action'' under section 3(f) of E.O. 12866. The revision finalized in this notice allows respirator manufacturers to continue the indefinite manufacturing, labeling, and sale of SCSRs approved under subpart H of 42 CFR part 84 and co-approved by MSHA pursuant to 30 CFR 75.1714–1.

Because this final rule is intended to remove a restriction on the future sale of subpart H SCSRs, HHS expects that manufacturers holding approvals under subpart H will continue making and selling these devices without the uncertainty caused by the sunset clause in 42 CFR 84.301 and the aforementioned NIOSH guidance document. Manufacturers will not be forced to stop making and selling previously approved subpart H devices, nor will they need to develop new respirators under subpart O.

Mine operators will be able to choose between purchasing subpart H devices, some of which are belt-wearable, and subpart O devices, some of which are also belt-wearable but may be larger, heavier, and more expensive. Thus, operators may experience cost-savings, as discussed below.

This deregulatory action will not impose costs on either manufacturers or mine operators. Accordingly, HHS has not prepared an economic analysis and the Office of Management and Budget (OMB) has not reviewed this rulemaking.

B. Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs)

Executive Order 13771 requires executive departments and agencies to eliminate at least two existing regulations for every new significant regulation that imposes costs. HHS has determined that this rulemaking is cost-saving because it does not require any new action by stakeholders and because mine operators who rely on subpart H respirators can continue to purchase them as needed, which is likely to be more economical for some than switching to the subpart O devices.

HHS has determined that for most of the respirator models currently deployed in underground coal mines, the cost of a new subpart O CCER is presently greater than the cost of a comparable subpart H SCSR. Assuming that mine operators will replace subpart H SCSRs that have reached the end of their service life (10 or 15 years, depending on the model) with an identical subpart H SCSR, rather than a more expensive subpart O CCER, HHS expects mine operators to experience cost savings as a result of not being required to purchase the more costly units.

To estimate potential cost savings, HHS reviewed the 2018 inventory of all SCSRs and CCERs currently used in underground coal mines. Of the six models of subpart H SCSRs and three models of subpart O CCERs in use, HHS was able to obtain current pricing on six models (*see* Table 1).

TABLE 1—CURRENT PRICES OF SUBPART H SCSRS AND SUBPART O CCERS

Respirator type	Respirator model	Per unit cost ($)
Subpart H 1-hour	SRLD	$854.05
	EBA 6.5	673.00
Subpart O Cap 3	SR 2000	831.25
	EBA 7.5	852.15
Subpart H 10-minute	M 20.2	408.00
Subpart O Cap 1	M 20.3	489.00

Because the price of a subpart H 1-hour SRLD is greater than the price of a comparable subpart O Cap 3 SR 2000, the portion of the coal mining respirator market relying on the SRLD models is not affected and hence was not included in this analysis. HHS found that, because the subpart H 1-hour SCSR manufactured by Ocenco Inc., the EBA 6.5, costs less than the subpart O Cap 3 CCER, the EBA 7.5, mine operators would save $179.15 per unit by not purchasing the subpart O CCER. By not replacing the subpart H 10-minute SCSR manufactured by Ocenco, the M 20.2, with the subpart O Cap 1 CCER, the M 20.3, mine operators would save $81.00 per unit. By eliminating the compliance deadline requiring coal mine operators to purchase newer Subpart O Cap 3 CCERs to replace older Subpart H 1-hour SCSRs that have reached the end of their service life, HHS estimates that mine operators may experience a cost savings between approximately $16 million and $20 million over the course of the 15 years that subpart H SCSRs must be replaced (*see* Tables 2 and 3). This is likely an over-estimate, since it is foreseeable that the cost of subpart O CCERs and the number of coal miners who must be supplied with escape respirators will both decrease in future years.

TABLE 2—COST SAVED BY NOT REPLACING SUBPART H 1-HOUR SCSRS WITH SUBPART O CAP 3 CCERS

[2018 $]

Year	# deployed EBA 6.5 units to be replaced with EBA 7.5 units	Undiscounted ($)	Discounted 3% ($)	Discounted 7% ($)
2019	266	47,653.90	.....	.....
2020	439	78,646.85	76,358.23	73,503.35
2021	4,101	734,694.15	692,522.71	641,681.87
2022	11,865	2,125,614.75	1,945,150.06	1,735,139.32
2023	12,131	2,173,268.65	1,930,949.20	1,657,986.65
2024	7,843	1,405,073.45	1,212,016.36	1,001,817.37
2025	12,781	2,289,716.15	1,917,637.28	1,525,637.87
2026	24,943	4,468,538.45	3,633,368.61	2,782,558.89
2027	15,908	2,849,918.2	2,249,725.48	1,658,652.39
2028	14,429	2,584,955.35	1,981,109.78	1,405,957.21
2029	6,795	1,217,324.25	905,810.97	618,765.92
2030	4,114	737,023.10	532,425.49	350,159.67
2031	9,130	1,635,639.50	1,147,237.55	726,223.94
2032	8,531	1,528,328.65	1,040,791.81	634,256.39
2033	1,775	317,991.25	210,224.01	123,317.01
Total cost savings	.....	24,194,386.65	19,475,327.54	14,935,657.85

TABLE 3—COST OF REPLACING SUBPART H 10-MINUTE SCSRS WITH SUBPART O CAP 1 CCERS

[2018 $]

Year	# deployed M 20.2 units to be replaced with M 20.3 units	Undiscounted ($)	Discounted 3% ($)	Discounted 7% ($)
2019	16	1,296.00	1,258.29	1,211.24
2020	35	2,835.00	2,672.27	2,476.09
2021	653	52,893.00	48,402.38	43,176.56
2022	1,070	86,670.00	77,066.30	66,120.54
2023	874	70,794.00	61,066.90	43,540.70
2024	462	37,422.00	31,340.93	24,934.28
2025	1,504	121,824.00	99,055.09	75,871.99
2026	3,647	295,407.00	233,194.29	171,926.87
2027	2,551	206,631.00	158,362.00	112,386.60
2028	2,076	168,156.00	125,124.88	85,490.51
2029	2,412	195,372.00	141,136.73	92,821.24
2030	3,180	257,580.00	180,666.61	114,365.52
2031	2,659	215,379.00	146,673.10	89,382.29
2032	1,318	106,758.00	70,577.71	41,400.75
2033	602	48,762.00	31,300.38	17,676.23
Total cost savings	.....	1,867,779.00	1,407,897.86	982,781.41

Because OMB has determined that this rulemaking is not significant, pursuant to E.O. 12866, and because it is both a deregulatory action and does not impose costs, OMB has determined that this rulemaking is exempt from the requirements of E.O. 13771. Thus it has not been reviewed by OMB.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.,* requires each agency to consider the potential impact of its regulations on small entities including small businesses, small governmental units, and small not-for-profit organizations. HHS certifies that this rule has ''no significant economic impact upon a substantial number of small entities'' within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

D. Paperwork Reduction Act

The Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* requires an agency to invite public comment on, and to obtain OMB approval of, any regulation that requires 10 or more people to report information to the agency or to keep certain records. In accordance with section 3507(d) of the PRA, HHS has determined that the Paperwork Reduction Act does apply to information collection and recordkeeping requirements included in this rulemaking. The Office of Management and Budget (OMB) has already approved the information collection and recordkeeping requirements under OMB Control Number 0920–0109, *Information Collection Provisions in 42 CFR part 84—Tests and Requirements for Certification and Approval of Respiratory Protective Devices* (expiration date 4/30/2021). The revisions in this rulemaking would not impact the collection of data.

E. Small Business Regulatory Enforcement Fairness Act

As required by Congress under the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), HHS will report the promulgation of this rule to Congress prior to its effective date.

F. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531 *et seq.*) directs agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector ''other than to the extent that such regulations incorporate requirements specifically set forth in law.'' For purposes of the Unfunded Mandates Reform Act, this rule does not include any Federal mandate that may result in increased annual expenditures in excess of $100 million by State, local, or Tribal governments in the aggregate, or by the private sector.

G. Executive Order 12988 (Civil Justice Reform)

This rule has been drafted and reviewed in accordance with Executive Order 12988 and will not unduly burden the Federal court system. This rule has been reviewed carefully to eliminate drafting errors and ambiguities.

H. Executive Order 13132 (Federalism)

HHS has reviewed this rule in accordance with Executive Order 13132 regarding federalism, and has determined that it does not have ''federalism implications.'' The rule would 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.''

I. Executive Order 13045 (Protection of Children From Environmental Health Risks and Safety Risks)

In accordance with Executive Order 13045, HHS has evaluated the environmental health and safety effects of this rule on children. HHS has determined that the rule would have no environmental health and safety effect on children.

J. Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use)

In accordance with Executive Order 13211, HHS has evaluated the effects of this rule on energy supply, distribution or use, and has determined that the rule would not have a significant adverse effect.

K. Plain Writing Act of 2010

Under Public Law 111–274 (October 13, 2010), executive Departments and Agencies are required to use plain language in documents that explain to the public how to comply with a requirement the Federal government administers or enforces. HHS has attempted to use plain language in promulgating the rule consistent with the Federal Plain Writing Act guidelines.

List of Subjects in 42 CFR Part 84

Mine safety and health, Occupational safety and health, Personal protective equipment, Respirators.

Final Rule

For the reasons discussed in the preamble, the Department of Health and Human Services amends 42 CFR part 84 as follows:

PART 84—APPROVAL OF RESPIRATORY PROTECTIVE DEVICES

■ 1. The authority citation for part 84 continues to read as follows:

Authority: 29 U.S.C. 651 *et seq.;* 30 U.S.C. 3, 5, 7, 811, 842(h), 844.

§ 84.70 [Amended]

■ 2. Amend § 84.70 by removing paragraph (a) and redesignating paragraphs (b) through (e) as (a) through (d).

■ 3. Revise § 84.301 to read as follows:

§ 84.301 Applicability to new and previously approved CCERs.

(a) Any CCER approval issued after April 9, 2012 must comply with the technical requirements of subpart O.

(b) The continued manufacturing, labeling, and sale of closed-circuit apparatus previously approved under subpart H is authorized for units required for use in underground coal mines pursuant to 30 CFR 75.1714–1.

(c) Any manufacturer-requested modification to a device approved under the subpart H technical requirements must comply with the subpart H technical requirements and address an identified worker safety or health concern to be granted an extension of the NIOSH approval. Major modifications to the configuration that will result in a new approval must meet and be issued approvals under the requirements of this subpart O.

■ 4. Amend § 84.310 by revising paragraph (c), removing paragraph (d), and redesignating paragraphs (e) through (g) as (d) through (f).

The revision reads as follows:

§ 84.310 Post-approval testing.

* * * * *

(c) NIOSH will conduct such testing pursuant to the methods specified in §§ 84.303 through 84.305, except as provided under paragraphs (c)(1) and (2) of this section:

(1) Post-approval tests may exclude human subject testing and environmental conditioning at the discretion of NIOSH.

(2) The numbers of units of an approved CCER to be tested under this section may exceed the numbers of units specified for testing in §§ 84.304 and 84.305.

* * * * *

Dated: April 9, 2019.

Alex M. Azar II,

Secretary, Department of Health and Human Services.

[FR Doc. 2019–07935 Filed 4–18–19; 8:45 am]

BILLING CODE 4163–19–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[WC Docket No. 17–84, WT Docket No. 17–79; FCC 18–111]

Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with the Commission's revised pole attachment access rules. This document is consistent with *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Third Report and Order and Declaratory Ruling,* FCC 18–111, which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of the revised rules.

DATES: The amendments to 47 CFR 1.1411, 1.1412, and 1.1415 published at 83 FR 46812, September 14, 2018, are effective May 20, 2019.

FOR FURTHER INFORMATION CONTACT: Michael Ray, Attorney Advisor, Wireline Competition Bureau, at (202) 418–0357, or by email at *Michael.Ray@fcc.gov.* For additional information

concerning the Paperwork Reduction Act information collection requirements, contact Nicole Ongele at (202) 418–2991 or *nicole.ongele@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that, on April 15, 2019, OMB approved, for a period of three years, the information collection requirements relating to the pole attachment access rules contained in the Commission's *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Third Report and Order and Declaratory Ruling,* FCC 18–111, published at 83 FR 46812, September 14, 2018. The OMB Control Number is 3060–1151.

The Commission publishes this document as an announcement of the effective date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1–A620, 445 12th Street SW, Washington, DC 20554. Please include the OMB Control Number, 3060–1151, in your correspondence. The Commission also will accept your comments via email at *PRA@fcc.gov.*

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the Commission is notifying the public that it received final OMB approval on April 15, 2019 for the information collection requirements contained in the modifications to the Commission's pole attachment access rules in 47 CFR 1.1411, 1.1412, and 1.1415.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1151.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the affected respondents are as follows:

OMB Control Number: 3060–1151.

OMB Approval Date: April 15, 2019.

OMB Expiration Date: April 30, 2022.

Title: Sections 1.1411, 1.1412, 1.1413, and 1.1415 Pole Attachment Access Requirements.

Form Number: N/A.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 1,142 respondents; 145,538 responses.

Estimated Time per Response: 0.5–6 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement, and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 224.

Total Annual Burden: 554,410 hours.

Total Annual Cost: $6,750,000.

Nature and Extent of Confidentiality: No questions of a confidential nature are asked. However, respondents may request that materials or information submitted to the Commission in a complaint proceeding be withheld from public inspection under 47 CFR 0.459.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: The Commission received OMB approval for a revision to an existing information collection. OMB Collection No. 3060–1151, among other things, tracks the burdens associated with cable and telecommunications attachers gaining access to utility poles for pole attachments. In *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Third Report and Order and Declaratory Ruling,* FCC 18–111, adopted a new framework for the vast majority of pole attachments governed by federal law by instituting a ''one-touch make-ready'' (OTMR) regime, in which a new attacher may elect to perform all simple work to prepare a pole for new wireline attachments in the communications space. This new framework includes safeguards to promote coordination among parties and ensures that new attachers perform the work safely and reliably. The Commission retained the existing multi-party pole attachment process for other new attachments that are complex or above the communications space of a pole, but made significant modifications to speed deployment, promote accurate billing, expand the use of self-help for new attachers when attachment deadlines are missed, and reduce the likelihood of coordination failures that lead to unwarranted delays. The Commission further revised the pole attachment rules by codifying and redefining Commission precedent that requires utilities to allow attachers to ''overlash'' existing wires, thus maximizing the usable space on the pole. Utilities and pole attachers will use the information collected under this revision to 47 CFR 1.1411 to implement and coordinate both OTMR and non-OTMR pole attachments. Pole attachers will use the information collected under this revision to 47 CFR 1.1412 to select utility-approved contractors to perform pole attachment-related work, when required. Pole attachers and utilities will use the information collected under this revision to 47 CFR 1.1415 to inform utilities, when required, of an impending overlash of an attachment on a utility's pole and to coordinate inspection of a performed overlash.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison, Office of the Secretary.

[FR Doc. 2019–07950 Filed 4–18–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 18–1268; RM–11800; DA 19–264]

Television Broadcasting Services Bridgeport and Stamford, Connecticut

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: At the request of Connecticut Public Broadcasting, Inc. (CPBI), licensee of television station WEDW channel *49, Bridgeport, Connecticut (WEDW), the Commission has before it a contested *Notice of Proposed Rulemaking* to change WEDW's community of license from Bridgeport to Stamford, Connecticut. The Commission believes that the proposal is a preferential arrangement of allotments because it will provide Stamford, the third largest city in Connecticut, with its first broadcast television service. The Commission also reiterates that the grant of the proposal will not deprive Bridgeport of its sole broadcast television service because it will continue to be served by full power television station WZME, Bridgeport, Connecticut, licensed to NRJ TV NY License Co., LLC (NRJ).

DATES: Effective April 19, 2019.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at *Joyce.Bernstein@fcc.gov,* (202) 418–1647.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MB Docket No. 18–126; RM–11800; DA 19–264, adopted April 8, 2019, and released April 8, 2019. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW, Washington, DC, 20554, or online at *http://apps.fcc.gov/ecfs/.* To request materials in accessible formats (braille, large print, computer diskettes, or audio recordings), please send an email to *FCC504@fcc.gov* or call the Consumer & Government Affairs Bureau at (202) 418–0530 (VOICE), (202) 418–0432 (TTY). The *Notice of Proposed Rulemaking* published on July 6, 2018 (83 FR 31516).

Paperwork Reduction Act

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

Congressional Review Act

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Barbara Kreisman,

Chief, Video Division, Media Bureau.

Final Rule

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

§ 73.622 [Amended]

■ 2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Connecticut, is amended by removing Bridgeport, channel *49, and adding, in alphabetical order, Stamford, channel *49.

[FR Doc. 2019–07848 Filed 4–18–19; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 238

[Docket No. FRA–2013–0060, Notice No. 4]

RIN 2130–AC46

Passenger Equipment Safety Standards; Correction

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Correcting amendment.

SUMMARY: On November 21, 2018, FRA published a final rule amending FRA's passenger equipment safety standards. In preparing the final rule for publication, an error was made that led to the inadvertent removal of rule text. FRA is correcting that minor error to restore the rule text so that the final rule clearly conforms to FRA's intent.

DATES: Effective on April 19, 2019.

FOR FURTHER INFORMATION CONTACT: Michael Hunter, Attorney Adviser, U.S. Department of Transportation, Federal Railroad Administration, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone: 202–493–0368).

SUPPLEMENTARY INFORMATION: In the November 21, 2018, final rule amending FRA's passenger equipment safety standards, FRA incorrectly worded an instruction amending paragraph (a) of 49 CFR 238.213. The error led to the inadvertent removal of paragraphs (a)(1)(i) through (iii) of § 238.213. *See* 83 FR 59182, 59219 (Nov. 21, 2018). As this was not FRA's intent, FRA is issuing this correction amending § 238.213 to restore those paragraphs, and is proceeding directly to a final rule as it finds public notice and comment to be unnecessary per the ''good cause'' exemption in 5 U.S.C. 553(b)(3)(B).

49 CFR Part 238

Passenger equipment, Railroad safety, Reporting and recordkeeping requirements.

The Rule

For the reasons discussed in the preamble, FRA amends part 238 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 238—[AMENDED]

■ 1. The authority citation for part 238 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20133, 20141, 20302–20303, 20306, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

■ 2. In § 238.213, add paragraphs (a)(1)(i) through (iii) to read as follows:

§ 238.213 Corner posts.

(a)(1) * * *

(i) A 150,000-pound horizontal force applied at a point even with the top of the underframe, without exceeding the ultimate strength of either the post or its supporting car body structure;

(ii) A 20,000-pound horizontal force applied at the point of attachment to the roof structure, without exceeding the ultimate strength of either the post or its supporting car body structure; and

(iii) A 30,000-pound horizontal force applied at a point 18 inches above the top of the underframe, without permanent deformation of either the post or its supporting car body structure.

* * * * *

Brett A. Jortland,

Acting Chief Counsel, Federal Railroad Administration.

[FR Doc. 2019–07896 Filed 4–18–19; 8:45 am]

BILLING CODE 4910–06–P

Proposed Rules

Federal Register
Vol. 84, No. 76
Friday, April 19, 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 THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–117062–18]

RIN 1545–BO93

Electing Small Business Trusts With Nonresident Aliens as Potential Current Beneficiaries

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking provides rules regarding the recent statutory expansion of the class of permissible potential current beneficiaries (PCBs) of an electing small business trust (ESBT) to include nonresident aliens (NRAs). In particular, these proposed regulations would ensure that the income of an S corporation will continue to be subject to U.S. Federal income tax when an NRA is a deemed owner of a grantor trust that elects to be an ESBT.

DATES: Comments and requests for a public hearing must be received by June 3, 2019.

ADDRESSES: Submit electronic submissions via the Federal Rulemaking Portal at www.regulations.gov (indicate IRS and REG–117062–18) by following the online instructions for submitting comments. The Department of the Treasury (Treasury Department) and the IRS will publish for public availability any comment received to its public docket, whether submitted electronically or in hard copy. Send hard copy submissions to: CC:PA:LPD:PR (REG–117062–18), Room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–117062–18), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Cynthia Morton, (202) 317–5279; concerning submissions and the hearing, Regina Johnson, (202) 317–6901 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

1. Overview

This document contains proposed amendments to the Income Tax Regulations (26 CFR part 1) under sections 641 and 1361 of the Internal Revenue Code (Code).

Section 13541(a) of ''An Act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018,'' Public Law 115–97,131 Stat. 2054, 2154 (TCJA) amended section 1361(c)(2)(B)(v) of the Code to allow NRAs to be PCBs of ESBTs. As amended, section 1361(c)(2)(B)(v) provides that NRA PCBs will not be taken into account for purposes of the S corporation shareholder-eligibility requirement that otherwise prohibits NRA shareholders. See section 1361(b)(1)(C).

A. S Corporations and NRAs

An S corporation is a ''small business corporation'' for which an election, made under section 1362(a), is in effect. Section 1361(b)(1) defines the term ''small business corporation'' as a domestic corporation that (i) is not an ineligible corporation (as defined in section 1361(b)(2)); (ii) does not have more than 100 shareholders; (iii) does not have a shareholder who is not an individual, estate, a certain type of trust, or a certain type of tax-exempt organization; (iv) does not have more than one class of stock; and (v) as relevant to these proposed regulations, does not have an NRA as a shareholder.

Section 7701(b)(1)(B) defines an NRA as an individual who is neither a citizen of the United States nor a resident of the United States, within the meaning of section 7701(b)(1)(A). Section 7701(b)(1)(A) provides that an alien individual is treated as a resident of the United States with respect to any calendar year if (and only if) such individual (i) is a lawful permanent resident of the United States at any time during such calendar year; (ii) meets the substantial presence test of section 7701(b)(3); or (iii) makes the first-year election provided in section 7701(b)(4).

B. Categories of Trusts Permitted To Be S Corporation Shareholders

Only certain trusts are permitted to be an S corporation shareholder. Specifically, sections 1361(c)(2) and (d)(1)(A) provide that the following trusts may be an S corporation shareholder: (i) A grantor trust wholly owned by an individual who is a citizen or resident of the United States; (ii) a voting trust; (iii) certain grantor trusts that continue to exist for a period generally not longer than two years after the grantor's death; (iv) certain testamentary trusts for two years after the S corporation stock is transferred to it; (v) a qualified subchapter S trust; (vi) certain individual retirement accounts under section 408(a) that hold certain bank or company stock; and (vii) as relevant to these proposed regulations, a domestic trust that qualifies as an ESBT.

C. Overview of ESBTs

To expand the categories of trusts permitted to be S corporation shareholders under section 1361(c)(2) and thereby, in particular, to facilitate family financial planning, Congress added ESBTs to the list of permitted categories of S corporation shareholders over two decades ago. See H. Rept. 104–586, at 82 (1996); S. Rept. 104–281, at 46 (1996). An ESBT must be a domestic trust based on the flush language under section 1361(c)(2)(A), which provides that a foreign trust cannot be an eligible S corporation shareholder. Read together with section 1361(e)(1), an ESBT is any domestic trust that satisfies the following requirements: (i) The trust does not have as a beneficiary any person other than an individual, an estate, or an organization described in section 170(c)(2) through (5), or an organization described in section 170(c)(1) that holds a contingent interest in such trust and is not a PCB; (ii) no interest in the trust was acquired by purchase; and (iii) an election has been made under section 1361(e) with respect to the trust. An ESBT may hold S corporation stock as well as other property, and may accumulate trust income. In addition, and as relevant to these proposed regulations, (i) a PCB may be one of multiple beneficiaries of an ESBT, and (ii) a grantor trust may elect to be an ESBT.

i. PCB as an ESBT Beneficiary

For purposes of determining whether a corporation is an S corporation, each PCB of an ESBT is treated as a separate S corporation shareholder. See section 1361(c)(2)(B)(v). A PCB, with respect to any period, is any person who at any time during such period is entitled to, or at the discretion of any person may receive, a distribution from the principal or income of the ESBT (determined without regard to any power of appointment to the extent such power remains unexercised). See section 1361(e)(2). As relevant to these proposed regulations, a PCB also can be the deemed owner of a grantor trust that elects to be an ESBT.

ii. ESBTs Divided Into Portions for Tax Liability Determinations

An ESBT that owns stock of an S corporation, as well as other property, is treated as two separate trusts (S portion and non-S portion, respectively) for purposes of chapter 1 of subtitle A of the Code (chapter 1), even though the ESBT is treated as a single trust for administrative purposes. See § 1.641(c)–1(a). Specifically, section 641(c)(1)(A) provides that the S portion, which consists solely of S corporation stock, is (i) treated as a separate trust for purposes of chapter 1, and (ii) taxed in accordance with section 641(c)(2). The non-S portion of the ESBT remains subject to the normal trust income taxation rules of subparts A through D of subchapter J of chapter 1 (subchapter J) that govern simple and complex trusts. In addition, the S portion or non-S portion (or both) can be treated as owned by a grantor under § 1.641(c)–1(b)(1), referred to as the ''grantor portion,'' and is subject to the rules under subpart E of subchapter J.

iii. Effect of ESBT Election by a Grantor Trust

A grantor trust generally is a trust over which the grantor or other deemed owner retains the power to control or direct the trust's income or assets. If a trust is a grantor trust, then (i) the deemed owner is treated as the owner of the assets, (ii) the trust is disregarded as a separate entity for Federal income tax purposes, and (iii) all items of income, deduction, and credit are taxed to the deemed owner. Wholly or partially-owned grantor trusts can make an ESBT election but the grantor trust taxation rules of the Code override the ESBT provisions. Therefore, an ESBT pays tax directly at the trust level on its S corporation income and that income is not passed through to the beneficiaries, except for the amount that is taxed to the owner of the grantor trust portion.

The Department of the Treasury (Treasury Department) and the IRS promulgated regulations in 2002 to clarify that the items of income, deduction, and credit of the portion of an ESBT treated as owned by a grantor or other person under the grantor trust rules are taken into account by the deemed owner (rather than the ESBT) under section 671 in computing the deemed owner's taxable income. See § 1.641(c)–1(c). Therefore, under those regulations, a wholly-owned grantor trust can be an ESBT, but with no immediate change to the grantor trust's taxation. While an ESBT may be divided into a non-S portion, an S portion, and a grantor trust portion, the statutory definitions of an ESBT and of a PCB focus on all the persons who are beneficiaries or PCBs of the entire trust, rather than beneficiaries of only the S portion. As relevant to these proposed regulations, the deemed owner of the grantor trust portion is treated as a PCB of the ESBT.

2. TCJA Expansion of Qualifying Beneficiaries of ESBTs

A. Prior Law and TCJA Change

Prior to the enactment of the TCJA, a change in the immigration status of a PCB of an ESBT that owns S corporation stock from resident alien to NRA would have terminated an ESBT election, and therefore also terminated the corporation's election as an S corporation. This result would have occurred because, prior to the TCJA-enacted exception to the section 1361(b)(1)(C) eligible-shareholder requirement, section 1361(c)(2)(B)(v) provided, in relevant part, that each PCB of an ESBT must be treated as a shareholder of the S corporation. As discussed in part 1(A) of this Background section, if a purported S corporation has an NRA shareholder, such S corporation would fail the qualification requirements listed in section 1361(b)(1), resulting in the termination of its status as an S corporation.

Section 13541(a) of the TCJA amended section 1361(c)(2)(B)(v) to provide that the rule treating each PCB of an ESBT as a shareholder does not apply for purposes of the eligible-shareholder requirement of section 1361(b)(1)(C). As a result of that TCJA amendment, if a resident alien PCB of an ESBT becomes an NRA, the status of that PCB as an NRA will not cause the S corporation of which the ESBT is a shareholder to fail the requirement in section 1361(b)(1)(C), which otherwise would terminate its S election. While Congress amended section 1361(c)(2)(B)(v) to expand the scope of qualifying beneficiaries of ESBTs, Congress left unaltered the rule under section 1361(b)(1)(C) that an S corporation cannot have an NRA as a shareholder.

B. TCJA Expansion

Prior to the TCJA, only individuals subject to Federal income taxation could receive an ESBT's share of S corporation income because a grantor trust that elected ESBT status could not have had a deemed owner who was an NRA. Without these proposed regulations, the TCJA's expansion of an ESBT's permissible PCBs to include an NRA would allow S corporation income attributed to the grantor portion of an ESBT that is received by a NRA deemed owner of that portion, to escape Federal income taxation, contrary to Congressional intent. For example, if an NRA were to be a deemed owner of a grantor trust that elected to be an ESBT, and thus were to be allocated foreign source income of the S corporation or income not effectively connected with the conduct of a U.S. trade or business under section 864(c)(4)(B), that NRA would not be required to include such S corporation items in income under section 671 because the NRA would not be liable for Federal income tax on such income under section 871(a) or (b). Additionally, if that NRA is a resident of a country with which the United States has an income tax treaty, U.S. source income of the S corporation also might be exempt from tax or subject to a lower rate of Federal income tax in the hands of that NRA.

Under section 672(f)(2)(A)(ii), trust income, deductions, and credits are taxed to NRA grantors if the only amounts distributable from such portion (whether income or corpus) during the lifetime of the grantor are amounts distributable to the grantor or the spouse of the grantor. Such a trust would not be a foreign trust solely because the grantor retained this right, provided that (1) a U.S. court had primary jurisdiction over the trust, as required by section 7701(a)(30)(E)(i), and (2) U.S. persons controlled substantial trust decisions, as required by section 7701(a)(30)(E)(ii). Accordingly, a domestic trust described in section 672(f)(2)(A)(ii) that elects ESBT status would be a grantor trust, and the income from the trust would be taxed to the NRA grantor-owner(s) (that is, the grantor and the grantor's spouse) during the grantor's lifetime. These NRA deemed owners would not be subject to U.S. Federal income tax on the S corporation income unless this income

was U.S. source fixed or determinable income or income effectively connected with a U.S. trade or business.

C. Income From S Portion of ESBT Should Not Escape U.S. Federal Income Taxation

In discussing the amendment to section 1361(c)(2)(B)(v) allowing an NRA to be a PCB of an ESBT, the Conference Report made the following two observations regarding present S corporation law: First, the portion of an ESBT that consists of S corporation stock ''is treated as a separate trust'' and generally (that is, not taking into account capital gains) is ''taxed on its share of the S corporation's income at the highest rate of tax imposed on individual taxpayers.'' H. Rept. 115–466, at 517 (2017). See also § 1.641(c)–1(e)(1) (articulating the capital gains exception regarding Congress' use of the word ''generally''). Second, Congress noted that an ''[ESBT's share of S corporation] income (whether or not distributed by the ESBT) is not taxed to the beneficiaries of the ESBT.'' Id. These observations reflect the general rule of ESBT taxation that (i) subjects the ESBT to tax on its S corporation income at the trust level, rather than the beneficiary level, and accordingly (ii) is indifferent to the citizenship or residence status of the ESBT's beneficiaries because the ESBT must be domestic. The observations do not take into account the interaction between the ESBT and grantor trust tax regimes, which allows a trust to be an ESBT for S corporation qualification purposes while permitting all or a portion of the trust subject to the grantor trust provisions to be taxed as a grantor trust, rather than as an ESBT. As described earlier, § 1.641(c)–1(c) provides that the taxable income of a grantor trust that elects to be an ESBT is treated as the taxable income of the deemed owner of the trust (including a deemed owner who is an NRA), regardless of whether the ESBT distributes the income.

The report accompanying the Senate bill (Senate Report) similarly indicates that Congress assumed that the taxation of income at the ESBT level would protect against potential tax avoidance that might otherwise result from permitting an NRA to be a PCB of an ESBT: ''An ESBT that is an S corporation shareholder is taxed on its share of the S corporation's income at the highest rate of tax imposed on individual taxpayers. For that reason, the Committee believes that allowing a nonresident alien individual to be a potential current beneficiary of an ESBT presents little risk of tax avoidance.'' S. Comm. on the Budget, Reconciliation Recommendations Pursuant to H. Con. Res. 71, S. Print No. 115–20, at 235–236 (2017).

Based on this legislative history of section 1361(c)(2)(B)(v), the Treasury Department and the IRS have determined that the expansion of that clause to allow an NRA to be an ESBT PCB was not intended to override longstanding statutory provisions that have operated to ensure that all of the S corporation income remains subject to Federal income tax. In the absence of regulations, the post-TCJA ability of an NRA to be a PCB of an ESBT, in combination with the potential for a grantor trust portion of an ESBT to be owned by an NRA under section 672(f)(2)(A)(1)(ii), could result in S corporation income passing without tax from the domestic ESBT to the NRA and escaping Federal income taxation.

Explanation of Provisions

These proposed regulations would ensure that, with respect to situations in which an NRA is a deemed owner of a grantor trust that has elected to be an ESBT, the S corporation income of the ESBT would continue to be subject to U.S. Federal income tax. Specifically, the proposed regulations would modify the allocation rules under § 1.641(c)–1 to require that the S corporation income of the ESBT be included in the S portion of the ESBT if that income otherwise would have been allocated to an NRA deemed owner under the grantor trust rules. Accordingly, such income would be taxed to the domestic ESBT by providing that, if the deemed owner is an NRA, the grantor portion of net income must be reallocated from the grantor portion of the ESBT to the ESBT's S portion.

The proposed regulations also would implement Congress' amendment to section 1361(c)(2)(B)(v) by making conforming revisions to § 1.1361–1(m). For example, the proposed regulations would update the description of PCBs in § 1.1361–1(m)(4)(i) to reflect the ability of NRAs to be PCBs of ESBTs. The proposed regulations similarly would update other provisions in § 1.1361–1(m) to reflect that ability.

Proposed Effective/Applicability Date

Section 7805(b)(1)(A) and (B) of the Code generally provide that no temporary, proposed, or final regulation relating to the internal revenue laws may apply to any taxable period ending before the earliest of (A) the date on which such regulation is filed with the **Federal Register**, or (B) in the case of a final regulation, the date on which a proposed or temporary regulation to which the final regulation relates was filed with the **Federal Register**. However, section 7805(b)(2) provides that regulations filed or issued within 18 months of the date of the enactment of the statutory provision to which they relate are not prohibited from applying to taxable periods prior to those described in section 7805(b)(1). Furthermore, section 7805(b)(3) provides that the Secretary may provide that any regulation may take effect or apply retroactively to prevent abuse.

Accordingly, to prevent abuse of sections 641 and 1361 and the regulations thereunder, these proposed regulations are proposed to apply to all ESBTs after December 31, 2017.

Special Analyses

This regulation is not subject to review under section 6(b) of Executive Order 12866 pursuant to the Memorandum of Agreement (April 11, 2018) between the Department of the Treasury and the Office of Management and Budget regarding review of tax regulations.

This notice of proposed rulemaking does not impose a collection of information on any small entities. Accordingly, a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Notwithstanding this certification, the Treasury Department and the IRS invite comments from interested members of the public on both the number of entities affected and the economic impact on small entities.

Pursuant to section 7805(f) of the Code, this notice of proposed rulemaking has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any comments that are submitted timely to the IRS as prescribed in this preamble under the **ADDRESSES** heading.

All comments will be available at *http://www.regulations.gov* or upon request. A public hearing may be scheduled if requested in writing by any person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is Cynthia Morton of the Office of Associate Chief Counsel (Passthroughs and Special Industries).

However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.641(c)–1 is amended by:

■ 1. Revising paragraphs (b)(1) and (2).

■ 2. Adding a sentence to the end of paragraph (k).

■ 3. In paragraph (l), designating *Examples 1* through *5* as paragraphs (l)(1) through (5).

■ 4. In newly designated paragraph (l)(3)(i), removing the language ''*Example 2*'' and adding ''*Example 2* in paragraph (l)(2) of this section'' in its place.

■ 5. Adding paragraph (l)(6).

The revisions and additions read as follows:

§ 1.641(c)–1 Electing small business trust.

* * * * *

(b) * * *

(1) *Grantor portion*—(i) *In general.* Subject to paragraph (b)(1)(ii) of this section, the grantor portion of an ESBT is the portion of the trust that is treated as owned by the grantor or another person under subpart E of the Code.

(ii) *Nonresident alien deemed owner.* If, pursuant to section 672(f)(2)(A)(ii), the deemed owner of a grantor portion of the ESBT is a nonresident alien, as defined in section 7701(b)(1)(B) (NRA), the items of income, deduction, and credit from that grantor portion must be reallocated from the grantor portion to the S portion, as defined in paragraph (b)(2) of this section, of the ESBT.

(2) *S portion*—(i) *In general.* Subject to paragraph (b)(2)(ii) of this section, the S portion of an ESBT is the portion of the trust that consists of S corporation stock and that is not treated as owned by the grantor or another person under subpart E of the Code.

(ii) *NRA deemed owner of grantor portion.* The S portion of an ESBT also includes the grantor portion of the items of income, deduction, and credit reallocated under paragraph (b)(1)(ii) of this section from the grantor portion of the ESBT to the S portion of the ESBT.

* * * * *

(k) * * * Paragraphs (b)(1) and (2) of this section, and *Example 6* in paragraph (l)(6) of this section, apply to all ESBTs after December 31, 2017.

(l) * * *

(6) *Example 6: NRA as potential current beneficiary.* Domestic Trust (DT) has a valid ESBT election in effect. DT owns S corporation stock. The S corporation owns U.S. and foreign assets. The foreign assets produce foreign source income. B, an NRA, is the grantor and the only trust beneficiary and potential current beneficiary of DT. B is not a resident of a country with which the United States has an income tax treaty. Under section 677(a), B is treated as the owner of DT because, under the trust documents, income and corpus may be distributed only to B during B's lifetime. Paragraph (b)(2)(ii) of this section requires that the S corporation income of the ESBT that otherwise would have been allocated to B under the grantor trust rules must be reallocated from B's grantor portion to the S portion of DT. In this example, the S portion of DT is treated as including the grantor portion of the ESBT, and thus all of DT's income from the S corporation is taxable to DT.

■ **Par. 3.** Section 1.1361–1 is amended by:

■ 1. Revising paragraph (m)(1)(ii)(D).

■ 2. Revising paragraph (m)(2)(ii)(E)(*2*).

■ 3. Adding two sentences to the end of paragraph (m)(4)(i).

■ 4. Revising the second sentence of paragraph (m)(5)(iii).

■ 5. In paragraph (m)(8), designating *Examples 1* through *9* as paragraphs (m)(8)(i) through (ix).

■ 6. Redesignating paragraphs (m)(8)(i)(i) through (iii) as paragraphs (m)(8)(i)(A) through (C).

■ 7. Redesignating paragraphs (m)(8)(ii)(i) and (ii) as paragraphs (m)(8)(ii)(A) and (B) and revising the second sentence of newly redesignated paragraph (m)(8)(ii)(A).

■ 8. In newly redesignated paragraph (m)(8)(ii)(B), removing the language ''*Example 2*(i)'' and adding ''*Example 2* in paragraph (m)(8)(ii)(A) of this section'' in its place.

■ 9. Redesignating paragraphs (m)(8)(vi)(i) through (iii) as paragraphs (m)(8)(vi)(A) through (C) and revising the first sentence of newly redesignated paragraph (m)(8)(vi)(B).

■ 10. In newly redesignated paragraph (m)(8)(vi)(C), removing the language ''paragraph (i) of this *Example 6*'' and adding ''*Example 6* in paragraph (m)(8)(vi)(A) of this section'' in its place.

■ 11. In paragraph (m)(9):

■ i. Removing the language ''Paragraphs (m)(2)(ii)(A), (m)(4)(iii) and (vi), and (m)(8), *Example 2, Example 5, Example 7, Example 8,* and *Example 9*'' and adding ''Paragraphs (m)(2)(ii)(A) and (m)(4)(iii) and (vi) of this section and *Examples 2, 5,* and *7* through *9* in paragraphs (m)(8)(ii), (v), and (vii) through (ix)'' in its place.

■ ii. Adding a sentence at the end of the paragraph.

The revisions and additions read as follows:

§ 1.1361–1 S corporation defined.

* * * * *

(m) * * *

(1) * * *

(ii) * * *

(D) *Nonresident aliens.* A nonresident alien (NRA), as defined in section 7701(b)(1)(B), is an eligible beneficiary of an ESBT and an eligible potential current beneficiary.

* * * * *

(2) * * *

(ii) * * *

(E) * * *

(*2*) All potential current beneficiaries of the trust meet the shareholder requirements of section 1361(b)(1); for this purpose, an NRA potential current beneficiary does not violate the requirement under section 1361(b)(1)(C) that an S corporation cannot have an NRA as a shareholder.

* * * * *

(4) * * *

(i) * * * An NRA potential current beneficiary of an ESBT is treated as a shareholder for purposes of the 100-shareholder limit under section 1361(b)(1)(A). However, an NRA potential current beneficiary of an ESBT is not treated as a shareholder in determining whether a corporation is a small business corporation for purposes of the NRA-shareholder prohibition under section 1361(b)(1)(C).

* * * * *

(5) * * *

(iii) * * * For example, the S corporation election will terminate if a charitable remainder trust becomes a potential current beneficiary of an ESBT. * * *

* * * * *

(8) * * *

(ii) * * *

(A) * * * On January 1, 2006, A, a partnership, becomes a potential current beneficiary of Trust. * * *

* * * * *

(vi) * * *

(B) * * * Assume the same facts as *Example 6* in paragraph (m)(8)(vi)(A) of this section except that D is a charitable remainder trust. * * *

* * * * *

(9) * * * Paragraphs (m)(1)(ii)(D), (m)(2)(ii)(E)(*2*), (m)(4)(i), (m)(5)(iii), and

(m)(8) of this section apply to all ESBTs after December 31, 2017.

Kirsten Wielobob,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2019–07919 Filed 4–17–19; 4:15 pm]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0243]

RIN 1625–AA00

Safety Zone; Lower Mississippi River; New Orleans, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary safety zone between mile marker (MM) 99.5 and MM 100.5 Above Head of Passes, Lower Mississippi River, New Orleans, LA. This action is necessary to provide for the safety of life on these navigable waters near New Orleans, LA, during a fireworks display on June 20, 2019. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port New Orleans or a designated representative. 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–2019–0243 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 Lieutenant Commander Benjamin Morgan, Sector New Orleans, U.S. Coast Guard; telephone 504–365–2281, email *Benjamin.P.Morgan@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

AHP Above Head of Passes
COTP Captain of the Port New Orleans
CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
MM Mile marker
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On April 11, 2019, MIP Inc. notified the Coast Guard that they will be conducting a fireworks display at 9:45 on June 20, 2019. The fireworks are to be launched from a barge at approximately MM 100 Above Head of Passes, Lower Mississippi River, New Orleans, LA. Hazards from firework displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port New Orleans (COTP) has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone within a half mile upbound and downbound of the barge.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within a mile span of the river before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).]

III. Discussion of Proposed Rule

The COTP is proposing to establish a safety zone from 9:30 to 10:30 p.m. on June 20, 2019. The safety zone would cover all navigable waters between mile marker (MM) 99.5 and 100.5 Above Head of Passes, Lower Mississippi River, New Orleans, LA. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 9:45 p.m. fireworks display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. 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 location, time, and duration of the safety zone. The safety zone will be enforced for one hour on one day on a one mile span of the Lower Mississippi River.

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 safety zone may be small entities, for the reasons stated in section IV.A above, this proposed 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 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 a safety zone lasting one hour on a one mile span of the Lower Mississippi River. Normally such actions are categorically excluded from further review under paragraph L 60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. 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 165

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 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.T08–0243 to read as follows:

§ 165.T08–0243 Safety Zone; Lower Mississippi River, New Orleans, LA.

(a) *Location.* The following area is a safety zone: All navigable waters between mile marker (MM) 99.5 and 100.5 Above Head of Passes (AHP), Lower Mississippi River, New Orleans, LA.

(b) *Effective period.* This section is effective from 9:30 p.m. on June 20, 2019 through 10:30 p.m. on June 20, 2019.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into or remaining within this zone is prohibited unless authorized by the Captain of the Port Sector New Orleans (COTP) or designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector New Orleans.

(2) Vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM Channel 16 or 67 or by telephone at (504) 365–2544.

(3) Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

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

Dated: April 16, 2019.

K.M. Luttrell,

Captain, U.S. Coast Guard, Captain of the Port Sector New Orleans.

[FR Doc. 2019–07976 Filed 4–18–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AP86

Active Service Pay

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to amend its adjudication regulations. One amendment would permit VA to suspend disability compensation payments upon receipt of notice from the Department of Defense (DoD) that the veteran has received, is receiving, or will begin to receive active service pay. This proposed change would reduce the financial impact on veterans associated with receipt of VA disability compensation and active service pay by allowing VA to make necessary adjustments as close in time to the receipt of active service pay as possible. VA also proposes an amendment to clarify how VA adjudicates benefit adjustments based on receipt of active service pay for certain types of service.

DATES: Comments must be received on or before June 18, 2019.

ADDRESSES: Written comments may be submitted through *www.Regulations.gov*; by mail or hand-delivery to Director, Office of Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Avenue NW, Room 1064, Washington, DC 20420; or by fax to (202) 273–9026. (This is not a toll-free telephone number.) Comments should indicate that they are submitted in response to RIN 2900–AP86—Active Service Pay. Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1064, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free number.) In addition, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Gabrielle Mancuso, Consultant, Regulations Staff (211D), Compensation Service, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–9700. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: Section 5304(c) of title 38, United States Code, provides that ''Pension, compensation, or retirement pay on account of any person's own service shall not be paid to such person for any period for which such person receives active service pay.'' ''Active service pay'' is defined by VA at 38 CFR 3.654 as ''pay received for active duty, active duty for training or inactive duty training'' and therefore encompasses both active duty and training pay. VA implements the statutory prohibition on receiving concurrent VA benefits and active service pay in current 38 CFR 3.700(a)(1). In order to reduce hardships for veterans and improve processing of benefits, VA proposes to amend the current procedural requirements related to the 60-day notice period and take immediate action to suspend compensation payments upon notice of receipt of active service pay from DoD when the veteran has received prior notice that the law prevents concurrent receipt of certain VA benefits and active service pay or VA has received a statement from the veteran indicating knowledge that concurrent receipt of VA benefits and active service pay is prohibited. This proposed change would only apply to compensation payments, not pension.

I. Current Regulation and Adjustment Process

Current 38 CFR 3.103 generally establishes the procedures for notice of law in the VA benefits system. In particular, § 3.103(b)(2) establishes procedures that VA must follow before an ''award of compensation, pension or dependency and indemnity compensation'' can be ''terminated, reduced or otherwise adversely affected.'' Importantly, VA must provide a veteran with notice of a proposed adverse action and 60 days to provide evidence showing why the adverse action should not be taken. VA continues to pay benefits during this 60-day period.

Current regulations provide exceptions for when VA may dispense with the 60-day notice requirement and terminate or reduce benefits at the same time it notifies a veteran of such action. One exception is specific to veterans who inform VA when they return to active duty or participate in training duty. Under 38 CFR 3.103(b)(3)(v), VA may take immediate action to suspend payment of VA benefits when the decision is ''based upon a written statement provided to VA by a veteran indicating that he or she has returned to active service, the nature of that service, and the date of reentry into service, with the knowledge or notice that receipt of active service pay precludes concurrent receipt of VA compensation or pension.'' In other words, when a veteran proactively notifies VA of his or her receipt of active service pay, VA may suspend benefits without waiting 60 days, thereby eliminating or reducing the overpayment that VA must collect from the veteran. VA proposes to expand this exception to include notice of receipt of active service pay from DoD. Not only would this proposal further eliminate or reduce overpayments VA must collect, it also reduces the reporting burden on veterans in cases where VA receives information directly from DoD.

A. Overpayments

''[T]he Secretary generally is required to recover erroneous VA payments,'' including the overpayment of benefits. *Edwards* v. *Peake,* 22 Vet. App. 57, 59 (2008) (citing 38 U.S.C. 5314); see also VAOPGCPREC 1–2010 (Jan. 4, 2010). Section 5304(c) of title 38, United States Code, precludes concurrent receipt of VA compensation and active service pay. If VA pays benefits to a veteran for a period in which he or she is not entitled to receive them, including during the 60-day notice period, VA must generally recover these overpayments. At present, the only way for VA to avoid the overpayment and resulting recoupment action is if the veteran provides VA a statement prior to the receipt of active service pay, which allows VA to immediately suspend benefit payments. See 38 CFR 3.103(b)(3)(v). Otherwise VA must provide a 60-day response period prior to suspending benefits. Only upon expiration of the response period or a timely response from a veteran, whichever is sooner, may VA create an overpayment and initiate recoupment action. As discussed further in section II below, this process has created financial hardships for veterans, who must repay the duplicate benefits they received, as well as burdensome inefficiencies in processing overpayments, further amplifying the impact on veterans.

VA processes two basic types of benefit adjustments based on concurrent receipt of active service pay: Training pay offsets, which can be performed either prospectively or retrospectively, and active duty suspensions. The respective processes for adjusting benefits differ. For training pay, DoD, until recently, transmitted an annual notice to VA with the number of days for which a veteran received training pay. Training pay is characteristically periodic and recurring, and of shorter duration than active duty pay. However, active duty pay, which DoD previously transmitted information about to VA quarterly, is typically of indeterminate

duration that could extend months, or even years, particularly for members of the Reserves and National Guard returning to active duty. Because there are significant systemic differences in the processes for adjusting VA benefits based on receipt of either active duty or training pay, the processes for adjusting benefits will be discussed separately to assist the reader with understanding the unique hardships created by each type.

B. Training Pay

Training pay is the monetary benefit a reservist or member of the National Guard receives for performing periodic active duty for training, as discussed in more detail below, or inactive duty training. See 38 CFR 3.6(c) (active duty for training) and 3.6(d) (inactive duty training). During a single fiscal year, reservists and members of the National Guard commonly receive training pay for a total of 63 days, which consists of 48 drill periods (a drill period is defined as four hours), and 15 days of active duty training. Previously, at the end of each fiscal year, DoD's Defense Manpower Data Center (DMDC) sent VA an electronic file identifying veterans who received both training pay and VA disability compensation benefits during that fiscal year (ending in September). For data matches after the fiscal year (FY) 2017 match, VA will use the Reserve military pay data in the VA-DoD Identity Repository (VADIR) to match against VA recipients of VA disability compensation or pension. DMDC sends Reserve military pay data to VADIR monthly. DoD's provision, and VA's use of, DMDC data is based upon terms set forth in a computer matching agreement between DoD and VA. See Notice of a New Matching Program, 83 FR 51673 (Oct. 12, 2018).

VA may not learn of a veteran's receipt of training pay until the annual data match is received from DMDC. VA then sends each affected veteran VA Form 21–8951, Notice of Waiver of VA Compensation or Pension to Receive Military Pay and Allowances, notifying the veteran that concurrent receipt of VA disability compensation or pension benefits and active service pay is prohibited, and that the veteran may use the form to elect to keep the training pay in lieu of VA compensation. If the veteran elects to keep the training pay, he or she must use the form to waive VA benefits for the number of days equal to the number of training days for which he or she received payment. Occasionally, a veteran will proactively notify VA of receipt (or anticipated receipt) of training pay by submitting VA Form 21–8951–2, Notice of Waiver of VA Compensation or Pension to Receive Military Pay and Allowances. Similar to VA Form 21–8951, this form allows a veteran to waive VA benefits or training pay. VA typically requires the signature of the veteran's military unit commander to ensure the number of days reported is accurate.

Both forms notify the veteran that if he or she elects to waive VA benefits in order to receive training pay, VA will adjust VA benefit payments for the total number of days waived. Generally, VA calculates the withholding at the monthly benefit rate in effect at the end of the fiscal year for which the veteran received training pay. Historically, VA withheld future compensation payments in lieu of creating an overpayment as an alternative mechanism of collecting the erroneous concurrent payments of training pay and VA compensation. However, adjustments by future withholding did not provide repayment options, leaving the veteran with no means to mitigate the adverse effect of losing the withheld benefits.

Consequently, starting in June 2016, VA began automating the annual process for training days completed in FY 2015. The new process is no longer dependent on employees initiating the adverse actions, which were previously delayed due to conflicting workload priorities. The automated process releases the notice letter upon receipt of notice from DMDC. After the veteran responds or the response period expires, VA issues a decision. If the decision results in an overpayment in the veteran's account, VA provides the veteran an opportunity to request a waiver of the overpayment or develop a payment plan to resolve the resulting debt. Subsequent data indicates that automation has increased the number of training pay adjustments processed by almost 62.9 percent from FY 2015 to FY 2016 while also reducing the number of days it takes to process the proposed compensation adjustment from 232 to 181 days, respectively. The average days to process the proposed compensation adjustment will continue to improve once the older training pay notices, received prior to the June 2016 automation process, are adjudicated. However, as discussed below, further improvement is possible.

C. Active Duty Pay

A veteran may receive active duty pay as a result of returning to active duty in the United States Armed Forces. Additionally, VA treats some active duty for training in the same manner as active duty for purposes of processing VA benefit adjustments on the grounds that individuals performing such duty earn leave and time towards retirement on par to a servicemember on active duty status. Moreover, like active duty, some active duty for training can be of a longer duration and may not necessarily have an ascertainable end date. Therefore, active service pay for active duty for training described in 38 CFR 3.6(c), with the exception of annual active duty for training (typically performed 15 days each year by reservists and members of the National Guard) and Active Duty for Special Work to receive training, is generally processed as active duty pay for purposes of the cessation of VA compensation payments. Pay received for annual active duty for training and Active Duty for Special Work to receive training is processed as training pay. VA is proposing to amend 38 CFR 3.654(b) to accurately account for all instances in which VA discontinues an award, in the same manner as return to active duty, based on receipt of active service pay for active duty for training. See 38 U.S.C. 101(22) and 38 CFR 3.6(c).

VA's processing of concurrent VA benefits and active duty payments is generally different from processing of concurrent VA benefits and training pay. VA typically receives notice of a veteran's return to active duty or full-time duty in one of two ways: Either written notice from a veteran or through a DMDC active duty, and on some occasions training pay, data match. While veterans returning to active duty or full-time duty can notify VA of their status, due to the fast-paced nature of some military deployments, or the fact that the veteran may be stationed in areas with limited mail service, VA frequently learns of a veteran's return to active duty through the DMDC active duty data match. The DMDC active duty data match differs from the data match described for training pay, as VA and DMDC previously conducted the active duty data match quarterly (*i.e.,* approximately every 3 months). VA is in the process of developing a new computer matching agreement with DoD that may change the frequency with which VA receives this information.

When the data match shows that a veteran has returned to active or full-time duty, VA will confirm the date of return by reviewing electronic VA and DoD shared databases, such as the Defense Personnel Records Image Retrieval System (DPRIS) or the Veterans Information Solution. After confirming a veteran's return to active or full-time duty, VA must, under current requirements, notify the veteran of VA's proposal to discontinue the payment of compensation or pension. VA sometimes encounters difficulties when trying to locate and contact

veterans who have returned to active duty. As VA must notify a veteran of its intent to suspend disability payments, this becomes problematic when some veterans on active duty serve in remote locations, such as a combat zone or similarly austere environments, with infrequent mail service, and have no reasonable method for dealing with financial difficulties. VA's current regulations allow the veteran 60 days to respond to the proposed decision, submit evidence, and request a hearing before VA may suspend benefits. 38 CFR 3.103(b)(2). Following the end of the 60-day period, and provision of a hearing if requested, VA considers any relevant evidence, and, if warranted, discontinues the award of benefits effective the day preceding return to active or full-time duty. See 38 CFR 3.501(a) and 3.654(b).

II. Undue Burdens to Veterans and Administrative Inefficiencies

Under current § 3.103(b), which we propose to amend, VA cannot suspend compensation benefit payments before the veteran responds to the proposed benefit adjustment or the expiration of the prescribed 60-day response period. During this period, a veteran who has returned to active duty continues to receive benefits that VA will be required to recoup. As such, in the case of a veteran who returned to active duty, the 60-day delay potentially harms the veteran by increasing the amount of the overpayment that VA must ultimately recover. Additionally, when a veteran is overpaid, VA is required to take ''aggressive collection action . . . to collect all claims for money or property arising from its activities.'' See 38 CFR 1.910(a). This action can include disclosure of debt information to consumer reporting agencies. See 38 CFR 1.916. Collection and reporting of debt can negatively impact a veteran's credit rating, ability to borrow money, or ability to qualify for a security clearance or a job.

As discussed below, VA believes that processing benefits adjustments on a more frequent basis will be beneficial to veterans. However, under current 38 CFR 3.103, depending on the frequency with which DMDC sends the electronic file to VA (see section III below), VA could potentially send multiple notice letters (up to 12 or more letters per year in the case of a veteran who regularly drills and multiple letters referring to the same period of service in the case of a veteran returning to active duty). This could result in overlapping notice periods and would create administrative inefficiencies associated with tracking and promulgating each action. For veterans who returned to active duty, it may be confusing to receive multiple notice letters related to the same period of service. VA also encourages veterans to respond promptly to each letter to minimize the overpayment; however, a prompt response may be difficult, at best, and create an undue burden to those who may have returned to active duty and are in remote locations with infrequent mail service. The multiple notice letters could also create unnecessary distractions for veterans who may already be experiencing stressful situations in hostile areas and would likely create an influx of calls to VA's National Call Centers from veterans or their family members seeking assistance, clarification, or guidance.

Moreover, once VA issues a decision, the veteran receives one post-determination letter from the Veterans Benefits Administration (VBA) and, if an overpayment is created, a collections letter from VA's Debt Management Center. The first letter, from VBA, provides VA's decision, the summary of the evidence, and the veteran's appellate rights. The second letter is a collections letter from VA's Debt Management Center, which notifies the veteran of his or her rights and obligations, explains why the debt was created, and provides repayment options and waiver rights. In total, the veteran receives up to two post-determination notices for each adverse action. This indicates that even with the proposed removal of the response period and pre-determination letter, the veteran would still receive sufficient notice of VA's decision and the veteran's appellate rights, repayment options, and waiver rights.

III. Future State of VA's Administrative Process

As discussed above, active service pay creates large compensation overpayments and burdensome reporting requirements for veterans. The data for FY 2016 indicates that the average overpayment was $1,309.00 for training pay and $5,545.00 for return to active duty. VA and DoD are presently discussing changes to the way VA receives notification that a veteran has received active service pay. VA would like to leverage technological advancements, such as the DMDC data discussed above, to process benefits adjustments based upon receipt of active service pay on a frequent and reoccurring basis. This would reduce large overpayments in cases of return to active duty. Additionally, VA believes that processing adjustments based on receipt of active service pay more frequently will minimize stress and financial impact on veterans by making adjustments as close in time to the receipt of the active service pay as possible. Veterans will also be able to more clearly associate the benefit adjustment with the receipt of training pay when it occurs closer in time, rather than having to recall the number of training days performed in the previous fiscal year. Moreover, processing adjustments more frequently helps VA identify veterans who may have returned to active duty or full-time duty, which is indicated, for example, when data shows a veteran performed more than 15 training days in a month. VA's current regulations, however, would remain an impediment to reducing or ending overpayments and bureaucratic inefficiencies because we must currently notify the veteran of VA's intent to suspend payments upon receipt of the DMDC data and wait 60 days for the veteran to respond before taking action.

Information received directly from DoD regarding a veteran's receipt of active service pay is sufficiently reliable for VA to initiate suspension of VA disability compensation to avoid or minimize overpayments. The data sent to DMDC is based on information from the Defense Finance and Accounting Service, which pays all DoD military personnel, providing the most current and accurate payment information. Amending 38 CFR 3.103(b)(3) to permit VA to suspend disability compensation payments upon receipt of notice from DoD that the veteran has received, is receiving, or will begin to receive active service pay would allow VA to take action immediately and with little likelihood of error, thus reducing or eliminating these overpayments. Additionally, the proposed rule reduces the number of notices a veteran receives, thus simplifying the process while still providing sufficient notice and appellate rights. This proposed regulatory amendment would provide better service to our veterans by eliminating the 60-day notice period (for veterans who received prior notice that the law prevents concurrent receipt of VA benefits and active service pay or from whom VA has received a statement indicating knowledge that concurrent receipt of VA benefits and active service pay is prohibited), thereby reducing potential overpayments and minimizing the financial impact on the veteran.

IV. Due Process Concerns and Mitigating Risks

As relevant here, the Fifth Amendment generally requires that an individual receive due process of law

before being finally deprived of a property interest. See *Mathews* v. *Eldridge,* 424 U.S. 319, 332–33 (1976). In the context of receipt of monetary government benefits, the Supreme Court has held that a pre-termination hearing is necessary before subsistence payments, such as welfare benefits, may be terminated. See *Goldberg* v. *Kelly,* 397 U.S. 254, 260–264 (1970). While the changes we propose here deal with suspension of monthly compensation payments rather than final termination, and with disability compensation rather than welfare payments, it is clear that suspending the payment implicates a valid property interest in continued receipt of the award.

However, the fact that due process of law applies does not mean that VA's current cumbersome procedures are constitutionally required. See *Morrissey* v. *Brewer,* 408 U.S. 471, 481 (1972) (''Once it is determined that due process applies, the question remains what process is due.''). Rather, the Supreme Court has made clear that '' 'due process' is a flexible concept [and] the processes required by the [Due Process] Clause with respect to the termination of a protected interest will vary depending upon the importance attached to the interest and the particular circumstances under which the deprivation may occur.'' *Walters* v. *Nat'l Ass'n of Radiation Survivors,* 473 U.S. 305, 320 (1985).

VA believes that in the limited circumstance of temporary suspension of compensation payments based upon DoD notification that a veteran is in receipt of active service pay, constitutionally sufficient due process may be provided in a manner that does not unduly delay payment adjustments. To begin with, the inquiry that determines whether benefits must be suspended is straightforward: There is a clear statutory prohibition on receipt of compensation while a veteran is in receipt of active service pay. Further, this prohibition is only triggered by factual information that is relatively clear, straightforward, and reliable, such as notice from DoD indicating a veteran has received active service pay. On its face, the risk of erroneous suspension in this context is low and would be mitigated, as is currently done by VA, by cross referencing identifiers (*e.g.,* service number, social security number, date of birth).

Although VA is able to minimize the possibility of erroneous suspension of benefits, it has identified one primary scenario where benefits might be erroneously suspended due to the application of 10 U.S.C. 12316. This statute provides that a reservist called to active duty for a period of more than 30 days is precluded from receiving disability compensation ''[u]nless the payments because of his earlier military service are greater than the compensation [payable for his current service].'' See 10 U.S.C. 12316(b). Accordingly, it is theoretically possible that VA's suspension of VA benefits, which exceeded the veteran's active service pay, could adversely impact the veteran.

While this scenario is theoretically possible, VA views the probability of this occurring as extremely low. Nevertheless, VA has structured this proposed rule to include a safeguard to address the unlikely scenario by cross referencing VA disability compensation pay to DMDC pay to identify veterans who may be impacted. In the proposed rule, VA would specify that it will continue to require a statement directly from the veteran in order to suspend payment of compensation without advance notice and opportunity for a hearing ''[w]hen notice provided by the Department of Defense contains information indicating that the monthly level of disability compensation for a veteran exceeds the veteran's monthly active service pay rate.'' Further, we note that portions of 38 CFR 3.103 unaltered by this proposed rule would still provide the veteran with significant procedural protection that would allow VA to correct any errors. The amended regulation will still require VA to send a written notice to the veteran of the suspension at the time it takes the adverse action. See 38 CFR 3.103(b)(3). That notice must advise the veteran of the reasons for the decision and his or her right to appeal. See 38 CFR 3.103(f).

In sum, VA believes that the current 60-day waiting period, required by 38 CFR 3.103, when applied to the unique context of a veteran receiving active service pay, places unnecessary burdens on both the veteran and VA. Further, in this narrow situation, the 60-day waiting period protects against only a minimal risk of minor errors that can be mitigated or retrospectively corrected. The proposed amendments are beneficial to veterans and consistent with due process requirements.

V. Proposed Regulatory Amendments

For the reasons stated above, VA proposes to amend 38 CFR 3.103 to expand the existing exception in paragraph (b)(3)(v) so as to allow VA to suspend compensation benefits upon receipt of DoD notice that a veteran has received, is receiving, or will receive active service pay. The proposed amendment is intended to widen the exception created by paragraph (b)(3)(v) for suspension of compensation payments only and does not affect the process for suspending pension payments. VA's experience shows that the vast majority of recoupment cases involve the overpayment of compensation, not pension, benefits. Additionally, VA does not foresee that significant numbers of pension recipients will return to active service.

Therefore, this rule proposes to add the clause ''or, in the case of compensation, written or electronic notice from the Department of Defense'' in § 3.103(b)(3)(v), to dispense with tailored notice of VA's proposed suspension of benefits and the 60 days traditionally provided to respond before VA makes the required adjustment. The proposed rule would reference receipt of active service pay, rather than return to active service, to account for the possibility that in certain circumstances, see 10 U.S.C. 12316, a veteran may return to service and still receive VA compensation. The proposed rule would require that the notice from the Department of Defense include the date on which the service resulting in receipt of active service pay began or is expected to begin or, in the case of training pay, the number of training days performed during a specified period of time. Additionally, the rule would note that the exception created by paragraph (b)(3)(v) can only be triggered when the veteran has received prior notice, or has submitted a statement to VA indicating knowledge, that receipt of active service pay precludes concurrent receipt of VA benefits.

We note that the fourth and final sentence of paragraph (b)(3)(v), as we propose to revise it, would ensure that VA continues to account for information indicating a veteran's rate of disability compensation exceeds his or her rate of active duty pay. This sentence is designed to provide a procedural safeguard to minimize the possibility of erroneous suspension of benefits for any veterans who return to active duty but their monthly disability compensation exceeds their monthly active service pay. The sentence would ensure that this rare classification of veteran has the opportunity to elect to receive disability compensation in lieu of active duty pay.

The amended regulation would include cross-references to 38 CFR 3.654, which includes VA's definition of active service pay and an explanation of how benefit adjustments based on receipt of active service pay are adjudicated, and 38 CFR 3.700(a)(1), which implements the statutory prohibition on receiving concurrent VA benefits and active service pay. As

noted above, ''active service pay means pay received for active duty, active duty for training or inactive duty training.'' See 38 CFR 3.654(a). Cross-referencing § 3.654 in amended 3.103(b)(3)(v) would ensure clarity with regard to the limited population to whom the exception to the notice response period applies. The amended language would also include a cross-reference to § 3.217(a), VA's policy regarding submission of statements or information affecting entitlement to benefits. Cross referencing § 3.217(a) would clarify that information affecting entitlement to benefits may be received by email, facsimile, or other written electronic means to satisfy the requirement that the statement or information be submitted in writing.

VA proposes to amend 38 CFR 3.654(b) to include all circumstances in which VA processes benefit adjustments for pay received for active duty for training in the same manner as active duty pay in 3.654(b). This is due to certain types of active duty for training being on par with full-time active duty due to that duty being of longer duration and not necessarily having an ascertainable end date. Therefore, an award will be discontinued effective the day preceding reentrance into active duty or active duty for training and payments, if otherwise in order, will be resumed as described in 38 CFR 3.654(b)(2). The types of active duty for training included are those described in § 3.6(c), with the exception of annual active duty for training typically performed 15 days each year by reservists and members of the National Guard and Active Duty for Special Work to receive training, which are processed as training pay. VA proposes a corresponding amendment to 38 CFR 3.654(c) to clarify the types of active duty for training that are processed as training pay.

VA also proposes to amend the first sentence of 38 CFR 3.654(b) to replace the reference to return to active duty status with a reference to receipt of active service pay to account for the possibility that in certain circumstances, see 10 U.S.C. 12316, a veteran may return to service and still receive VA compensation. VA additionally proposes to amend the final sentence of 38 CFR 3.654(b)(1) for clarity. The revised sentence will clarify that when the exact date of reentrance to active duty is not known, payments will be discontinued effective date of last payment, and the effective date of discontinuance will be adjusted to the day preceding reentrance when the date of reentrance has been ascertained from the service department. Finally, VA proposes to add an authority citation at the end of 38 CFR 3.654 because the section does not currently have an authority citation.

Executive Orders (E.O.) 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action'' which requires review by the Office of Management and Budget (OMB), as ''any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.''

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined and it has been determined not to be a significant regulatory action under E.O. 12866. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of this rulemaking and its impact analysis are available on VA's website at *http://www.va.gov/orpm/,* by following the link for VA Regulations Published From FY 2004 Through Fiscal Year to Date.

This proposed rule is not expected to be an E.O. 13771 regulatory action because this proposed rule is not significant under E.O. 12866.

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). This proposed rule will not directly affect small entities. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This proposed rule will have no such effect on State, local, and tribal governments, or on the private sector.

Paperwork Reduction Act

This action contains provisions constituting a collection of information, at 38 CFR 3.151, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501–3521). There are no new collections of information associated with this proposed rule, but there will be a reduction in the number of respondents associated with an approved Office of Management and Budget (OMB) control number. The information requirement for 38 CFR 3.103 is currently approved by the Office of Management and Budget (OMB) and has been assigned control numbers 2900–0747 and 2900–0463. This proposed rule would reduce the number of respondents from the existing information collection requirements associated with this action at 38 CFR 3.654, Active service pay. Under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501–3521), while the actual OMB control number will remain in existence due to other information collections on the same OMB control number that are approved and active, it reduces the respondent burden for the approved OMB control number, 2900–0463. As a result of this proposed rule, there would be a reduction in the information collection burden that is associated with it. For 38 CFR 3.654, Active service pay, which is included on OMB control number 2900–0463, this would result in a reduction of 3,465 estimated annual burden hours and an annual cost savings of $84,338.10. As required by the Paperwork Reduction

Act of 1995 (at 44 U.S.C. 3507(d)), VA will submit this information collection amendment to OMB for its review. Notice of OMB approval for this information collection will be published in a future **Federal Register** document.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are 64.102, Compensation for Service-Connected Deaths for Veterans' Dependents; 64.105, Pension to Veterans, Surviving Spouses, and Children; 64.109, Veterans Compensation for Service-Connected Disability; and 64.110, Veterans Dependency and Indemnity Compensation for Service-Connected Death.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Veterans.

Signing Authority

The Secretary of Veterans Affairs approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Wilkie, Secretary, Department of Veterans Affairs, approved this document on April 10, 2019, for publication.

Dated: April 12, 2019.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans Affairs proposes to amend 38 CFR part 3 as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

■ 1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

■ 2. Amend § 3.103 by revising paragraph (b)(3)(v) and adding a cross references paragraph to the end of the section to read as follows:

§ 3.103 Procedural due process and other rights.

* * * * *

(b) * * *

(3) * * *

(v) An adverse action based upon a written or electronic statement provided to VA by a veteran, or, in the case of compensation, written or electronic notice from the Department of Defense, which indicates that the veteran has received, is in receipt of, or will receive active service pay as defined by § 3.654(a). The statement from the veteran or notice from the Department of Defense must include the date on which the service resulting in receipt of active service pay began or is expected to begin or, in the case of training duty, the number of training days performed during a specified period of time (*e.g.,* last month, last quarter, last year, etc.). In order for this paragraph to apply, the veteran must have received prior notice that receipt of active service pay precludes concurrent receipt of VA benefits or VA must have received a statement from the veteran which indicates knowledge of such preclusion. When notice provided by the Department of Defense contains information indicating that the monthly level of disability compensation for a veteran exceeds the veteran's monthly active service pay rate, the exception contained in this paragraph will only apply to a written or electronic notice provided to VA by the veteran.

* * * * *

CROSS REFERENCES: Submission of statements or information affecting entitlement to benefits. See § 3.217(a). Active Service Pay. See § 3.654. General. See § 3.700(a)(1).

■ 3. Amend § 3.654 by revising paragraphs (b) and (c) and adding an authority citation to the end of the section to read as follows:

§ 3.654 Active service pay.

* * * * *

(b) *Active duty or active duty for training.* (1) Where the veteran receives active service pay as a result of returning to active duty status or active duty for training as described in § 3.6(c), with the exception of annual active duty for training typically performed 15 days each year by reservists and members of the National Guard and Active Duty for Special Work to receive training (see paragraph (c) of this section), the award will be discontinued effective the day preceding reentrance into active duty or active duty for training status. If the exact date is not known, payments will be discontinued effective date of last payment, and the effective date of discontinuance will be adjusted to the day preceding reentrance when the date of reentrance has been ascertained from the service department.

(2) Payments, if otherwise in order, will be resumed effective the day following release from active duty or active duty for training if claim for recommencement of payments is received within 1 year from the date of such release; otherwise payments will be resumed effective 1 year prior to the date of receipt of a new claim. Prior determinations of service connection will not be disturbed except as provided in § 3.105. Compensation will be authorized based on the degree of disability found to exist at the time the award is resumed. Disability will be evaluated on the basis of all facts, including records from the service department relating to the most recent period of active service. If a disability is incurred or aggravated in the second period of service, compensation for that disability cannot be paid unless a claim therefor is filed.

(c) *Training duty.* Prospective adjustment of awards may be made where the veteran waives his or her Department of Veterans Affairs benefit covering anticipated receipt of active service pay because of expected periods of active duty for training (annual active duty for training typically performed 15 days each year by reservists and members of the National Guard or Active Duty for Special Work to receive training) or inactive duty training. Where readjustment is in order because service pay was not received for expected training duty, retroactive payments may be authorized if a claim for readjustment is received within 1 year after the end of the fiscal year for which payments were waived.

(Authority: 38 U.S.C. 501(a) and 5304(c))

[FR Doc. 2019–07751 Filed 4–18–19; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2019–0010; FRL–9992–44–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Delaware; Nonattainment New Source Review Requirements for 2008 8-Hour Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to Delaware's state implementation plan (SIP). The SIP revision is in response to EPA's February 3, 2017 Findings of Failure to

Submit for various requirements relating to the 2008 8-hour ozone national ambient air quality standards (NAAQS). This SIP revision is specific to nonattainment new source review (NNSR) requirements. EPA is approving this revision in accordance with the requirements of the Clean Air Act (CAA).

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2019–0010 at *https://www.regulations.gov,* or via email to *gordon.mike@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Amy Johansen, Office of Permits and State Programs (3AP10), Air Protection Division, U.S. Environmental Protection Agency, Region 3, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215)814–2156. Ms. Johansen can also be reached via electronic mail at *johansen.amy@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On June 29, 2018, the Department of Natural Resources and Environmental Control (DNREC) submitted on behalf of the state of Delaware a formal SIP revision, requesting EPA's approval of its NNSR Certification for the 2008 8-hour ozone NAAQS. This SIP revision is in response to EPA's final 2008 8-hour ozone NAAQS Findings of Failure to Submit for NNSR requirements. *See* 82 FR 9158 (February 3, 2017). Specifically, Delaware is certifying that its existing NNSR program, covering the Delaware portion of the Philadelphia-Wilmington-Atlantic City, PA–NJ–MD–DE (Philadelphia Area) nonattainment area (which includes New Castle County) and the entire Seaford, DE (Seaford Area) nonattainment area (which includes Sussex County) for the 2008 8-hour ozone NAAQS, is at least as stringent as the requirements at 40 CFR 51.165, as amended by the final rule titled ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements'' (SIP Requirements Rule), for ozone and its precursors.[1] [2] *See* 80 FR 12264 (March 6, 2015).

A. 2008 8-Hour Ozone NAAQS

On March 12, 2008, EPA promulgated a revised 8-hour ozone NAAQS of 0.075 parts per million (ppm). *See* 73 FR 16436 (March 27, 2008). Under EPA's regulations at 40 CFR 50.15, the 2008 8-hour ozone NAAQS is attained when the three-year average of the annual fourth-highest daily maximum 8-hour average ambient air quality ozone concentration is less than or equal to 0.075 ppm.

Upon promulgation of a new or revised NAAQS, the CAA requires EPA to designate as nonattainment any area that is violating the NAAQS based on the three most recent years of ambient air quality data at the conclusion of the designation process. The Seaford and Philadelphia Areas were classified as marginal nonattainment for the 2008 8-hour ozone NAAQS on May 21, 2012 (effective July 20, 2012) using 2008–2010 ambient air quality data. *See* 77 FR 30088. On March 6, 2015, EPA issued the final SIP Requirements Rule, which establishes the requirements that state, tribal, and local air quality management agencies must meet as they develop implementation plans for areas where air quality exceeds the 2008 8-hour ozone NAAQS. *See* 80 FR 12264. Areas that were designated as marginal ozone nonattainment areas were required to attain the 2008 8-hour ozone NAAQS no later than July 20, 2015, based on 2012–2014 monitoring data. *See* 40 CFR 51.1103. The Seaford Area attained the 2008 8-hour ozone NAAQS by July 20, 2015 and the EPA Administrator signed a final Determination of Attainment (DOA) on April 11, 2016. *See* 81 FR 26697 (May 4, 2016). The Philadelphia Area did not attain the 2008 8-hour ozone NAAQS by July 20, 2015; however, the area did meet the CAA section 181(a)(5) criteria, as interpreted in 40 CFR 51.1107, for a one-year attainment date extension. *Id.* Therefore, in same rulemaking action, the EPA Administrator signed a final rule extending the Philadelphia Area 8-hour ozone NAAQS attainment date from July 20, 2015 to July 20, 2016. *Id.*[3]

Based on initial nonattainment designations for the 2008 8-hour ozone NAAQS, as well as the March 6, 2015 final SIP Requirements Rule, Delaware was required to develop a SIP revision addressing certain CAA requirements for the Seaford and Philadelphia Areas, and submit to EPA a NNSR Certification SIP or SIP revision no later than 36 months after the effective date of the areas designations for the 2008 8-hour ozone NAAQS (*i.e.,* July 20, 2015).[4] *See* 80 FR 12264 (March 6, 2015). EPA is proposing to approve Delaware's June 29, 2018 NNSR Certification SIP revision. EPA's analysis of how this SIP revision addresses the NNSR requirements for the 2008 8-hour ozone NAAQS is provided in Section II of this rulemaking action.

B. 2017 Findings of Failure To Submit SIP for the 2008 8-Hour Ozone NAAQS

Areas designated nonattainment for the ozone NAAQS are subject to the general nonattainment area planning

[1] The SIP Requirements Rule addresses a range of nonattainment area SIP requirements for the 2008 8-hour ozone NAAQS, including requirements pertaining to attainment demonstrations, reasonable further progress (RFP), reasonably available control technology, reasonably available control measures, major new source review, emission inventories, and the timing of SIP submissions and of compliance with emission control measures in the SIP. The rule also revokes the 1997 ozone NAAQS and establishes anti-backsliding requirements.

[2] On February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit (D.C. Cir. Court or Court) issued an opinion on the EPA's SIP Requirements Rule. *South Coast Air Quality Mgmt. Dist.* v. *EPA,* 882 F.3d 1138, 2018 U.S. App. LEXIS 3636 (D.C. Cir. February 16, 2018). The D.C. Cir. Court found certain provisions from the SIP Requirements Rule, including certain provisions relating to anti-backsliding, to be inconsistent with the statute or unreasonable and vacated those provisions. *Id.* The Court found other parts of the SIP Requirements Rule unrelated to anti-backsliding and this action reasonable and denied the petition for appeal on those provisions. *Id.*

[3] On November 2, 2017, EPA approved a DOA for the 2008 8-hour ozone NAAQS for Philadelphia Area. This action was based on complete, certified, and quality assured ambient air quality monitoring data for the 2013–2015 monitoring period. *See* 82 FR 50814. It should be noted that a DOA does not alleviate the need for Delaware to certify that their existing SIP approved NNSR program is as stringent as the requirements at 40 CFR 51.165, as NNSR applies in nonattainment areas until an area has been redesignated to attainment.

[4] Neither Delaware's obligation to submit the NNSR Certification SIP nor the requirements governing that submission were affected by the D.C. Circuit's February 16, 2018 decision on portions of the SIP Requirements Rule in *South Coast Air Quality Mgmt. Dist.* v. *EPA.*

requirements of CAA section 172 and also to the ozone-specific planning requirements of CAA section 182.[5] States in the ozone transport region (OTR), such as Delaware, are additionally subject to the requirements outlined in CAA section 184.

Ozone nonattainment areas in the lower classification levels have fewer and/or less stringent mandatory air quality planning and control requirements than those in higher classifications. For marginal areas, such as the Seaford and Philadelphia Areas, a state is required to submit a baseline emissions inventory, adopt a SIP requiring emissions statements from stationary sources, and implement a NNSR program for the relevant ozone standard. *See* CAA section 182(a).[6] For each higher ozone nonattainment classification, a state needs to comply with all lower area classification requirements, plus additional emissions controls and more expansive NNSR offset requirements.

The CAA sets out specific requirements for states in the OTR.[7] Upon promulgation of the 2008 8-hour ozone NAAQS, states in the OTR were required to submit a SIP revision addressing reasonable available control technology (RACT). *See* 40 CFR 51.1116. This requirement is the only recurring obligation for an OTR state upon revision of a NAAQS, unless that state also contains some portion of a nonattainment area for the revised NAAQS.[8] In that case, the nonattainment requirements described previously also apply to those portions of that state (Delaware in this case). In the March 6, 2015 SIP Requirements Rule, EPA detailed the requirements applicable to ozone nonattainment areas, as well as requirements that apply in the OTR, and provided specific deadlines for SIP submittals. *See* 80 FR 12264.

On February 3, 2017, EPA found that 15 states and the District of Columbia failed to submit SIP revisions in a timely manner to satisfy certain requirements for the 2008 8-hour ozone NAAQS that apply to nonattainment areas and/or states in the OTR. *See* 82 FR 9158. These Findings of Failure to Submit established certain deadlines for the imposition of sanctions, if a state does not submit a timely SIP revision addressing the requirements for which the finding is being made, and for EPA to promulgate a Federal implementation plan (FIP) to address any outstanding SIP requirements.

EPA found, *inter alia,* that Delaware failed to submit SIP revisions in a timely manner to satisfy NNSR requirements for the Seaford and Philadelphia Areas. Delaware submitted its June 29, 2018 SIP revision to address the specific NNSR requirements for the 2008 8-hour ozone NAAQS, located in 40 CFR 51.160–165, as well as its obligations under EPA's February 3, 2017 Findings of Failure to Submit. EPA's analysis of how this SIP revision addresses the NNSR requirements for the 2008 8-hour ozone NAAQS and the Findings of Failure to Submit is provided in Section II of this rulemaking action.

II. Summary of SIP Revision and EPA Analysis

This rulemaking action is specific to Delaware's NNSR requirements. NNSR is a preconstruction review permit program that applies to new major stationary sources or major modifications at existing sources located in a nonattainment area.[9] The specific NNSR requirements for the 2008 8-hour ozone NAAQS are located in 40 CFR 51.160 through 51.165. As set forth in the SIP Requirements Rule, for each nonattainment area, a NNSR plan or plan revision was due no later than 36 months after the July 20, 2012 effective date of area designations for the 2008 8-hour ozone standard (*i.e.,* July 20, 2015).[10]

The minimum SIP requirements for NNSR permitting programs for the 2008 8-hour ozone NAAQS are located in 40 CFR 51.165. *See* 40 CFR 51.1114. These NNSR program requirements include those promulgated in the ''Phase 2 Rule'' implementing the 1997 8-hour ozone NAAQS (75 FR 71018 (November 29, 2005)) and the SIP Requirements Rule implementing the 2008 8-hour ozone NAAQS. Under the Phase 2 Rule, the SIP for each ozone nonattainment area must contain NNSR provisions that: Set major source thresholds for oxides of nitrogen (NO_X) and volatile organic compounds (VOC) pursuant to 40 CFR 51.165(a)(1)(iv)(A)(1)(i)–(iv) and (2); classify physical changes as a major source if the change would constitute a major source by itself pursuant to 40 CFR 51.165(a)(1)(iv)(A)(3); consider any significant net emissions increase of NO_X as a significant net emissions increase for ozone pursuant to 40 CFR 51.165(a)(1)(v)(E); consider certain increases of VOC emissions in extreme ozone nonattainment areas as a significant net emissions increase and a major modification for ozone pursuant to 40 CFR 51.165(a)(1)(v)(F); set significant emissions rates for VOC and NO_X as ozone precursors pursuant to 40 CFR 51.165(a)(1)(x)(A)–(C) and (E); contain provisions for emissions reductions credits pursuant to 40 CFR 51.165(a)(3)(ii)(C)(1)–(2); provide that the requirements applicable to VOC also apply to NO_X pursuant to 40 CFR 51.165(a)(8); and set offset ratios for VOC and NO_X pursuant to 40 CFR 51.165(a)(9)(i)–(iii) (renumbered as (a)(9)(ii)–(iv) under the SIP Requirements Rule for the 2008 8-hour ozone NAAQS). Under the SIP Requirements Rule for the 2008 8-hour ozone NAAQS, the SIP for each ozone nonattainment area designated nonattainment for the 2008 8-hour ozone NAAQS and designated nonattainment for the 1997 ozone NAAQS on April 6, 2015, must also contain NNSR provisions that include the anti-backsliding requirements at 40 CFR 51.1105. *See* 40 CFR 51.165(a)(12).

Delaware's SIP approved NNSR program, established in Title 7 Delaware Administrative Code (DE Admin Code) 1125 (*Requirements for Preconstruction Review*), apply to the construction and modification of major stationary sources in nonattainment areas. In its June 29, 2018 SIP revision, Delaware certifies that the version of Title 7 DE Admin Code Section 1125 approved in the SIP is at least as stringent as the Federal NNSR requirements for the Seaford and Philadelphia Areas. EPA last approved revisions to Delaware's NNSR SIP on February 28, 2013. *See* 78 FR 13496. In that action, EPA approved revisions to Delaware's SIP which made DNREC's

[5] Ozone nonattainment areas are classified based on the severity of their ozone levels (as determined based on the area's ''design value,'' which represents air quality in the area for the most recent three years). The possible classifications for ozone nonattainment areas are Marginal, Moderate, Serious, Severe, and Extreme. *See* CAA section 181(a)(1).

[6] EPA approved Delaware's 2011 base year inventories for both the Seaford and Philadelphia Areas (specifically, Sussex and New Castle County, Delaware). *See* 80 FR 59052 (October 1, 2015). Delaware also submitted their emissions statements certification to EPA for approval on June 29, 2018. EPA is addressing the emissions statements certification in a separate rulemaking action.

[7] CAA section 184 details specific requirements for a group of states (and the District of Columbia) that make up the OTR. States in the OTR are required to submit RACT SIP revisions and mandate a certain level of emissions control for the pollutants that form ozone, even if the areas in the state meet the ozone standards. While not the subject of this action, EPA approved Delaware's OTR RACT SIP. *See* 82 FR 57849 (December 8, 2017).

[8] NNSR requirements continue to apply in the OTR. *See* CAA section 184(b).

[9] *See* CAA sections 172(c)(5), 173 and 182.

[10] With respect to states with nonattainment areas subject to a Findings of Failure to Submit NNSR SIP revisions, such revisions would no longer be required if the area were redesignated to attainment. The CAA's prevention of significant deterioration (PSD) program requirements apply in lieu of NNSR after an area is redesignated to attainment. For areas outside the OTR, NNSR requirements do not apply in areas designated as attainment.

NNSR program consistent with Federal requirements. *Id.* EPA notes that neither 7 DE Admin Code 1125 nor Delaware's approved SIP have the regulatory provision for any emissions change of VOC in extreme nonattainment areas, specified in 40 CFR 51.165(a)(1)(v)(F), because Delaware has never had an area designated extreme nonattainment for any of the ozone NAAQS. Therefore, the Delaware SIP is not required to have this requirement for VOC in extreme nonattainment areas until such time as Delaware has an extreme ozone nonattainment area.

As for consistency with 40 CFR 51.165(a)(3)(ii)(C)(1), Delaware's approved SIP contains appropriate regulatory provisions establishing emissions reduction credits (ERC) that are permanent, quantifiable, and Federally enforceable.[11] *See* 7 DE Admin Code 1125 Section 2.5.1. However, neither 7 DE Admin Code 1125 nor Delaware's approved SIP contain a regulatory provision pertaining to establishing ERC, as specified in 40 CFR 51.165(a)(3)(ii)(C)(2)(i) and 40 CFR 51.165(a)(3)(ii)(C)(2)(ii). Nonetheless, even if Delaware's regulations do not offer these specific emissions reductions credit options, as stated previously, their approved SIP is still adequate to meet the standard ERC requirements found in 40 CFR 51.165(a)(3)(ii)(C)(1), where emissions reductions must be surplus, permanent, quantifiable, and Federally enforceable, for example. *See* 7 DE Admin Code 1125, Section 2.5.1. Delaware has the appropriate ERC requirements approved in their SIP, which enables them to implement the program appropriately and in accordance with Federal requirements.

Given the D.C. Cir. Court's recent ruling in *South Coast Air Quality Mgmt. Dist.* v. *EPA* vacating the anti-backsliding provisions of the SIP Requirements Rule, Delaware remains required to comply with the anti-backsliding provisions found in 40 CFR 51.165(a)(12). In Delaware, neither 7 DE Admin Code 1125 nor the Delaware SIP contain the anti-backsliding language found in 40 CFR 51.165(a)(12), which applied to NNSR requirements for the 1997 ozone NAAQS. However, EPA finds that 7 DE Admin Code 1125 and Delaware's SIP presently include all required major stationary source thresholds and emissions offset ratios for NSR purposes.

The entire state of Delaware is located within the OTR and any source in the OTR is considered major for NO_X and VOC if it emits or has the potential to emit at least 100 tons per year or 50 tons per year, respectively. *See* CAA section 184(b). This major stationary source threshold requirement is specified in 7 DE Admin Code 1125, Sections 1.9 and 2.2.2.1, as well as Delaware's approved SIP, and is equivalent to the requirements which would be applicable to major stationary sources in a moderate nonattainment area. On April 30, 2004, the Philadelphia Area, which included New Castle, Kent, and Sussex Counties, was designated as moderate nonattainment for the 1997 8-hour ozone NAAQS. *See* 69 FR 23951 and 40 CFR 81.308.

Additionally, in Delaware, the term ''significant'' when used in reference to a source's emission rates for NO_X and VOC are lower than the typical emissions rate for an area that is moderate nonattainment. For example, in 7 DE Admin Code 1125 Section 1.9, an emissions increase is considered ''significant'' if it equals or exceeds 25 tons per year of NO_X or VOC in New Castle or Kent Counties, which is based on the severe area designation those counties had for the prior 1-hour ozone NAAQS and 40 tons per year of NO_X or VOC in Sussex County.[12] Therefore, EPA finds that Delaware's regulations and approved SIP are more stringent than EPA's NNSR anti-backsliding requirements and its program is adequate to implement NNSR for the 2008 ozone NAAQS. Delaware's major stationary source threshold and offset provisions in 7 DE Admin Code 1125 remain in its Federally-approved SIP unless and until EPA approves a full NAAQS redesignation request from Delaware in accordance with CAA section 107. Thus, EPA finds that Delaware's SIP includes relevant and required anti-backsliding requirements. EPA expects that DNREC will continue to implement its NNSR program consistent with its approved SIP for major stationary source thresholds and emission offset ratios.

The version of 7 DE Admin Code 1125 that is contained in the current SIP has not changed, with respect to NNSR since the 2013 rulemaking where EPA last approved Delaware's NNSR provisions. This version of the SIP approved rule covers the Seaford and Philadelphia Areas and remains adequate to meet all applicable NNSR requirements for the 2008 8-hour ozone NAAQS found in 40 CFR 51.165, the Phase 2 Rule and the SIP Requirements Rule.

III. Proposed Action

EPA is proposing to approve Delaware's June 29, 2018 SIP revision addressing the NNSR requirements for the 2008 ozone NAAQS for the Seaford and Philadelphia Areas. EPA has concluded Delaware's submission fulfills the 40 CFR 51.1114 revision requirement, meets the requirements of CAA sections 110 and 172 and the minimum SIP requirements of 40 CFR 51.165, as well as its obligations under EPA's February 3, 2017 Findings of Failure to Submit. *See* 82 FR 9158. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed 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

[11] On October 20, 2016, EPA disapproved a proposed SIP revision that sought to include additional ERC provisions, adopted by Delaware on December 11, 2016, into the Delaware SIP, specifically, 7 DE Admin Code 1125 Sections 2.5.5 and 2.5.6. *See* 81 FR 72529. Since EPA disapproved these provisions, the previously approved provisions that EPA approved into Delaware's SIP on October 2, 2012 remain applicable Federal requirements. *See* 77 FR 60053.

[12] As identified previously in Section I.A. in this rulemaking, the Seaford and Philadelphia Areas are classified as marginal nonattainment for the 2008 8-hour ozone NAAQS, a classification imposes less stringent requirements than an area classified as moderate nonattainment.

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, this proposed rule, approving Delaware's 2008 8-hour ozone NAAQS Certification SIP revision for NNSR does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: April 4, 2019.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

[FR Doc. 2019–07714 Filed 4–18–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 174 and 180

[EPA–HQ–OPP–2019–0041; FRL–9991–14]

Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces the Agency's receipt of several initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

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

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and the pesticide petition number (PP) of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), main telephone number: (703) 305–7090, email address: *RDFRNotices@epa.gov;* or Robert McNally, Biopesticides and Pollution Prevention Division (7511P), main telephone number: (703) 305–7090, email address: *BPPDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each pesticide petition summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT** for the division listed at the end of the pesticide petition summary of interest.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

EPA is announcing its receipt of several pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 174 or part 180 for residues of

pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain the data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is available at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petitions so that the public has an opportunity to comment on these requests for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petitions may be obtained through the petition summaries referenced in this unit.

Notice of Filing—Amended Tolerances for Non-Inerts

1. *PP* 8E8715. (EPA–HQ–OPP–2018–0784). Interregional Research Project No. 4 (IR–4), IR–4 Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend 40 CFR 180.578 by removing the established tolerances residues of acetamiprid, (1*E*)-*N*-[(6-chloro-3-pyridinyl)methyl]-*N*′-cyano-*N*-methylethanimidamide, including its metabolites and degradates, in or on the raw agricultural commodities: Vegetable, leafy, except *Brassica,* group 4 at 3.00 ppm, *Brassica,* leafy greens, subgroup 5B at 15 ppm, Turnip, greens at 15 ppm, *Brassica,* head and stem, subgroup 5A at 1.20 ppm, Fruit, stone, group 12, except plum, prune at 1.20 ppm, Plum, prune, fresh at 0.20 ppm, Nut, tree, group 14 at 0.10 ppm, Pistachio at 0.10 ppm, Canola, seed at 0.010 ppm, Mustard, seed at 0.010 ppm, and Cotton, undelinted seed at 0.60 ppm. Contact: RD.

2. *PP* 8E8724. (EPA–HQ–OPP–2019–0046). Interregional Research Project Number 4 (IR–4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests, upon approval of ''New Tolerances for PP 8E8724'' listed elsewhere in this document, to amend 40 CFR 180.677 by revising or removing the existing tolerances for residues of the insecticide cyflumetofen, 2-methoxyethyl α-cyano-α-[4-(1,1-dimethylethyl)phenyl]-β-oxo-2-(trifluoromethyl)benzenepropanoate, including its metabolites and degradates, to be determined by measuring only cyflumetofen, in or on the agricultural commodities: Strawberry at 0.60 parts per million (ppm) and Tomato at 0.40 ppm. Contact: RD.

Notice of Filing—New Tolerance Exemptions for Inerts (Except PIPS)

1. *PP* IN–11079. (EPA–HQ–OPP–2018–0204). SciReg, Inc. (12733 Director's Loop, Woodbridge, VA 22192) on behalf of Italpollina USA, Inc. (1100 South Tower, 225 Peachtree Street NE, Atlanta, GA 30303), requests to establish an exemption from the requirement of a tolerance for residues of hydrolyzed vegetable proteins (CAS Reg. No. 100209–45–8) when used as a pesticide inert ingredient (pH adjusting agent, surfactant or adhesive) in pesticide formulations applied to growing crops pre-harvest under 40 CFR 180.920. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

2. *PP* IN–11238. (EPA–HQ–OPP–2018–0670). Lewis & Harrison, LLC (122 C Street NW, Suite 505, Washington, DC 20001) on behalf of BASF Corporation (100 Park Avenue, Florham Park, NJ 07932), requests to establish an exemption from the requirement of a tolerance for residues of acrylamide-sodium acrylamidomethyl propanesulfonate copolymer (CAS Reg. No. 38193–60–1) when used as a pesticide inert ingredient in pesticide formulations under 40 CFR 180.960. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

Notice of Filing—New Tolerances for Non-Inerts

1. *PP* 8E8715. (EPA–HQ–OPP–2018–0784). Interregional Research Project No. 4 (IR–4), IR–4 Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend 40 CFR part 180 by establishing tolerances for residues of acetamiprid, (1*E*)-*N*-[(6-chloro-3-pyridinyl)methyl]-*N*′-cyano-*N*-methylethanimidamide, including its metabolites and degradates in or on the raw agricultural commodities: Tropical and subtropical, medium to large fruit, smooth, inedible peel, subgroup 24B at 0.50 parts per million (ppm), Leafy greens subgroup 4–16A at 3.0 ppm, Leaf petiole vegetable subgroup 22B at 3.0 ppm, Celtuce at 3.0 ppm, Florence fennel at 3.0 ppm, *Brassica,* leafy greens, subgroup 4–16B at 15 ppm, Vegetable, *Brassica,* head and stem, group 5–16 at 1.2 ppm, Kohlrabi at 1.2 ppm, Fruit, stone, group 12–12 at 1.5 ppm, Nut, tree, group 14–12 at 0.10 ppm, Rapeseed subgroup 20A at 0.01 ppm, and Cottonseed subgroup 20C at 0.70 ppm. The analytical method involves extraction of acetamiprid from crop matrices with a solvent followed by a decantation and filtration and finally analysis by a LC/MS/MS method. The limit of quantification (LOQ) was calculated to be 0.01 ppm. Contact: RD.

2. *PP* 8E8716. (EPA–HQ–OPP–2018–0785). Interregional Research Project No. 4 (IR–4), IR–4 Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend 40 CFR 180.547 by establishing (c) tolerances with regional registrations in Wisconsin and Pennsylvania for residues of prohexadione calcium (calcium 3-oxido-5-oxo-4-propionylcyclohex-3-enecarboxylate) in or on the raw agricultural commodities Corn, field, forage at 0.10 parts per million (ppm), Corn, field, grain at 0.10 ppm; Corn, field, stover at 0.10 ppm, Alfalfa, forage at 0.10 ppm, and Alfalfa, hay at 0.10 ppm. Adequate enforcement methodology (BASF Analytical Method D9601 and 564/0) is available to enforce the tolerance expression for residues of prohexadione calcium. Contact: RD.

3. *PP* 8E8724. (EPA–HQ–OPP–2019–0046). Interregional Research Project Number 4 (IR–4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201W, Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180 for residues of the insecticide cyflumetofen, 2-methoxyethyl α-cyano-α-[4-(1,1-dimethylethyl)phenyl]-β-oxo-2-(trifluoromethyl)benzenepropanoate, including its metabolites and degradates, to be determined by measuring only cyflumetofen, in or on the agricultural commodities: Cucumber at 0.15 parts per million (ppm), Fruit, stone, group 12–12 at 2.0 ppm, Plume, prune, dried at 0.41 ppm, Strawberry at 0.80 ppm, and Vegetable, fruiting, group 8–10 at 2.0 ppm. The analytical method D1003, ''Method for Determination of Residues of Cyflumetofen (BAS 9210 I) and Its Metabolites in Plant Matrices

Using Liquid Chromatography, Tandem Mass Spectrometry (LC–MS/MS)'' was validated successfully for the analysis of cyflumetofen and its metabolites. The analytical method has a limit of quantitation (LOQ) of 0.01 ppm for residues of cyflumetofen and its metabolites in all matrix types. Contact: RD.

4. *PP* 8F8696. (EPA–HQ–OPP–2018–0688). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide, pydiflumetofen, in or on Root Vegetable Crop Subgroup 1A at 0.30 parts per million (ppm); Bulb Vegetable Crop Subgroup 3–07A at 0.20 ppm; Bulb Vegetable Crop Subgroup 3–07B at 2 ppm; *Brassica* Leafy Greens Subgroup 4–16B at 50 ppm; *Brassica* Head and Stem Crop Group 5–16 at 3 ppm; Leaves of Root and Tuber Vegetables, Crop Group 2 at 15.0 ppm; Edible-podded Legume Vegetable Subgroup 6A at 1.0 ppm; Succulent Shelled Pea and Bean Subgroup 6B at 0.09 ppm; Citrus Fruit Crop Group 10–10 at 0.90 ppm; Citrus oil at 15 ppm; Pome Fruit Crop Group 11–10 at 0.20 ppm; Apple, Wet Pomace at 1.0 ppm; Stone Fruit, Cherry Subgroup 12–12A at 2.0 ppm; Stone Fruit, Peach Subgroup 12–12B at 1.0 ppm; Stone Fruit, Plum Subgroup 12–12C at 0.6 ppm; Plum, Prune at 1.5 ppm; Bushberry Crop Subgroup 13–07B at 5 ppm; Berries, Low Growing Crop Subgroup 13–07G, except cranberry and blueberry, at 1 ppm; Tree Nuts Crop Group 14–12, Nutmeat at 0.05 ppm; Almond Hull at 9.0 ppm; Cottonseed Subgroup 20C, Cotton Undelinted Seed at 0.4 ppm; Cotton Gin By-Products at 7.0 ppm; Sunflower Subgroup 20B at 0.60 ppm; Sorghum grain at 3.0 ppm; Sorghum forage at 1.5 ppm; and Sorghum Stover at 10 ppm. The QuEChERS method is used to measure and evaluate the chemical in plant commodities. Contact: RD.

5. *PP* 8F8709. (EPA–HQ–OPP–2018–0762). BASF corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709, requests to establish a tolerance in 40 CFR part 180 for residues of the herbicide, Trifludimoxazin 1,5-dimethyl-6-thioxo-3-[2,2,7-trifluoro-3-oxo-4-(prop-2-yn-1-yl)-3,4-dihydro-2-1,4-benzoazin-6-yl]-1,3,5-triazinane-2,4-dione, in or on Almond, hulls at 0.15 parts per million (ppm); Fruit, citrus, group 10–10 at 0.01 ppm; Fruit, pome, group 11–10 at 0.01 ppm; Grain, cereal, forage, fodder and straw, group 16 at 0.01 ppm; Grain, cereal, group 15 at 0.01 ppm; Nut, tree, group 14–12 at 0.01 ppm; Peanut at 0.01 ppm; Peanut, hay at 0.01 ppm; Vegetable, foliage of legume, group 07 at 0.01 ppm; and Vegetable, legume, group 06 at 0.01 ppm. An independently validated analytical method is available to measure and evaluate the chemical Trifludimoxazin. Contact: FHB.

Authority: 21 U.S.C. 346a.

Dated: March 19, 2019.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2019–07840 Filed 4–18–19; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2018–0772; FRL–9992–42]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances (19–1)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for 11 chemical substances which are the subject of premanufacture notices (PMNs). This action would require persons to notify EPA at least 90 days before commencing manufacture (defined by statute to include import) or processing of any of these 11 chemical substances for an activity that is designated as a significant new use by this proposed rule. If this proposed rule is made final, persons may not commence manufacture or processing for the significant new use until they have submitted a Significant New Use Notice, and EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken any actions as are required as a result of that determination.

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

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2018–0772, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Kenneth Moss, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–9232; email address: *moss.kenneth@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture, process, or use the chemical substances contained in this proposed rule. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Manufacturers or processors of one or more subject chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements promulgated at 19 CFR 12.118 through 12.127 and 19 CFR 127.28. Chemical importers must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA. Importers of chemicals subject to these proposed SNURs would need to certify their compliance with the SNUR requirements should these proposed rules be finalized. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, pursuant to 40 CFR 721.20,

any persons who export or intend to export a chemical substance that is the subject of this proposed rule on or after May 20, 2019 are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) and must comply with the export notification requirements in 40 CFR part 707, subpart D.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Background

A. What action is the Agency taking?

EPA is proposing these SNURs under TSCA section 5(a)(2) for 11 chemical substances which were the subjects of PMNs P-14-482, P-16-422, P-17-152, P-17-239, P-17-245, P-18-48, P-18-73, P-18-122, P-18-162, P-18-222, and P-19-10. These proposed SNURs would require persons who intend to manufacture or process any of these chemical substances for an activity that is designated as a significant new use to notify EPA at least 90 days before commencing that activity.

The record for the proposed SNURs on these chemicals was established as docket EPA–HQ–OPPT–2018–0772. That record includes information considered by the Agency in developing these proposed SNURs.

B. What is the Agency's authority for taking this action?

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including the four bulleted TSCA section 5(a)(2) factors listed in Unit III. Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1)(B)(i) (15 U.S.C. 2604(a)(1)(B)(i)) requires persons to submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture or process the chemical substance for that use. TSCA prohibits such manufacturing or processing from commencing until EPA has conducted a review of the SNUN, made an appropriate determination on the SNUN, and taken such actions as are required in association with that determination (15 U.S.C. 2604(a)(1)(B)(ii)). As described in Unit V., the general SNUR provisions are found at 40 CFR part 721, subpart A.

C. Applicability of General Provisions

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the rule. Provisions relating to user fees appear at 40 CFR part 700. Pursuant to § 721.1(c), persons subject to these SNURs must comply with the same SNUN requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A) (15 U.S.C. 2604(a)(1)(A)). In particular, these requirements include the information submission requirements of TSCA sections 5(b) and 5(d)(1) (15 U.S.C. 2604(b) and 2604(d)(1)), the exemptions authorized by TSCA sections 5(h)(1), 5(h)(2), 5(h)(3), and 5(h)(5) and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA must either determine that the significant new use is not likely to present an unreasonable risk of injury or take such regulatory action as is associated with an alternative determination before the manufacture or processing for the significant new use can commence. If EPA determines that the significant new use is not likely to present an unreasonable risk, EPA is required under TSCA section 5(g) to make public, and submit for publication in the **Federal Register**, a statement of EPA's findings.

III. Significant New Use Determination

Section 5(a)(2) of TSCA states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In addition to these factors enumerated in TSCA section 5(a)(2), the statute authorizes EPA to consider any other relevant factors.

To determine what would constitute significant new uses for the chemical substances that are the subject of these SNURs, EPA considered relevant information about the toxicity of the chemical substances, and potential human exposures and environmental releases that may be associated with the conditions of use of the substances, in the context of the four bulleted TSCA section 5(a)(2) factors listed in this unit.

IV. Substances Subject to This Proposed Rule

EPA is proposing significant new use and recordkeeping requirements for 11 chemical substances in 40 CFR part 721, subpart E. In this unit, EPA provides the following information for each chemical substance:

- PMN number.
- Chemical name (generic name, if the specific name is claimed as CBI).
- Chemical Abstracts Service (CAS) Registry number (if assigned for non-confidential chemical identities).
- Basis for the SNUR.
- Information identified by EPA that would help characterize the potential health and/or environmental effects of the chemical substances if a manufacturer or processor is considering submitting a SNUN for a significant new use designated by the SNUR.

This information may include testing not required to be conducted but which would help characterize the potential health and/or environmental effects of the PMN substance. Any recommendation for information identified by EPA was made based on EPA's consideration of available screening-level data, if any, as well as other available information on appropriate testing for the chemical substance. Further, any such testing identified by EPA that includes testing on vertebrates was made after consideration of available toxicity information, computational toxicology and bioinformatics, and high-throughput screening methods and their

prediction models. EPA also recognizes that whether testing/further information is needed will depend on the specific exposure and use scenario in the SNUN. EPA encourages all SNUN submitters to contact EPA to discuss any potential future testing. See Unit VII. for more information.

• CFR citation assigned in the regulatory text section of these proposed rules.

The regulatory text section of these proposed rules specifies the activities designated as significant new uses. Certain new uses, including production volume limits and other uses designated in the proposed rules, may be claimed as CBI.

The chemical substances that are the subject of these proposed SNURs are undergoing premanufacture review. EPA has initially determined under TSCA section 5(a)(2), 15 U.S.C. 2604(a)(2), that certain changes from the intended conditions of use described in the PMNs could result in changes in the type or form of exposure to the chemical substances and/or increased exposures to the chemical substances and/or changes in the reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of the chemical substances. Consequently, EPA is proposing to designate these changes as significant new uses.

PMN Number: P-14-482

Chemical name: Organic salt (generic).

CAS number: Not available.

Basis for action: The PMNs state that the generic (non-confidential) use of the substance will be as an industrial chemical. Based on the physical/chemical properties of the PMN substance and Structure Analysis Relationships (SAR) analysis of test data on analogous substances, EPA has identified concerns for developmental toxicity, neurotoxicity, skin sensitization, and aquatic toxicity at surface water concentrations exceeding 40 parts per billion (ppb), if the chemical substance is not used following the limitations noted. The conditions of use of the PMN substance as described in the PMN include the following protective measures:

1. No manufacture (including import) of an annual production volume of the PMN substance greater than the confidential amount stated in the PMN;

2. No use of the PMN substance other than the four confidential uses stated in the PMN; and

3. No manufacture, processing or use of the PMN substance in any manner that results in inhalation exposures.

The proposed SNUR would designate as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the aquatic and human health toxicity and environmental fate of the PMN substance may be potentially useful to characterize the health and environmental effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of fate, pulmonary effects, developmental toxicity, and aquatic toxicity testing would help characterize the potential health and environmental effects of the PMN substance.

CFR citation: 40 CFR 721.11247.

PMN Number: P-16-422

Chemical name: 1,2-Cyclohexanedicarboxylic acid, 1-(phenylmethyl) ester, ester with 2,2,4-trimethyl-1,3-pentanediol mono(2-methylpropanoate).

CAS number: 1661012–65–2.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as an additive for polymers. Based on the physical/chemical properties of the PMN substance, data on the PMN substance, and Structure Analysis Relationships (SAR) analysis of test data on analogous substances, EPA has identified concerns for irritation and sensitization, developmental toxicity, and aquatic toxicity at surface water concentrations exceeding 12 parts per billion (ppb), if the chemical substance is not used following the limitations noted. The conditions of use of the PMN substance as described in the PMN include the following protective measures:

1. No use of the PMN substance involving an application method that results in inhalation exposures; and

2. No release of a manufacturing, processing, or use stream associated with any use of the PMN substance, other than releases from the confidential polymer additive use described in the PMN, into the waters of the United States exceeding a surface water concentration of 12 ppb.

The proposed SNUR would designate as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the aquatic and human health toxicity of the PMN substance may be potentially useful to characterize the health and environmental effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of developmental toxicity and aquatic toxicity testing would help characterize the potential health and environmental effects of the PMN substance.

CFR citation: 40 CFR 721.11248.

PMN Number: P-17-152

Chemical name: Poly-(2-methyl-1-oxo-2-propen-1-yl) ester with ethanaminium, N,N,N-trialkyl, chloride and methoxypoly(oxy-1,2-ethanediyl) (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as an additive in home care products. Based on analogy to structurally similar substances, EPA has identified concerns for aquatic toxicity and lung effects if the chemical is not used following the limitations noted. The conditions of use of the PMN substance as described in the PMN include the following protective measures:

1. No manufacture, processing or use of the substance in any manner that results in inhalation exposures;

2. No manufacture or processing of the PMN substance as a powder or solid; and

3. No release of a manufacturing, processing, or use stream associated with any use of the PMN substance exceeding a surface water concentration of 1 ppb.

The proposed SNUR would designate as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the toxicity of the PMN substance may be potentially useful to characterize the health and environmental effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of aquatic toxicity and pulmonary effects testing of the PMN substance may be potentially useful in characterizing the health and environmental effects of the PMN substance.

CFR citation: 40 CFR 721.11249.

PMN Number: P-17-239

Chemical name: Substituted carboxylic acid, polymer with 2,4-diisocyanato-1-methylbenzene, hexanedioic acid, alpha-hydro-omega-hydroxypoly[oxy(methyl-1,2-ethanediyl)], 1,1′-methylenebis[4-isocyanatobenzene], 2,2′-

oxybis[ethanol], 1,1′-oxybis[2-propanol] and 1,2-propanediol, (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as an adhesive for open non-descriptive use. Based on data for analogous compounds, EPA has identified concerns for irritation, sensitization, and oncogenicity if the chemical is not used following the limitations noted. The conditions of use of the PMN substance as described in the PMN include the following protective measures:

1. No use of the PMN substance involving spray application that results in inhalation exposures;

2. No release of a manufacturing, processing, or use stream associated with any use of the PMN substance exceeding a surface water concentration of 33 ppb;

3. No manufacturing, processing or use of the PMN substance for consumer use; and

4. No manufacture with unreacted isocyanate residual greater than 20% by weight.

The proposed SNUR would designate as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the human health and environmental toxicity of the PMN substance may be potentially useful to characterize the effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of aquatic toxicity, mutagenicity, and sensitization testing would help characterize the potential health and environmental effects of the PMN substance.

CFR citations: 40 CFR 721.11250.

PMN Number: P-17-245

Chemical name: Unsaturated polyfluoro ester (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as an adhesive for open, non-dispersive use. Based on the physical/chemical properties of the PMN substance (as described in the New Chemical Program's PBT category at 64 FR 60194; November 4, 1999) and test data on structurally similar substances, the PMN substance is potentially persistent, bioaccumulative, and toxic (PBT) chemical. EPA estimates that the PMN substance will persist in the environment for more than six months and estimates an unknown bioaccumulation factor. EPA has identified concerns for irritation, respiratory sensitization, and mutagenicity if the chemical is not used following the limitations noted. The conditions of use of the PMN substance as described in the PMN include the following protective measures:

1. No releases of a manufacturing, processing, or use stream associated with any use of the PMN substance into the waters of the United States.

2. Use only for the confidential use stated in the PMN.

3. Dispose of the PMN substance and any waste streams containing the PMN substance or its constituent breakdown products only by sending them via a hazardous waste transporter to a hazardous waste incinerator permitted under the Resource Conservation and Recovery Act (RCRA) or an authorized state hazardous waste program.

The proposed SNUR would designate as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the human health toxicity of the PMN substance may be potentially useful to characterize the effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of pulmonary effect and sensitization assay testing would help characterize the potential health effects of the PMN substance.

CFR citation: 40 CFR 721.11251.

PMN Number: P-18-48

Chemical name: Acetic acid, 2-(2-butoxyethoxy)-.

CAS number: 82941–26–2.

Basis for action: The PMN states that the use of the substance will be as an emulsifier for metal working fluid. Based on test data on the PMN substance and on test data on analogous chemical substances, EPA has identified concerns for developmental toxicity and corrosion if the chemical is not used following the limitations noted. The conditions of use of the PMN substance as described in the PMN include the following protective measure:

- No manufacture, processing, or use of the PMN substance for uses other than as emulsifier for metal working fluid.

The proposed SNUR would designate as a ''significant new use'' the absence of this protective measure.

Potentially useful information: EPA has determined that certain information about the PMN substance may be potentially useful to characterize the health effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of specific organ toxicity test and, reproductive/developmental toxicity test would help characterize the potential health effects of the PMN substance.

CFR citation: 40 CFR 721.11252.

PMN Number: P-18-73

Chemical name: Sulfuric acid, ammonium salt (1:?).

CAS number: 10043–02–4.

Basis for action: The PMN states that the generic use of the substance will be as a non-pesticide agricultural use chemical. Based on test data on the PMN substance and on test data on analogous chemical substances, EPA has identified concerns for liver, kidney, lung, and gastrointestinal effects and irritation/corrosion if the chemical is not used following the limitations noted. The conditions of use of the PMN substance as described in the PMN include the following protective measure:

- Use only as a Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) inert ingredient, an anti-scalant, chlorine stabilizer, or the additional confidential uses stated in the PMN.

The proposed SNUR would designate as a ''significant new use'' the absence of this protective measure.

Potentially useful information: EPA has determined that certain information about the PMN substance may be potentially useful to characterize the health effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of specific organ toxicity and skin irritation/corrosion testing would help characterize the potential health effects of the PMN substance.

CFR citation: 40 CFR 721.11253.

PMN Number: P-18-122

Chemical name: Alkylamide, polymer with alkylamine, formaldehyde, and polycyanamide, alkyl acid salt (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a paper additive. Based on analogy to structurally similar substances, EPA has identified concerns for aquatic toxicity and irritation to skin, eyes and lungs, and lung toxicity if the chemical is not used following the limitations noted. The conditions of use

of the PMN substance as described in the PMN include the following protective measures:

• No release of a processing or use stream associated with any use of the substance, other than the releases from the intended conditions of use described in the PMN, into the water of the United States exceeding a surface water concentration of 1 ppb.

The proposed SNUR would designate as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the fate and toxicity of the PMN substance may be potentially useful to characterize the health and environmental effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of, aquatic toxicity,, skin irritation, eye irritation and corrosion, and pulmonary effects testing of the PMN substance may be potentially useful in characterizing the health and environmental effects of the PMN substance.

CFR citation: 40 CFR 721.11254.

PMN Number: P-18-162

Chemical name: Cashew nutshell liquid, polymer with diisocyanatoalkane, substituted-polyoxyalkyldiol and polyether polyol (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as an adhesive component. Based on analogy to structurally similar substances, EPA has identified concerns for pulmonary effects if the chemical is not used following the limitations noted. The conditions of use of the PMN substance as described in the PMN include the following protective measure:

• No manufacture (including import) the PMN substance in a form other than as a paste.

The proposed SNUR would designate as a ''significant new use'' the absence of this protective measure.

Potentially useful information: EPA has determined that certain information about the fate and toxicity of the PMN substance may be potentially useful to characterize the health and environmental effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of pulmonary effects testing of the PMN substance may be potentially useful in characterizing the health and environmental effects of the PMN substance.

CFR citation: 40 CFR 721.11255.

PMN Number: P-18-222

Chemical name: Silane, alkenylalkoxy-, polymer with alkene and alkene (generic).

CAS number: Not available.

Basis for action: The PMN states that the use of the substance will be as a reactive polymer for use in adhesive applications. Based on analogy to structurally similar substances and data on the PMN substance, EPA has identified concerns for neurotoxicity and pulmonary effects if the chemical is not used following the limitations noted. The conditions of use of the PMN substance as described in the PMN include the following protective measure:

• No manufacture, processing, or use of the PMN substance other than as a reactive polymer for use in adhesive applications.

The proposed SNUR would designate as a ''significant new use'' the absence of this protective measure.

Potentially useful information: EPA has determined that certain information about the fate and toxicity of the PMN substance may be potentially useful to characterize the health and environmental effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of absorption and neurotoxicity testing of the PMN substance may be potentially useful in characterizing the health and environmental effects of the PMN substance.

CFR citation: 40 CFR 721.11256.

PMN Number: P-19-10

Chemical name: Hydrogenated fatty acid dimers, polymers with 1,1′-methylenebis[4-isocyanatobenzene], polypropylene glycol, polypropylene glycol ether with trimethylolpropane (3:1), and 1,3-propanediol, polypropylene glycol monomethacrylate-blocked (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic use of the substance will be as an adhesive. Based on analogy to structurally similar isocyanates, EPA has identified concerns for irritation, sensitization, pulmonary toxicity, mutagenicity and carcinogenicity if the chemical is not used following the limitations noted. The conditions of use of the PMN substance as described in the PMN include the following protective measure:

• No use involving an application method that results in inhalation exposures.

The proposed SNUR would designate as a ''significant new use'' the absence of this protective measure.

Potentially useful information: EPA has determined that certain information about the toxicity of the PMN substance may be potentially useful to characterize the health effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of skin sensitization, genetic toxicity, pulmonary effects, and eye damage testing of the PMN substance may be potentially useful in characterizing the health effects of the PMN substance.

CFR citation: 40 CFR 721.11257.

V. Rationale and Objectives of the Proposed Rule

A. Rationale

During review of the PMNs submitted for the chemical substances that are the subject of these proposed SNURs and as further discussed in Unit IV, EPA identified certain reasonably foreseen changes from the conditions of use identified in the PMNs and determined that those changes could result in changes in the type or form of exposure to the chemical substances and/or increased exposures to the chemical substances and/or changes in the reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of the chemical substances.

B. Objectives

EPA is proposing SNURs for 11 specific chemical substances which are undergoing premanufacture review because the Agency wants to achieve the following objectives with regard to the significant new uses that would be designated in this proposed rule:

• EPA would have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing or processing a listed chemical substance for the described significant new use.

• EPA would be obligated to make a determination under TSCA section 5(a)(3) regarding the use described in the SNUN, under the conditions of use. The Agency will either determine under section 5(a)(3)(C) that the significant new use is not likely to present an unreasonable risk, including an unreasonable risk to a potentially

exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, or make a determination under section 5(a)(3) (A) or (B) and take the required regulatory action associated with the determination, before manufacture or processing for the significant new use of the chemical substance can occur.

Issuance of a proposed SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Inventory. Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the internet at *http://www.epa.gov/opptintr/existingchemicals/pubs/tscainventory/index.html.*

VI. Applicability of the Proposed Rules to Uses Occurring Before the Effective Date of the Final Rule

To establish a significant new use, EPA must determine that the use is not ongoing. The chemical substances subject to this proposed rule were undergoing premanufacture review at the time of signature of this proposed rule and were not on the TSCA Inventory. In cases where EPA has not received a notice of commencement (NOC) and the chemical substance has not been added to the TSCA Inventory, no person may commence such activities without first submitting a PMN. Therefore, for the chemical substances subject to this proposed SNUR, EPA concludes that the proposed significant new uses are not ongoing.

EPA designates April 15, 2019 as the cutoff date for determining whether the new use is ongoing. The objective of EPA's approach is to ensure that a person cannot defeat a SNUR by initiating a significant new use before the effective date of the final rule.

Persons who begin commercial manufacture or processing of the chemical substances for a significant new use identified on or after that date would have to cease any such activity upon the effective date of the final rule. To resume their activities, these persons would have to first comply with all applicable SNUR notification requirements and EPA would have to take action under section 5 allowing manufacture or processing to proceed.

VII. Development and Submission of Information

EPA recognizes that TSCA section 5 does not require development of any particular new information (*e.g.,* generating test data) before submission of a SNUN. There is an exception: If a person is required to submit information for a chemical substance pursuant to a rule, order or consent agreement under TSCA section 4 (15 U.S.C. 2603), then TSCA section 5(b)(1)(A) (15 U.S.C. 2604(b)(1)(A)) requires such information to be submitted to EPA at the time of submission of the SNUN.

In the absence of a rule, order, or consent agreement under TSCA section 4 covering the chemical substance, persons are required only to submit information in their possession or control and to describe any other information known to or reasonably ascertainable by them (see 40 CFR 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. Unit IV. lists potentially useful information for all SNURs listed here. Descriptions are provided for informational purposes. The potentially useful information identified in Unit IV. will be useful to EPA's evaluation in the event that someone submits a SNUN for the significant new use. Companies who are considering submitting a SNUN are encouraged, but not required, to develop the information on the substance, which may assist with EPA's analysis of the SNUN.

EPA strongly encourages persons, before performing any testing, to consult with the Agency pertaining to protocol selection. Furthermore, pursuant to TSCA section 4(h), which pertains to reduction of testing in vertebrate animals, EPA encourages consultation with the Agency on the use of alternative test methods and strategies (also called New Approach Methodologies, or NAMs), if available, to generate the recommended test data. EPA encourages dialog with Agency representatives to help determine how best the submitter can meet both the data needs and the objective of TSCA section 4(h).

The potentially useful information described in Unit IV. may not be the only means of providing information to evaluate the chemical substance associated with the significant new uses. However, submitting a SNUN without any test data may increase the likelihood that EPA will take action under TSCA section 5(e) or 5(f). EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances.
- Information on risks posed by the chemical substances compared to risks posed by potential substitutes.

VIII. SNUN Submissions

According to 40 CFR 721.1(c), persons submitting a SNUN must comply with the same notification requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 720.40 and 721.25. E–PMN software is available electronically at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca.*

IX. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers and processors of the chemical substances subject to this proposed rule. EPA's complete economic analysis is available in the docket under docket ID number EPA–HQ–OPPT–2018–0772.

X. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulations and Regulatory Review

This proposed rule would establish SNURs for 11 new chemical substances that were the subject of PMNs. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act (PRA)

According to the PRA, 44 U.S.C. 3501 *et seq.,* an Agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

The information collection requirements related to this action have already been approved by OMB pursuant to PRA under OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, Regulatory Strategies Division, Office of Enterprise Information Programs (2822T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to this address.

C. Regulatory Flexibility Act (RFA)

Pursuant to section 605(b) of the RFA, 5 U.S.C. 601 *et seq.,* the Agency hereby certifies that promulgation of this proposed SNUR would not have a significant adverse economic impact on a substantial number of small entities. The requirement to submit a SNUN applies to any person (including small or large entities) who intends to engage in any activity described in the final rule as a ''significant new use.'' Because these uses are ''new,'' based on all information currently available to EPA, it appears that no small or large entities presently engage in such activities. A SNUR requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN. Although some small entities may decide to pursue a significant new use in the future, EPA cannot presently determine how many, if any, there may be. However, EPA's experience to date is that, in response to the promulgation of SNURs covering over 1,000 chemicals, the Agency receives only a small number of notices per year. For example, the number of SNUNs received was seven in Federal fiscal year (FY) 2013, 13 in FY2014, six in FY2015, 12 in FY2016, 13 in FY2017, and 11 in FY2018, only a fraction of these were from small businesses. In addition, the Agency currently offers relief to qualifying small businesses by reducing the SNUN submission fee from $16,000 to $2,800. This lower fee reduces the total reporting and recordkeeping of cost of submitting a SNUN to about $10,116 for qualifying small firms. Therefore, the potential economic impacts of complying with this proposed SNUR are not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published in the **Federal Register** of June 2, 1997 (62 FR 29684) (FRL–5597–1), the Agency presented its general determination that final SNURs are not expected to have a significant economic impact on a substantial number of small entities, which was provided to the Chief Counsel for Advocacy of the Small Business Administration.

D. Unfunded Mandates Reform Act (UMRA)

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by this proposed rule. As such, EPA has determined that this proposed rule does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of UMRA sections 202, 203, 204, or 205 (2 U.S.C. 1531–1538 *et seq.*).

E. Executive Order 13132: Federalism

This action would not have a substantial direct effect on 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).

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This proposed rule would not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes. This proposed rule would not significantly nor uniquely affect the communities of Indian Tribal governments, nor does it involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175 (65 FR 67249, November 9, 2000), do not apply to this proposed rule.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This proposed rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use and because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

In addition, since this action does not involve any technical standards, NTTAA section 12(d), 15 U.S.C. 272 note, does not apply to this action.

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

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898 (59 FR 7629, February 16, 1994).

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: April 15, 2019.

Tala Henry,

Acting Deputy Director, Office of Pollution Prevention and Toxics.

Therefore, it is proposed that 40 CFR part 721 is amended as follows:

PART 721—[AMENDED]

■ 1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 2. Add § 721.11247 to subpart E to read as follows:

§ 721.11247 Organic salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as organic salt (PMN P-14-482) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as

specified in § 721.80(j). It is a significant new use to manufacture, process or use the substance in any manner that results in inhalation exposures. It is a significant new use to exceed the confidential annual production volume stated in the PMN.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) though (c) and (i), are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 3. Add § 721.11248 to subpart E to read as follows:

§ 721.11248 1,2-Cyclohexanedicarboxylic acid, 1-(phenylmethyl) ester, ester with 2,2,4-trimethyl-1,3-pentanediol mono(2-methylpropanoate).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1,2-Cyclohexanedicarboxylic acid, 1-(phenylmethyl) ester, ester with 2,2,4-trimethyl-1,3-pentanediol mono(2-methylpropanoate) (P-16-422, CAS No. 1661012–65–2) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, Commercial, and consumer activities.* It is a significant new use to use the substance involving an application method that results in inhalation exposures. It is a significant new use to release a manufacturing, processing, or use stream associated with any use of the substance, other than releases from the confidential polymer additive use described in the PMN, into the waters of the United States exceeding a surface water concentration of 12 part per billion (ppb) using the methods described in § 721.91.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 4. Add § 721.11249 to subpart E to read as follows:

§ 721.11249 Poly-(2-methyl-1-oxo-2-propen-1-yl) ester with ethanaminium, N,N,N-trialkyl, chloride and methoxypoly(oxy-1,2-ethanediyl) (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as poly-(2-methyl-1-oxo-2-propen-1-yl) ester with ethanaminium, N,N,N-trialkyl, chloride and methoxypoly(oxy-1,2-ethanediyl) (P-17-152) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, Commercial, and consumer activities.* It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure.

(ii) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) where N = 1.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 5. Add § 721.11250 to subpart E to read as follows:

§ 721.11250 Substituted carboxylic acid, polymer with 2,4-diisocyanato-1-methylbenzene, hexanedioic acid, alpha-hydro-omega-hydroxypoly[oxy(methyl-1,2-ethanediyl)], 1,1′-methylenebis[4-isocyanatobenzene], 2,2′-oxybis[ethanol], 1,1′-oxybis[2-propanol] and 1,2-propanediol, (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as substituted carboxylic acid, polymer with 2,4-diisocyanato-1-methylbenzene, hexanedioic acid, alpha-hydro-omega-hydroxypoly[oxy(methyl-1,2-ethanediyl)], 1,1′-methylenebis[4-isocyanatobenzene], 2,2′-oxybis[ethanol], 1,1′-oxybis[2-propanol] and 1,2-propanediol), (P-17-239) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, Commercial, and consumer activities.* Requirements as specified in § 721.80 (o). It is a significant new use to use the substance involving spray application that results in inhalation exposures. It is a significant new use to manufacture (includes importing) the substance to contain more than 20% residual isocyanate by weight.

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 33.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 6. Add § 721.11251 to subpart E to read as follows:

§ 721.11251 Unsaturated polyfluoro ester, (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically as unsaturated polyfluoro ester, (P–17–245) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(ii) *Industrial, Commercial, and consumer activities.* Requirements as specified in § 721.80 (j).

(iii) *Disposal.* It is a significant new use to dispose of the substance and any waste streams containing the substance or its constituent breakdown products other than by sending them via a hazardous waste transporter to a hazardous waste incinerator permitted under the Resource Conservation and Recovery Act (RCRA) or an authorized state hazardous waste program.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), (j) and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The

provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(ii) of this section.

■ 7. Add § 721.11252 to subpart E to read as follows:

§ 721.11252 Acetic acid, 2-(2-butoxyethoxy)-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance with non-confidential name as acetic acid, 2-(2-butoxyethoxy)- (P-18-48, CAS No. 82941–26–2) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, Commercial, and consumer activities.* It is a significant new use to use the substance other than as emulsifier for metal working fluid.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 8. Add § 721.11253 to subpart E to read as follows:

§ 721.11253 Sulfuric acid, ammonium salt (1:?).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as organic salt (PMN P-18-73, CAS No. 10043–02–4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (j). It is a significant new use to use the substance other than a Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) inert ingredient, an anti-scalant, a chlorine stablizer, or the additional confidential uses described in the PMN.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) thru (c) and (i), are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 9. Add § 721.11254 to subpart E to read as follows:

§ 721.11254 Alkylamide, polymer with alkylamine, formaldehyde, and polycyanamide, alkyl acid salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as alkylamide, polymer with alkylamine, formaldehyde, and polycyanamide, alkyl acid salt (P-18-122) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, Commercial, and consumer activities.* It is a significant new use to release a manufacturing, processing, or use stream associated with any use of the substances, other than the confidential chemical intermediate use described in the premanufacture notices, into the waters of the United States exceeding a surface water concentration of 1 part per billion (ppb) using the methods described in § 721.91.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 10. Add § 721.11255 to subpart E to read as follows:

§ 721.11255 Cashew nutshell liquid, polymer with diisocyanatoalkane, substituted-polyoxyalkyldiol and polyether polyol (generic).

(a) Chemical substance and significant new uses subject to reporting. (1) The chemical substance generically identified as Cashew nutshell liquid, polymer with diisocyanatoalkane, substituted-polyoxyalkyldiol and polyether polyol (P-18-162) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, Commercial, and consumer activities.* It is a significant new use to manufacture (including import) in a form other that as a paste.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) Limitations or revocation of certain notification requirements. The provisions of § 721.185 apply to this section.

■ 11. Add § 721.11256 to subpart E to read as follows:

§ 721.11256 Silane, alkenylalkoxy-, polymer with alkene and alkene (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as silane, alkenylalkoxy-, polymer with alkene and alkene (P-18-222) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, Commercial, and consumer activities.* It is a significant new use to manufacture, process, or use the substance for uses other than as a reactive polymer for use in adhesive applications.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 12. Add § 721.11257 to subpart E to read as follows:

§ 721.11257 Hydrogenated fatty acid dimers, polymers with 1,1′-methylenebis[4-isocyanatobenzene], polypropylene glycol, polypropylene glycol ether with trimethylolpropane (3:1), and 1,3-propanediol, polypropylene glycol monomethacrylate-blocked.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as hydrogenated fatty acid

dimers, polymers with 1,1′-methylenebis[4-isocyanatobenzene], polypropylene glycol, polypropylene glycol ether with trimethylolpropane (3:1), and 1,3-propanediol, polypropylene glycol monomethacrylate-blocked (P-19-10) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, Commercial, and consumer activities.* It is a significant new use to use the substance involving an application method that results in inhalation exposures.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

[FR Doc. 2019–07853 Filed 4–18–19; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF ENERGY

48 CFR Parts 927, 952, and 970

RIN 1991–AB82

Acquisition Regulation: Patents, Data and Copyrights

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking; withdrawal.

SUMMARY: On November 7, 2013, the U.S. Department of Energy (DOE) published a rule in the **Federal Register** proposing to amend the Department of Energy Acquisition Regulation (DEAR). DOE hereby withdraws this proposed rule.

DATES: The proposed rule that appeared in the **Federal Register** on November 7, 2013 (78 FR 66865) is withdrawn as of April 19, 2019.

FOR FURTHER INFORMATION CONTACT: Sharon Archer, U.S. Department of Energy, Office of Acquisition Management, MA–611, 950 L'Enfant Plaza SW, Washington, DC 20024. Telephone: (202) 287–1739. Email: *Sharon.Archer@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: On November 3, 2013, the U.S. Department of Energy (DOE) published a rule proposing to make changes to conform to the Federal Acquisition Regulation (FAR). This proposed revision would have updated, clarified and streamlined text in certain DOE intellectual property and technology transfer clauses in order to benefit from DOE's experience under the existing clauses, and, where necessary, make these DOE clauses consistent with recent changes to the FAR. However, the Department has determined that it will not proceed with the rulemaking and, as such, is withdrawing the proposed rule. The changes that were proposed in this rulemaking will be incorporated into a larger rulemaking that will update the entire Department of Energy Acquisition Regulation (DEAR).

Signed in Washington, DC, on March 26, 2019.

John Bashista,

Director, Office of Acquisition Management, Department of Energy.

[FR Doc. 2019–07913 Filed 4–18–19; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 181203999–9350–01]

RIN 0648–BI64

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 58

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

ACTION: Proposed rule; request for comments.

SUMMARY: This action proposes to approve and implement Framework Adjustment 58 to the Northeast Multispecies Fishery Management Plan. This rule would set 2019–2020 catch limits for 7 of the 20 multispecies (groundfish) stocks, implement new or revised rebuilding plans for 5 stocks, revise an accountability measure, and make other minor changes to groundfish management measures. This action is necessary to respond to updated scientific information and to achieve the goals and objectives of the fishery management plan. The proposed measures are intended to help prevent overfishing, rebuild overfished stocks, achieve optimum yield, and ensure that management measures are based on the best scientific information available.

DATES: Comments must be received by May 6, 2019.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2018–0138, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal eRulemaking Portal.

1. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0138;*

2. Click the ''Comment Now!'' icon and complete the required fields; and

3. Enter or attach your comments.

- *Mail:* Submit written comments to Michael Pentony, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on the Proposed Rule for Groundfish Framework Adjustment 58.''

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 us. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. We will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Copies of Framework Adjustment 58, including the draft Environmental Assessment, the Regulatory Impact Review, and the Regulatory Flexibility Act Analysis prepared by the New England Fishery Management Council in support of this action are available from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The supporting documents are also accessible via the internet at: *http://www.nefmc.org/management-plans/northeast-multispecies* or *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mark Grant, Fishery Policy Analyst, phone: 978–281–9145; email: *Mark.Grant@noaa.gov.*

SUPPLEMENTARY INFORMATION:

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1. Summary of Proposed Measures

This action would implement the management measures in Framework Adjustment 58 to the Northeast Multispecies Fishery Management Plan (FMP). The New England Fishery Management Council reviewed the proposed regulations and deemed them consistent with, and necessary to implement Framework 58 in a February 8, 2019, letter from Council Chairman Dr. John Quinn to Regional Administrator Michael Pentony. Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), we are required to publish proposed rules for comment after preliminarily determining whether they are consistent with applicable law. The Magnuson-Stevens Act allows us to approve, partially approve, or disapprove measures that the Council proposes based only on whether the measures are consistent with the fishery management plan, plan amendment, the Magnuson-Stevens Act and its National Standards, and other applicable law. Otherwise, we must defer to the Council's policy choices. We are seeking comments on the Council's proposed measures in Framework 58 and whether they are consistent with the Northeast Multispecies FMP, the Magnuson-Stevens Act and its National Standards, and other applicable law. Through Framework 58, the Council proposes to:

- Set fishing year 2019–2020 shared U.S./Canada quotas for Georges Bank (GB) yellowtail flounder and eastern GB cod and haddock;
- Set 2019–2020 specifications, including catch limits, for four groundfish stocks: Witch flounder; GB winter flounder; Gulf of Maine (GOM) winter flounder; and Atlantic halibut;
- Revise or implement new rebuilding programs for GB winter flounder, southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder, witch flounder, northern windowpane flounder, and ocean pout;
- Revise the trigger for the scallop fishery's accountability measures (AM) for GB yellowtail flounder; and
- Exempt vessels fishing exclusively in the Northwest Atlantic Fisheries Organization (NAFO) Regulatory Area from the U.S. minimum fish size for groundfish species.

This action also proposes a number of other measures that are not part of Framework 58, but that may be, or are required to be, considered and implemented under our authority specified in the FMP. We are proposing these measures in conjunction with the Framework 58 proposed measures for expediency purposes, and because some of these measures are related to the catch limits proposed as part of Framework 58. The additional measures proposed in this action are listed below.

- *Adjustment for fishing year 2017 catch overage*—this action announces the reduction of the 2019 GOM cod allocation due to an overage that occurred in fishing year 2017.
- *Other administrative revisions and corrections*—this action proposes to revise the application deadline for days-at-sea (DAS) leases, make regulatory corrections regarding the information required to be included in catch reports submitted via a vessel monitoring system (VMS), and correct a citation in the regulations allocating GB and SNE/MA yellowtail flounder to the scallop fishery. These proposed changes are described in the section 8, Administrative Changes and Regulatory Corrections under Secretarial Authority.

2. Fishing Year 2019–2020 Shared U.S./Canada Quotas

Management of Transboundary Georges Bank Stocks

Eastern GB cod, eastern GB haddock, and GB yellowtail flounder are jointly managed with Canada under the United States/Canada Resource Sharing Understanding. The Transboundary Management Guidance Committee (TMGC) is a government-industry committee made up of representatives from the United States and Canada. For historical information about the TMGC see: *http://www.bio.gc.ca/info/intercol/tmgc-cogst/index-en.php.* Each year, the TMGC recommends a shared quota for each stock based on the most recent stock information and the TMGC's harvest strategy. The TMGC's harvest strategy for setting catch levels is to maintain a low to neutral risk (less than 50 percent) of exceeding the fishing mortality limit for each stock. The harvest strategy also specifies that when stock conditions are poor, fishing mortality should be further reduced to promote stock rebuilding. The shared quotas are allocated between the United States and Canada based on a formula that considers historical catch (10-percent weighting) and the current resource distribution (90-percent weighting).

For GB yellowtail flounder, the Council's Scientific and Statistical Committee (SSC) also recommends an acceptable biological catch (ABC) for the stock. The ABC is typically used to inform the U.S. TMGC's discussions with Canada for the annual shared quota. Although the stock is jointly managed with Canada, and the TMGC recommends annual shared quotas, the Council may not set catch limits that would exceed the SSC's recommendation. The SSC does not recommend ABCs for eastern GB cod and haddock because they are management units of the total GB cod and haddock stocks. The SSC recommends overall ABCs for the total GB cod and haddock stocks. The shared U.S./Canada quota for eastern GB cod and haddock is included in these overall ABCs, and must be consistent with the SSC's recommendation for the total GB stocks.

2019 U.S./Canada Quotas

The Transboundary Resources Assessment Committee conducted assessments for the three transboundary stocks in July 2018, and detailed summaries of these assessments can be found at: *https://www.nefsc.noaa.gov/assessments/trac/.* The TMGC met in September 2018 to recommend shared quotas for 2019 based on the updated assessments, and the Council adopted the TMGC's recommendations in Framework 58. The proposed 2019 shared U.S./Canada quotas, and each country's allocation, are listed in Table 1.

TABLE 1—PROPOSED 2019 FISHING YEAR U.S./CANADA QUOTAS (mt, live weight) AND PERCENT OF QUOTA ALLOCATED TO EACH COUNTRY

Quota	Eastern GB cod	Eastern GB haddock	GB yellowtail flounder
Total Shared Quota	650	30,000	140

TABLE 1—PROPOSED 2019 FISHING YEAR U.S./CANADA QUOTAS (mt, live weight) AND PERCENT OF QUOTA ALLOCATED TO EACH COUNTRY—Continued

Quota	Eastern GB cod	Eastern GB haddock	GB yellowtail flounder
U.S. Quota	189 (29%)	15,000 (50%)	106 (76%)
Canadian Quota	461 (71%)	15,000 (50%)	34 (24%)

The proposed 2019 U.S. quotas for eastern GB cod, eastern GB haddock, and GB yellowtail would represent 26-percent, 4-percent, and 50-percent decreases, respectively, compared to 2018. The quota decreases are due to decreases in biomass for each stock, despite increases in the portion of the shared quota that is allocated to the United States for each stock. For a more detailed discussion of the TMGC's 2019 catch advice, see the TMGC's guidance document that will be posted at: *https://www.greateratlantic.fisheries.noaa.gov/*. The 2019 U.S. quotas for eastern GB cod, eastern GB haddock, and GB yellowtail that are proposed in Framework Adjustment 58, if approved, will replace the 2019 quotas previously specified for these stocks (84 FR 8282; March 7, 2019). This is discussed further in Section 3, Catch Limits for the 2019–2020 Fishing Years.

The regulations implementing the U.S./Canada Resource Sharing Understanding require deducting any overages of the U.S. quota for eastern GB cod, eastern GB haddock, or GB yellowtail flounder from the U.S. quota in the following fishing year. If catch information for the 2018 fishing year indicates that the U.S. fishery exceeded its quota for any of the shared stocks, we will reduce the respective U.S. quotas for the 2019 fishing year in a future management action, as close to May 1, 2019, as possible. If any fishery that is allocated a portion of the U.S. quota exceeds its allocation and causes an overage of the overall U.S. quota, the overage reduction would be applied only to that fishery's allocation in the following fishing year. This ensures that catch by one component of the overall fishery does not negatively affect another component of the overall fishery.

3. Catch Limits for Fishing Years 2019–2020

Summary of the Proposed Catch Limits

Tables 2 through 8 show the proposed catch limits for the 2019–2020 fishing years. A brief summary of how these catch limits were developed is provided below. More details on the proposed catch limits for each groundfish stock can be found in Appendix II (Calculation of Northeast Multispecies Annual Catch Limits, FY 2019–FY 2020) to the Framework 58 Environmental Assessment (see **ADDRESSES** for information on how to get this document).

Framework 57 (83 FR 18985; May 1, 2018) previously set quotas for all groundfish stocks for fishing years 2019–2020. Only the eastern portion of the GB cod stock, jointly managed with Canada, did not have a 2019 quota set in Framework 57. Through Framework 58, the Council proposes to adopt new catch limits for 7 of the 20 groundfish stocks for the 2019–2020 fishing years. The fishing year 2019 quotas previously set by Framework 57 will be in effect on May 1, 2019, unless and until replaced by the quotas proposed in this action. A default quota for GB cod will be in effect from May 1, 2019, through July 31, 2019.

Overfishing Limits and Acceptable Biological Catches

The overfishing limit (OFL) serves as the maximum amount of fish that can be caught in a year without constituting overfishing. The OFL for each stock is calculated using the estimated stock size and F_{MSY} (*i.e.,* the fishing mortality rate that, if applied over the long term, would result in maximum sustainable yield). The OFL does not account for scientific uncertainty, so the SSC typically recommends an ABC that is lower than the OFL in order to account for this uncertainty. Usually, the greater the amount of scientific uncertainty, the lower the ABC is set compared to the OFL. For GB cod, GB haddock, and GB yellowtail flounder, the total ABC is then reduced by the amount of the Canadian quota (see Table 1 for the Canadian and U.S. shares of these stocks). Additionally, although GB winter flounder, white hake, and Atlantic halibut are not jointly managed with Canada, there is some Canadian catch of these stocks. Because the total ABC must account for all sources of fishing mortality, expected Canadian catch of GB winter flounder (45 mt), white hake (33 mt), and Atlantic halibut (33 mt) is deducted from the total ABC. The U.S. ABC is the amount available to the U.S. fishery after accounting for Canadian catch (see Table 2). For stocks without Canadian catch, the U.S. ABC is equal to the total ABC.

Based on the SSC's recommendation, the Council recommended continuing to set the OFL as unknown for GB yellowtail flounder. An empirical stock assessment is used for this stock, and the assessment can no longer provide quantitative estimates of the status determination criteria. No historical estimates of biomass, fishing mortality rate, or recruitment can be calculated because a stock assessment model framework is lacking. Status determination relative to reference points is not possible because reference points cannot be defined. In the absence of an assessment model, the empirical approach based on survey catches indicates stock condition is poor, given a declining trend in survey biomass despite reductions in catch to historical low levels. Total catch has declined in recent years and is at the lowest value in the time series. The stock has been experiencing below average recruitment and a truncation of age structure. Stock biomass is low and productivity is poor.

In the temporary absence of an OFL, given recent catch data, we have preliminarily determined that the GB yellowtail flounder ABC is a sufficient limit for preventing overfishing and is consistent with the National Standards. As an index-assessed stock, an estimate of the probability of overfishing cannot be determined, but the proposed ABC is based on an exploitation rate applied to the most recent estimate of stock size. The proposed ABC is a substantial reduction (53 percent) from the 2018 ABC in light of stock conditions and continued low survey biomass. We previously approved setting the OFL as unknown for GB yellowtail flounder as part of Framework 57, and we are continuing to develop guidance on setting status determination criteria and relevant catch limits in cases when an empirical assessment cannot provide numerical estimates of traditional reference points.

TABLE 2—PROPOSED FISHING YEARS 2019–2020 OVERFISHING LIMITS AND ACCEPTABLE BIOLOGICAL CATCHES

[Mt, live weight]

Stock	2019		Percent change from 2018	2020	
	OFL	U.S. ABC		OFL	U.S. ABC
GB Cod *	3,047	1,824	15	3,047	2,285
GOM Cod	938	703	0	938	703
GB Haddock *	99,757	58,114	19	100,825	73,114
GOM Haddock	16,038	12,490	−5	13,020	10,186
GB Yellowtail Flounder *	UNK	106	−50	UNK	168
SNE/MA Yellowtail Flounder	90	68	0	90	68
CC/GOM Yellowtail Flounder	736	511	0	848	511
American Plaice	2,099	1,609	−7	1,945	1,492
Witch Flounder	UNK	993	0	UNK	993
GB Winter Flounder	1,182	810	0	1,756	810
GOM Winter Flounder	596	447	0	596	447
SNE/MA Winter Flounder	1,228	727	0	1,228	727
Redfish	15,640	11,785	2	15,852	11,942
White Hake	3,898	2,938	0	3,916	2,938
Pollock	53,940	40,172	0	57,240	40,172
N Windowpane Flounder	122	92	0	122	92
S Windowpane Flounder	631	473	0	631	473
Ocean Pout	169	127	0	169	127
Atlantic Halibut	UNK	104	0	UNK	104
Atlantic Wolffish	120	90	0	120	90

CC = Cape Cod; N = Northern; S = Southern; UNK = Unknown.

* Only the GB cod, GB haddock, and GB yellowtail stocks have changes from the 2019 U.S. ABCs previously approved in Framework 57.

Annual Catch Limits

Development of Annual Catch Limits

The U.S. ABC for each stock is divided among the various fishery components to account for all sources of fishing mortality. First, an estimate of catch expected from state waters and the ''other'' sub-component (*e.g.,* non-groundfish fisheries or some recreational groundfish fisheries) is deducted from the U.S. ABC. These sub-components are not subject to specific catch controls by the FMP. As a result, the state waters and other sub-components are not allocations, and these sub-components of the fishery are not subject to AMs if the catch limits are exceeded. After the state and other sub-components are deducted, the remaining portion of the U.S. ABC is distributed to the fishery components that receive an allocation for the stock. Components of the fishery that receive an allocation are subject to AMs if they exceed their respective catch limit during the fishing year. A fishing year 2017 overage of the GOM cod allocation is discussed in detail in Section 5, Adjustments Due to Fishing Year 2017 Overage.

Once the U.S. ABC is divided, sub-annual catch limits (sub-ACL) are set by reducing the amount of the ABC distributed to each component of the fishery to account for management uncertainty. Management uncertainty seeks to account for the possibility that management measures will result in a level of catch greater than expected. For each stock and fishery component, management uncertainty is estimated using the following criteria: Enforceability and precision of management measures; adequacy of catch monitoring; latent effort; and whether the composition of catch includes landings and discards, or is all discards. The total ACL is the sum of all of the sub-ACLs and state and other sub-components, and is the catch limit for a particular year after accounting for both scientific and management uncertainty. Landings and discards from all fisheries (commercial and recreational groundfish fisheries, state waters, and non-groundfish fisheries) are counted against the ACL for each stock.

Sector and Common Pool Allocations

For stocks allocated to sectors, the commercial groundfish sub-ACL is further divided into the non-sector (common pool) sub-ACL and the sector sub-ACL, based on the total vessel enrollment in sectors and the cumulative potential sector contributions (PSC) associated with those sectors. The preliminary sector and common pool sub-ACLs proposed in this action are based on fishing year 2019 PSCs and fishing year 2018 sector rosters. All permits enrolled in a sector, and the vessels associated with those permits, have until April 30, 2019, to withdraw from a sector and fish in the common pool for the 2019 fishing year. In addition to the enrollment delay, all permits that change ownership after December 1, 2018, may join a sector (or change sector) through April 30, 2019. The final sector and common pool sub-ACLs will be based on final 2019 sector rosters.

Common Pool Total Allowable Catches

The common pool sub-ACL for each stock (except for SNE/MA winter flounder, both windowpane flounder stocks, ocean pout, Atlantic wolffish, and Atlantic halibut) is further divided into trimester TACs. The distribution of the common pool sub-ACLs into trimesters was adopted in Amendment 16 to the FMP (75 FR 18262; April 9, 2010) and was based on landing patterns at that time. Framework 57 (83 FR 18985; May 1, 2018) revised the apportionment of TACs among the trimesters. Once we project that 90 percent of the trimester TAC is caught for a stock, the trimester TAC area for that stock is closed for the remainder of the trimester. The closure applies to all common pool vessels fishing on a groundfish trip with gear capable of catching the pertinent stock. Any uncaught portion of the TAC in Trimester 1 or Trimester 2 is carried forward to the next trimester. Overages of the Trimester 1 or Trimester 2 TAC are deducted from the Trimester 3 TAC. Any overages of the total common pool sub-ACL are deducted from the following fishing year's common pool sub-ACL for that stock. Uncaught portions of any trimester TAC may not be carried over into the following fishing year. Table 5 summarizes the

common pool trimester TACs proposed in this action.

Incidental catch TACs are also specified for certain stocks of concern (*i.e.,* stocks that are overfished or subject to overfishing) for common pool vessels fishing in the special management programs (*i.e.,* special access programs (SAP) and the Regular B Days-at-Sea (DAS) Program), in order to limit the catch of these stocks under each program. Tables 6 through 8 summarize the proposed Incidental Catch TACs for each stock and the distribution of these TACs to each special management program.

In fishing year 2017, GOM cod catch exceeded the total ACL and ABC, but not the OFL (Table 10). This overage and the required payback are discussed in detail in Section 5, Adjustments Due to Fishing Year 2017 Overage. The TACs for GOM cod in Tables 5 through 8 have been adjusted for this overage.

Closed Area I Hook Gear Haddock SAP

The Omnibus Essential Fish Habitat Amendment (OHA2) (83 FR 15240; April 9, 2018) eliminated the year-round closure of Closed Area I. When OHA2 eliminated Closed Area I, the Closed Area I Hook Gear Haddock SAP was no longer necessary, because the geographic area is now an open area accessible to the groundfish fleet (with the exception of the GB Dedicated Habitat Research Area and the Seasonal Closed Area I North closure). However, the Closed Area I Hook Gear Haddock SAP is still part of the FMP. We are required by the FMP to allocate an Incidental Catch Total Allowable Catch for GB cod, which is split between the Closed Area I Hook Gear Haddock SAP, Regular B Days-at-Sea Program, and the Eastern U.S./Canada Haddock SAP (Table 7). However, this allocation (0.1 mt) is a minor portion of the quota, and this is not expected to have any negative impacts for the common pool fishery. Additionally, overall fishing effort by both common pool and sector vessels in the Closed Area I Hook Gear Haddock SAP is controlled by an overall TAC for GB haddock, which is the target species for this SAP. The GB haddock TAC for the SAP is based on the amount allocated to this SAP for the 2004 fishing year (1,130 mt) and adjusted according to the growth or decline of the western GB haddock biomass in relationship to its size in 2004. Based on this formula, the Council's proposed GB Haddock TAC for this SAP is 3,454 mt for the 2019 fishing year and 3,673 for the 2020 fishing year. Until the Council revises the allocations to the Closed Area I Hook Gear Haddock SAP, a portion of the quotas will be allocated to the program, and will be unavailable to be caught. Because no vessel will need to declare into the program, no catch will count against the SAP's quotas.

Default Catch Limits for 2021

Framework 53 established a mechanism for setting default catch limits in the event a future management action is delayed. If final catch limits have not been implemented by the start of a fishing year on May 1, then default catch limits are set at 35 percent of the previous year's catch limit, effective until July 31 of that fishing year, or when replaced by new catch limits. If this value exceeds the Council's recommendation for the upcoming fishing year, the default catch limits will be reduced to an amount equal to the Council's recommendation for the upcoming fishing year. Because groundfish vessels are not able to fish if final catch limits have not been implemented, this measure was established to prevent disruption to the groundfish fishery. Additional description of the default catch limit mechanism is provided in the preamble to the Framework 53 final rule (80 FR 25110; May 1, 2015).

TABLE 3—PROPOSED CATCH LIMITS FOR THE 2019 FISHING YEAR

[Mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Preliminary sector sub-ACL	Preliminary common pool sub-ACL	Recreational sub-ACL	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
	A to H	A + B + C	A	B	C	D	E	F	G	H
GB Cod*	1,741	1,568	1,536	32					18	155
GOM Cod	666	610	378	12	220				47	9
GB Haddock*	55,249	53,276	52,896	380		811			581	581
GOM Haddock	11,803	11,506	8,219	93	3,194	116			91	91
GB Yellowtail Flounder*	103	85	83	1			16.5	2.0	0.0	0.0
SNE/MA Yellowtail Flounder	66	32	26	6			15		2	17
CC/GOM Yellowtail Flounder	490	398	381	17					51	41
American Plaice	1,532	1,467	1,442	26					32	32
Witch Flounder*	948	854	835	18					40	55
GB Winter Flounder*	786	774	768	6					0	12
GOM Winter Flounder*	428	355	337	18					67	7
SNE/MA Winter Flounder	700	518	456	62					73	109
Redfish	11,208	10,972	10,921	51					118	118
White Hake	2,794	2,735	2,715	21					29	29
Pollock	38,204	37,400	37,170	230					402	402
N Windowpane Flounder	86	63	na	63			18		2	3
S Windowpane Flounder	457	53	na	53			158		28	218
Ocean Pout	120	94	na	94					3	23
Atlantic Halibut*	100	75	na	75					21	4
Atlantic Wolffish	84	82	na	82					1	1

na: Not allocated.

*These stocks have changes from the 2019 allocations previously approved in Framework 57.

TABLE 4—PROPOSED CATCH LIMITS FOR THE 2020 FISHING YEAR

[Mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Preliminary sector sub-ACL	Preliminary common pool sub-ACL	Recreational sub-ACL	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
	A to H	A + B + C	A	B	C	D	E	F	G	H
GB Cod *	2,182	1,965	1,925	40	.....	.....	.....	.....	23	194
GOM Cod	666	610	378	12	220	.....	.....	.....	47	9
GB Haddock *	69,509	67,027	66,549	478	.....	1,020	.....	.....	731	731
GOM Haddock	9,626	9,384	6,703	76	2,605	95	.....	.....	74	74
GB Yellowtail Flounder *	163	134	132	2	.....	.....	26	3	0	0
SNE/MA Yellowtail Flounder	66	31	25	6	.....	.....	16	.....	2	17
CC/GOM Yellowtail Flounder	490	398	381	17	.....	.....	.....	.....	51	41
American Plaice	1,420	1,361	1,337	24	.....	.....	.....	.....	30	30
Witch Flounder *	948	854	835	18	.....	.....	.....	.....	40	55
GB Winter Flounder *	786	774	768	6	.....	.....	.....	.....	0	12
GOM Winter Flounder *	428	355	337	18	.....	.....	.....	.....	67	7
SNE/MA Winter Flounder	700	518	456	62	.....	.....	.....	.....	73	109
Redfish	11,357	11,118	11,066	52	.....	.....	.....	.....	119	119
White Hake	2,794	2,735	2,715	21	.....	.....	.....	.....	29	29
Pollock	38,204	37,400	37,170	230	.....	.....	.....	.....	402	402
N Windowpane Flounder	86	63	na	63	.....	.....	18	.....	2	3
S Windowpane Flounder	457	53	na	53	.....	.....	158	.....	28	218
Ocean Pout	120	94	na	94	.....	.....	.....	.....	3	23
Atlantic Halibut *	100	75	na	75	.....	.....	.....	.....	21	4
Atlantic Wolffish	84	82	na	82	.....	.....	.....	.....	1	1

na: Not allocated.

*These stocks have changes from the 2020 allocations previously approved in Framework 57.

TABLE 5—PROPOSED FISHING YEARS 2019–2020 COMMON POOL TRIMESTER TACS

[Mt, live weight]

Stock	2019			2020		
	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3
GB Cod	8.9	10.8	12.1	11.2	13.6	15.2
GOM Cod	5.7	3.8	2.1	5.8	3.9	2.1
GB Haddock	102.7	125.5	152.1	129.2	157.9	191.3
GOM Haddock	25.1	24.1	43.6	20.4	19.7	35.6
GB Yellowtail Flounder	0.2	0.4	0.7	0.4	0.6	1.0
SNE/MA Yellowtail Flounder	1.3	1.7	3.2	1.3	1.7	3.1
CC/GOM Yellowtail Flounder	9.7	4.4	2.9	9.7	4.4	2.9
American Plaice	19.2	2.1	4.7	17.8	1.9	4.3
Witch Flounder	10.2	10.2	10.2	10.2	3.7	4.6
GB Winter Flounder	0.5	1.5	4.3	0.5	1.5	4.3
GOM Winter Flounder	6.5	6.7	4.4	6.5	6.7	4.4
Redfish	12.8	15.9	22.5	13.0	16.1	22.8
White Hake	7.8	6.4	6.4	7.8	6.4	6.4
Pollock	64.4	80.5	85.1	64.4	80.5	85.1

TABLE 6—PROPOSED COMMON POOL INCIDENTAL CATCH TACS FOR THE 2019–2020 FISHING YEARS

[Mt, live weight]

Stock	Percentage of common pool sub-ACL	2019	2020
GB cod	2	0.64	0.80
GOM cod	1	0.12	0.12
GB yellowtail flounder	2	0.03	0.04
CC/GOM yellowtail flounder	1	0.17	0.17
American Plaice	5	1.29	1.20
Witch Flounder	5	0.92	0.92
SNE/MA winter flounder	1	0.62	0.62

TABLE 7—PERCENTAGE OF INCIDENTAL CATCH TACS DISTRIBUTED TO EACH SPECIAL MANAGEMENT PROGRAM

Stock	Regular B DAS program (%)	Closed Area I hook gear haddock SAP (%)	Eastern U.S./CA haddock SAP (%)
GB cod	50	16	34
GOM cod	100	na	na
GB yellowtail flounder	50	na	50
CC/GOM yellowtail flounder	100	na	na
American Plaice	100	na	na
Witch Flounder	100	na	na
SNE/MA winter flounder	100	na	na

TABLE 8—PROPOSED FISHING YEARS 2019–2020 INCIDENTAL CATCH TACS FOR EACH SPECIAL MANAGEMENT PROGRAM

[Mt, live weight]

Stock	Regular B DAS program		Closed Area I hook gear haddock SAP		Eastern U.S./Canada haddock SAP	
	2019	2020	2019	2020	2019	2020
GB cod	0.32	0.40	0.10	0.13	0.22	0.27
GOM cod	0.12	0.12	na	na	na	na
GB yellowtail flounder	0.01	0.02	na	na	0.01	0.02
CC/GOM yellowtail flounder	0.17	0.17	na	na	na	na
American Plaice	1.29	1.20	na	na	na	na
Witch Flounder	0.92	0.92	na	na	na	na
SNE/MA winter flounder	0.62	0.62	na	na	na	na

4. Adjustments Due to Fishing Year 2017 Overage

If an overall ACL is exceeded due to catch from vessels fishing outside of an allocated fishery, the overage is distributed to the components of the fishery with an allocation. If a fishery component's catch and its share of the ACL overage exceed the component's allocation, then the applicable AMs must be implemented. The commercial groundfish fishery AMs require a pound-for-pound reduction of the applicable sector or common pool sub-ACL following either component's overage. The recreational fishery AMs require a modification to that fishery's management measures.

In fishing year 2017, GOM cod catch exceeded the total ACL and ABC, but not the OFL (Table 9). We notified the Council of the overage and payback amounts in October 2018. This proposed rule includes a description of the fishing year 2017 catch overage and required adjustments to fishing year 2019 allocations. These adjustments are not part of Framework 58. We are announcing them in conjunction with Framework 58 proposed measures because they relate to the catch limits proposed in Framework 58.

Total GOM cod catch in fishing year 2017 exceeded the total ACL due to a combination of excess catch from the recreational fishery, the state waters sub-component, and the other sub-component (non-groundfish Federal fisheries). Both the sector and common pool sub-ACLs were underharvested. The recreational fishery's overage of its fishing year 2017 sub-ACL was addressed by a change in recreational fishery management measures for fishing year 2018 to prevent a subsequent overage (83 FR 18972; May 1, 2018). The remaining overage (61.4 mt) due to catch by the state waters sub-component and other sub-component (unallocated components) must be distributed among the common pool, sectors, and the recreational fishery in proportion to their shares of the fishing year 2017 groundfish fishery ACL as though each of those components had caught that amount. The commercial fishery AM for overages is a pound-for-pound payback that results in a deduction of the overage amount from the fishing year 2019 commercial fishery sub-ACLs. The sector and common pool sub-ACL underages in fishing year 2017 reduce the adjustment necessary to the fishing year 2019 sector and common pool sub-ACLs. The portion of the overage allocated to the recreational fishery does not result in a pound-for-pound reduction of the recreational sub-ACL. As discussed above, the portion of the catch overage attributed to the recreational fishery was addressed by a change in recreational measures for 2018.

Table 10 shows the proportion (as a percentage) of the unallocated overage attributed to each component, the amount (mt) of the unallocated overage attributed to each sub-component, the amount (mt) of any overage of each component's sub-ACL, and amount (mt) that must be paid back by each component. Table 11 shows revised fishing year 2019 GOM cod allocations incorporating these payback amounts.

TABLE 9—2017 ABC, ACL, CATCH, AND OVERAGE

[Mt, live weight]

Stock	U.S. ABC	Total ACL	Catch	Total overage	Unallocated overage
GOM Cod	500	473	612.6	139.6	61.4

TABLE 10—2019 PAYBACK CALCULATIONS AND AMOUNTS

[Mt, live weight]

Component	Proportion (%)	Amount	Underage	Payback
Sectors	64	39.4	10.5	28.8
Common Pool	2	1.3	0.9	0.4
Recreational	34	20.7	0	(*)

* The recreational fishery does not have pound-for-pound payback.

TABLE 11—REVISED 2019 ALLOCATIONS

[Mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Initial preliminary sector sub-ACL	Revised preliminary sector sub-ACL	Initial preliminary common pool sub-ACL	Revised preliminary common pool sub-ACL
GOM Cod	666	610	378	349.20	12	11.6

5. Rebuilding Programs

Framework 58 would revise or implement new rebuilding plans for five stocks: GB winter flounder; SNE/MA yellowtail flounder; witch flounder, northern windowpane flounder; and ocean pout. The deadline to implement these rebuilding plans is August 31, 2019. The SSC advised that revising the ABCs for fishing years 2019 and 2020 is not warranted for the development of the new rebuilding plans because these ABCs were set with the most recent assessments in 2017. Therefore, the 2019 and 2020 ABCs set in Framework 57 were incorporated in developing the proposed rebuilding plans. These rebuilding plans would be initiated in 2019 and therefore January 1, 2020, would be the first year of the rebuilding plan for all stocks.

The current rebuilding strategies for GB winter flounder, witch flounder, and northern windowpane flounder were adopted in 2010, and all three rebuilding programs were scheduled to rebuild their respective stocks by 2017. The current ocean pout rebuilding strategy was adopted in 2004 and was expected to rebuild the stock by 2014. The SNE/MA yellowtail flounder stock was previously determined to be rebuilt in 2012 based on revised reference points. In 2015, updated scientific information revised our understanding of the status of these stocks. As a result, on August 31, 2017, we notified the Council that the GB winter flounder, witch flounder, northern windowpane flounder, and ocean pout stocks were not making adequate rebuilding progress and that SNE/MA yellowtail flounder is now overfished, and subject to overfishing. Subsequently, on November 1, 2018, we notified the Council that, based on the 2017 assessment, the GB winter flounder stock was never overfished, nor experiencing overfishing, but that it is approaching an overfished condition. Because GB winter flounder is approaching an overfished condition, we recommended the Council still revise the GB winter flounder rebuilding plan, rather than discontinue it.

The Magnuson-Stevens Act requires that overfished stocks be rebuilt as quickly as possible, not to exceed 10 years when biologically possible, while accounting for the needs of fishing communities. Rebuilding plans must have at least a 50-percent probability of success. Selection of a rebuilding plan with a higher probability of success is one way of addressing uncertainty, but this does not affect the standard used in the future to determine whether a stock is rebuilt. The minimum rebuilding time (T_{min}) is the amount of time a stock is expected to take to rebuild to the biomass (B) associated with maximum sustainable yield (MSY) in the absence of any fishing mortality (F). The actual timeline set with a rebuilding plan (T_{target}) may be greater than T_{min}, but cannot exceed the maximum rebuilding time (T_{max}). T_{max} is 10 years if T_{min} is less than 10 years. In situations where T_{min} exceeds 10 years, T_{max} establishes a maximum time for rebuilding that is linked to the biology of the stock.

Stocks With Projections

The GB winter flounder and SNE/MA yellowtail flounder stock assessments are based on analytical models that provide projections of B. Long-term catch projections for groundfish stocks tend to underestimate fishing mortality and overestimate stock biomass. The inherent uncertainty surrounding long-term projections makes it difficult to estimate the fishing mortality rate that is required to rebuild the stock by T_{target} ($F_{rebuild}$). This uncertainty is due, in part, to the estimate's dependence on future recruitment (the amount of age-1 fish added to the stock each year), which is difficult to predict. If recruitment does not increase as projected, then progress towards rebuilding occurs at a much slower pace or building to B_{MSY} is not possible.

The GB winter flounder and SNE/MA yellowtail flounder rebuilding programs proposed in this action would rebuild the stocks within 10 years, or by 2029, which is the maximum time period allowed by the Magnuson-Stevens Act. The basis for setting $T_{target} = T_{max}$ is that recruitment may not increase as assumed in the projections. Recent recruitment estimates for both stocks have been relatively low, which make the T_{min} projections likely to be overly optimistic. The proposed rebuilding plan for GB winter flounder would set $F_{rebuild}$ at 70 percent of F_{MSY} with a 77-percent probability of achieving B_{MSY}. The proposed rebuilding plan for SNE/MA yellowtail flounder would set $F_{rebuild}$ at 70 percent of F_{MSY} with an 82-percent probability of achieving B_{MSY}. T_{min} for both GB winter flounder and SNE/MA yellowtail flounder is 3 years, rebuilding by the end of 2022. As explained in more detail in Appendix III of the EA (see **ADDRESSES**), the proposed rebuilding programs intend to address the needs of fishing communities as much as practicable, as well as factor in past performance of groundfish catch projections in order to increase the likelihood of rebuilding success.

The Council's default control rule for setting catch limits requires that catches be set based on 75 percent of F_{MSY} or $F_{rebuild}$, whichever is lower. Typically, when a stock was in a rebuilding program, initial catch advice was based

on 75 percent of F_{MSY}. Updated assessments often resulted in large reductions in catch advice through large reductions in the estimates of $F_{rebuild}$ below 75 percent of F_{MSY} as the rebuilding time shortens. Rebuilding progress for many groundfish stocks has often occurred slower than expected due to recruitment not increasing as projected, which leads to dramatic reductions in catch limits as the rebuilding end date gets closer. When $F_{rebuild}$ approaches zero, $F_{rebuild}$ is less likely to be used for setting catch limits because of the impact on catch of other stocks in the multispecies complex. Selecting $F_{rebuild}$ levels that are more conservative than the control rule (75 percent of F_{MSY}) helps to avoid this problem.

Stocks Without Projections

The stock assessments for northern windowpane flounder, ocean pout, and witch flounder do not have analytical models and catch projections are not possible. Therefore, T_{min} for F_0 is undefined, and T_{min} could be less than or greater than 10 years. Without T_{min}, no direct methods for estimating T_{max} are available. Under the groundfish control rule, most stocks would be expected to rebuild in 10 years when fishing at 75 percent of F_{MSY}. However, for northern windowpane flounder, ocean pout, and witch flounder, rebuilding was not achieved as previously planned despite application of the control rule and prohibiting possession of this stock. For northern windowpane flounder and ocean pout, no aging data is currently available. Therefore, an evaluation of mean generation time for these two stocks is not possible. Recently, overfishing ended on northern windowpane flounder, which could be a positive sign for potential stock growth and indicate that a T_{target} of 10 years could be appropriate. Ocean pout has not responded to low catches, despite low relative F, indicating a T_{target} of 10 years may be too short.

Witch flounder are a long-lived species, and a T_{target} of 10 years may be too short given their life history. However, in the previously developed witch flounder rebuilding plan, the stock was able to rebuild according to the projections. In addition, there were signs of a relatively large incoming year class (2013) in multiple surveys, which could indicate rebuilding is possible for this stock. A recent examination of the witch flounder yield-per-recruit analysis completed in the 2017 assessment suggests a mean generation time of 11.3 years at F_0. Following National Standard 1 guidelines (81 FR 71858; October 16, 2016), two times the mean generation time results in 23 years ($11.3 \times 2 = 22.6$, rounded up to 23), and was used as the basis for calculating T_{max} for the witch flounder rebuilding plan.

The proposed rebuilding plan for northern windowpane flounder would set $F_{rebuild}$ at 70 percent of F_{MSY} and T_{target} at 10 years, rebuilding by the end of 2029. The proposed rebuilding plan for ocean pout would set $F_{rebuild}$ at 70 percent of F_{MSY} and T_{Target} at 10 years, rebuilding by the end of 2029. The proposed witch flounder rebuilding plan would set $F_{rebuild}$ as an exploitation rate of 6 percent (or otherwise determined in a future stock assessment) and T_{target} at 23 years, rebuilding by the end of 2043. The northern windowpane flounder, ocean pout, and witch flounder assessments are index-based and do not have projections, which prevents calculating probabilities of achieving B_{MSY}. Additional considerations by stock are discussed in Appendix III of the EA (see **ADDRESSES**).

6. Revision to the Georges Bank Yellowtail Flounder Accountability Measure Trigger for Scallop Vessels

The scallop fishery is allocated sub-ACLs for four stocks: GB yellowtail flounder; SNE/MA yellowtail flounder; northern windowpane flounder; and southern windowpane flounder. These allocations are made to manage the scallop fishery's bycatch of these stocks and mitigate potential negative impacts to the groundfish fishery. Framework 47 (77 FR 26104; May 2, 2012) established a policy for triggering scallop fishery AMs. The AMs are triggered if either the scallop fishery exceeds its sub-ACL for a stock and the overall ACL for that stock is exceeded, or the scallop fishery exceeds its sub-ACL for a stock by 50 percent or more. Framework 56 (82 FR 35660; August 1, 2017) made a change to this policy for GB yellowtail flounder to remove the second trigger for the 2017 and 2018 fishing years. For these years, the AMs for GB yellowtail flounder are triggered only if the scallop fishery exceeds its sub-ACL and the overall ACL is exceeded. Framework 58 would extend this provision for GB yellowtail flounder for the 2019 and 2020 fishing years.

This measure is intended to provide flexibility for the scallop fishery to better achieve optimal yield, despite recent reductions in the ACL, while continuing to prevent overfishing. Framework 58 proposes to reduce the 2019 GB yellowtail flounder ABC by 50 percent when compared to 2018, but, in recent years, a significant portion of the overall ACL has remained uncaught as groundfish vessels have reduced their catch and avoided the stock. Exceeding the total ACL would trigger the AM to prevent subsequent ACL overages and correct the cause of the overage. This measure provides the scallop fishery with flexibility to adjust to current catch conditions and better achieve optimum yield while still providing an incentive to avoid yellowtail flounder. This extension is proposed for only 2 years to provide further opportunity to assess its performance and to reduce the potential risk for the groundfish fishery. The underlying policy for triggering scallop fishery AMs established by Framework 47 would be in effect for catches in fishery 2021 and beyond. Beginning with catch during fishing year 2021, the AM would be triggered if either the scallop fishery exceeds its sub-ACL for a stock and the overall ACL for that stock is exceeded, or the scallop fishery exceeds its sub-ACL for a stock by 50 percent or more.

7. Exemption From the U.S. Minimum Fish Sizes for Groundfish Species for Vessels Fishing Exclusively in the Northwest Atlantic Fisheries Organization Regulatory Area

U.S. vessels participating in the Northwest Atlantic Fisheries Organization (NAFO) fishery are prohibited from possessing any fish, or parts of fish, that do not meet the minimum fish size in the domestic fishery. Figure 1 shows the NAFO Regulatory Area. Framework 58 would exempt U.S. vessels on trips fishing exclusively in the NAFO Regulatory Area from the domestic Northeast Multispecies FMP minimum sizes. On those trips, the vessels would be required to land fish that met the NAFO minimum sizes as specified in the NAFO Conservation and Enforcement Measures (see: *https://www.nafo.int/Fisheries/Conservation*). A comparison of U.S. domestic and NAFO minimum sizes in contained in the EA (see **ADDRESSES**). The NAFO stocks are distinct from the stocks managed by the Northeast Multispecies FMP. Therefore, harvest of those stocks does not have a biological impact on U.S. stocks. NAFO fishing trips also require 100-percent observer coverage. All catch that comes onboard the vessel is identified and quantified following NAFO protocols by the fisheries observer. Allowing U.S. vessels to harvest groundfish using NAFO minimum sizes would enable the United States to be better stewards of the NAFO resource by reducing discards that meet the NAFO size standards but are below the domestic minimum size. Landing the dressed fish, even at sizes less than the domestic minimum size,

would not give the NAFO participants a competitive advantage over domestic fishermen that rely upon the fresh fish market nor would it negatively affect the fresh fish market. Instead, because the NAFO catch primarily goes into the frozen market, which is currently dominated by foreign interests, this is expected to provide U.S. fishing businesses an opportunity to compete equally in the frozen market. This would apply to all NAFO species included in the Northeast Multispecies FMP to proactively facilitate development of U.S. participation in NAFO, as well as applying to species (yellowtail flounder and American plaice) already being landed in the U.S.

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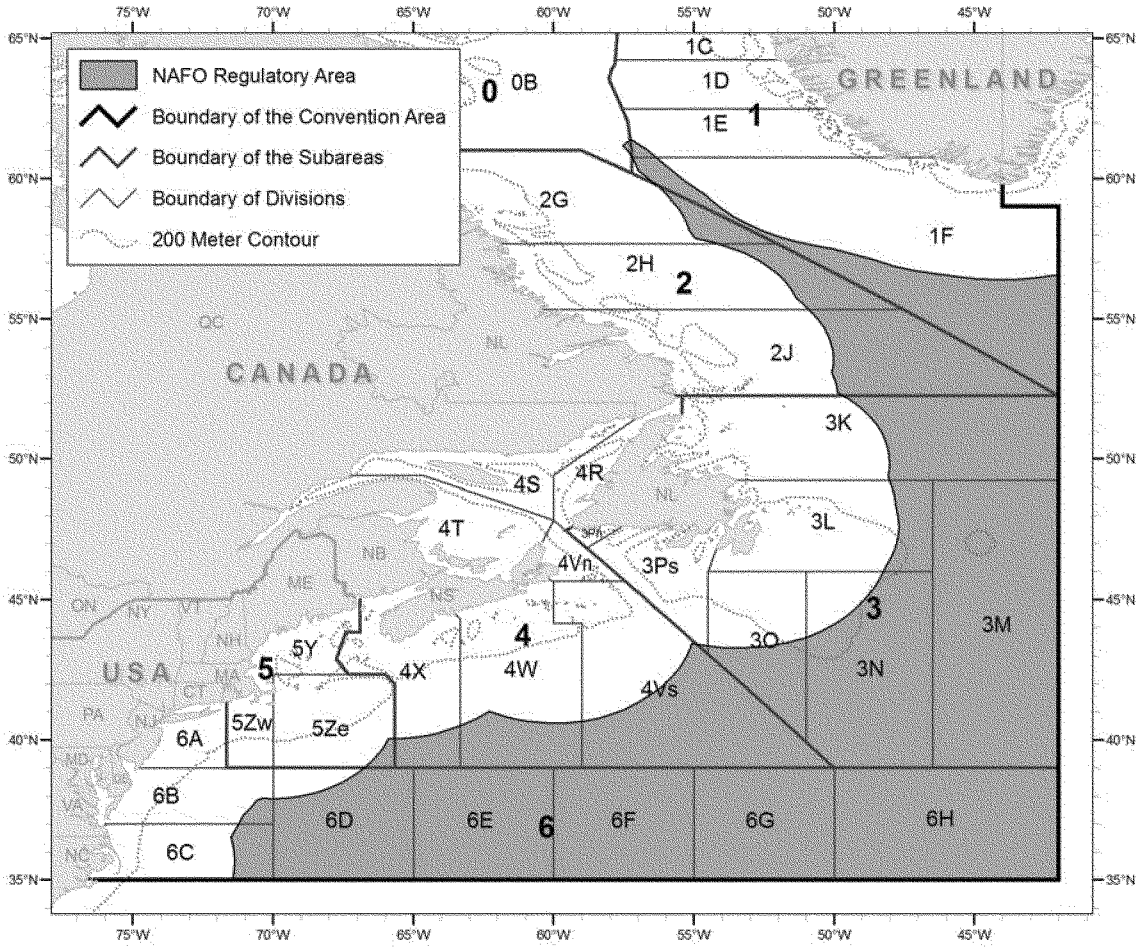
Figure 1. NAFO Convention Area including Statistical Subareas, Divisions, and Subdivisions.



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8. Administrative Changes and Regulatory Corrections Under Secretarial Authority

The following changes are being made using Magnuson-Stevens Act section 305(d) authority to ensure that FMPs or amendments are implemented in accordance with the Magnuson-Stevens Act.

Days-at-Sea Leasing Deadline

In 2004, Amendment 13 (81 FR 22906; April 27, 2004) established a days-at-sea (DAS) leasing program to allow vessels to temporarily transfer DAS to one another as a way to mitigate cuts in DAS allocations. Historically, all applications to lease DAS were submitted on paper and NMFS set a March 1 annual deadline to allow for a 45-day processing window and time to use the DAS prior to the end of the fishing year on April 30. Nearly all DAS leases are now submitted electronically and are processed almost immediately. Therefore, we are using our administrative authority under § 305(d) of the Magnuson-Stevens Act to push back the application deadline to April 30. This is intended to facilitate efficient use of groundfish DAS throughout the fishing year.

At-Sea Catch Reporting

This rule proposes to correct a mistake in the VMS catch report requirements for vessels fishing in the U.S. Canada Management Areas. Amendment 16 (75 FR 18262; April 9, 2010) implemented a requirement for vessels to submit catch reports at-sea via their vessel monitoring system (VMS) on any trip fishing in multiple broad

stock areas (BSA) and maintained preexisting requirements for vessels to submit catch reports for any trip fishing in a special management program (*e.g.,* the U.S./Canada Management Areas, the Regular B DAS Program). In the rulemaking for Amendment 16, NMFS initially proposed to remove the requirement that vessels report statistical area fished in the VMS catch reports, but the final rule maintained that requirement to ensure NMFS can accurately attribute catch of GB cod and GB haddock to accounting of the Eastern U.S./Canada Area quotas for these stocks. However, the regulatory text implemented by the final rule inadvertently removed the requirement to report by statistical area. This rule proposes to revise the regulatory text correctly capture NMFS published intent to continue requiring VMS catch reports include catch by statistical area.

The final rule implementing Amendment 16 also included a requirement that trips fishing in multiple BSAs report catch by BSA in VMS catch reports because it was necessary to allow NMFS and sectors to calculate discard rates. In 2013, we revised the VMS reporting instructions to require vessels to submit catch by statistical area fished, rather than reporting catch by BSA, for any trip requiring a VMS catch report. We made this change to create a single VMS form that would address all required VMS catch reports and eliminate unnecessary duplication of reporting. However, this change was not consistently captured in the regulations and remains a source of confusion. In this rule, we propose to revise the regulations to consistently state that species kept must be reported by statistical area on all VMS catch reports.

Citation for Scallop-Yellowtail Quota Transfer

The regulations allocating GB and SNE/MA yellowtail flounder to the scallop fishery include a mechanism to transfer unused yellowtail flounder quota from the scallop fishery to the groundfish fishery. The regulations implementing this provision include an incorrect citation related to recreational allocations, and this action proposes to correct this citation.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has made a preliminary determination that this proposed rule is consistent with Framework 58, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment. In making the final determination, we will consider the data, views, and comments received during the public comment period.

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

This proposed rule does not contain policies with federalism or takings implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

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 determination for this determination is as follows.

Periodic framework adjustments are used to revise the Northeast Multispecies FMP in response to new scientific information to support catch limits that prevent overfishing and other adjustments to improve management measures included in the FMP. Framework Adjustment 58 proposes to revise catch limits for 7 of the 20 multispecies stocks for fishing years 2019–2020 (May 1, 2019, through April 30, 2020), implement rebuilding plans for 5 stocks, revise an accountability measure, and make other administrative changes to groundfish management measures. This action is necessary to respond to updated scientific information and to achieve the goals and objectives of the FMP. The proposed measures are intended to help prevent overfishing, rebuild overfished stocks, and achieve optimum yield. The recreational groundfish, Atlantic sea scallop, small-mesh multispecies, and Atlantic herring fisheries are also affected by the setting of quotas through fishery-specific sub-quotas of various groundfish species including: GOM cod and haddock for the recreational fishery; four flounder stocks for the Atlantic scallop fishery; GB yellowtail flounder for small-mesh fisheries; and GOM and GB haddock for the midwater herring fishery. Analysis of the likely economic impacts of Framework 58 measures predicts that the proposed action will have overall positive impacts on fishing vessels, purchasers of seafood products, recreational anglers, and operators of party/charter businesses.

The Regulatory Flexibility Act (RFA) requires Federal agencies to consider disproportionality and profitability to determine the significance of regulatory impacts. For RFA purposes only, NMFS 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 less than not in excess of $11 million for all its affiliated operations worldwide. The determination of whether the entity is large or small is based on the average annual revenue for the most recent 3 years for which data are available (from 2015 through 2017).

As of May 1, 2017 (the beginning of the groundfish fishing year 2017), NMFS had issued 887 limited-access groundfish permits associated with vessels, 423 open access handgear permits, 723 limited access and general category Atlantic sea scallop permits, 736 small-mesh multispecies permits, 81 Atlantic herring permits, and 803 permits to vessels that are not permitted in the groundfish fishery but have been active in the large-mesh non-groundfish fishery over the past year. Therefore, this action potentially regulates 3,680 permits. Some of these permits are issued to the same vessel. When accounting for this overlap between fisheries, this action potentially regulates 2,368 permitted vessels. Each vessel may be individually owned or part of a larger corporate ownership structure. For RFA purposes, the proposed action ultimately regulates the ownership entity. Ownership entities are identified on June 1 of each year based on the list of all permit numbers, for the most recent complete calendar year, that have applied for any type of Northeast Federal fishing permit. The current ownership data set is based on calendar year 2017 permits and contains gross sales associated with those permits for calendar years 2015 through 2017.

Based on the ownership data, 1,784 distinct business entities hold at least one permit that the proposed action potentially regulates. Of these 1,784 entities, 201 are inactive and do not have revenues. Of the 1,784 entities, 1,774 entities are categorized as small, and 10 entities are categorized as large. All 1,784 entities could be directly regulated by this proposed action.

The Framework 58 measures would enhance the operational flexibility of fishermen and increase profits overall. The measures proposed in Framework 58 are expected to have a positive economic effect on small entities because they will generate $0.2 million in additional gross revenues compared

to not taking action. The measures are also expected to generate $9.3 million in additional gross revenues relative to the most recent fishing year (2016). The details of these economic analyses are included in Framework 58 (see **ADDRESSES**).

Description of Proposed Framework 58 Measures

Annual Catch Limits

This action would set 2019–2020 catch limits for seven groundfish stocks: GB cod; GB haddock; GB yellowtail flounder; witch flounder; GB winter flounder; GOM winter flounder; and Atlantic halibut. This action would also set 2019 catch limits for the three stocks jointly managed with Canada (Eastern GB cod, Eastern GB haddock, and GB yellowtail flounder) based on assessments completed in 2018. Compared to 2018, Framework 58 would increase the U.S. ABC for three stocks and decrease the ABCs for three stocks. Changes range from modest increases for GB cod (15 percent) and GB haddock (19 percent) to a 50-percent reduction for GB yellowtail flounder.

Stock Rebuilding Plans

Framework 58 would revise or implement new rebuilding plans for five stocks: GB winter flounder, Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder, witch flounder, northern windowpane flounder, and ocean pout. For GB winter flounder, SNE/MA yellowtail flounder, northern windowpane flounder, and ocean pout the proposed rebuilding plans would limit fishing mortality to 70 percent of the level that would result in maximum sustainable yield of the stock (over the long term) for 10 years, rebuilding these stocks by 2029. For witch flounder, the proposed rebuilding plan would limit fishing mortality to the level that would harvest 6 percent of the stock for 23 years, rebuilding by 2043.

Atlantic Scallop Fishery Accountability Measure Policy

GB yellowtail flounder is a bycatch species for the scallop fishery and possession by scallop vessels is prohibited. Under this temporary change, the accountability measure for the scallop fishery's GB yellowtail quota would only be triggered if the scallop fishery exceeds its quota for the stock and the overall quota for the stock is also exceeded. The intent of this change is to provide flexibility for the scallop fishery to better achieve optimal yield despite reductions in the overall quota for GB yellowtail flounder, while continuing to prevent overfishing.

Minimum Fish Size Exemptions for Vessels Fishing Exclusively in the Northwest Atlantic Fisheries Organization Regulatory Area

U.S. vessels participating in the NAFO fishery are prohibited from possessing any fish that do not meet the minimum fish size in the domestic fishery. Framework 58 would exempt U.S. vessels on trips fishing exclusively in the NAFO Regulatory Area from the domestic groundfish minimum sizes. This exemption is expected to provide U.S. fishing businesses an opportunity to compete equally in the frozen market, but would not give the NAFO participants a competitive advantage over domestic fishermen that rely upon the fresh fish market, nor would it negatively affect the fresh fish market.

This action is not expected to have a significant economic impact on a substantial number of small entities. The effects on the regulated small entities identified in this analysis are expected to be positive relative to the no action alternative, which would result in lower revenues and profits than the proposed action. These measures would enhance the operational flexibility of groundfish fishermen, and increase profits. Under the proposed action, small entities would not be placed at a competitive disadvantage relative to large entities, and the regulations would not reduce the profits for any small entities relative to taking no action. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: April 15, 2019.

Patricia A. Montanio,

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

For the reasons stated in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.10, revise paragraph (k)(2) and the first sentence of paragraph (k)(3) to read as follows:

§ 648.10 VMS and DAS requirements for vessel owners/operators.

* * * * *

(k) * * *

(2) *Reporting requirements for NE multispecies vessel owners or operators fishing in more than one broad stock area per trip.* Unless otherwise provided in this paragraph (k)(2), the owner or operator of any vessel issued a NE multispecies limited access permit that has declared its intent to fish within multiple NE multispecies broad stock areas, as defined in paragraph (k)(3) of this section, on the same trip must submit a hail report via VMS providing a good-faith estimate of the amount of each regulated species retained (in pounds, landed weight) and the total amount of all species retained (in pounds, landed weight), including NE multispecies and species managed by other FMPs, from each statistical area. This reporting requirement is in addition to the reporting requirements specified in paragraph (k)(1) of this section and any other reporting requirements specified in this part. The report frequency is detailed in paragraphs (k)(2)(i) and (ii) of this section.

(i) *Vessels declaring into GOM Stock Area and any other stock area.* A vessel declared to fish in the GOM Stock Area, as defined in paragraph (k)(3)(i) of this section, and any other stock area defined in paragraphs (k)(3)(ii) through (iv) of this section, must submit a daily VMS catch report in 24-hr intervals for each day by 0900 hr of the following day. Reports are required even if groundfish species caught that day have not yet been landed.

(ii) *Vessels declaring into multiple broad stock areas not including GOM Stock Area.* A vessel declared into multiple stock areas defined in paragraphs (k)(3)(ii) through (iv) of this section, not including the GOM Stock Area I defined in paragraph (k)(3)(i) of this section, must submit a trip-level report via VMS prior to crossing the VMS demarcation line, as defined in § 648.10, upon its return to port following each fishing trip on which regulated species were caught, as instructed by the Regional Administrator.

(iii) The Regional Administrator may adjust the reporting frequency specified in paragraph (k)(2) of this section.

(iv) *Exemptions from broad stock area VMS reporting requirements.* (A) A vessel is exempt from the reporting requirements specified in paragraph (k)(2) of this section if it is fishing in a special management program, as specified in § 648.85, and is required to submit daily VMS catch reports consistent with the requirements of that program.

(B) The Regional Administrator may exempt vessels on a sector trip from the

reporting requirements specified in this paragraph (k)(2) if it is determined that such reporting requirements would duplicate those specified in § 648.87(b).

(3) *NE multispecies broad stock areas.* For the purposes of the area-specific reporting requirements listed in paragraph (k)(1) of this section, the NE multispecies broad stock areas are defined in paragraphs (k)(3)(i) through (iv) of this section. * * *

* * * * *

■ 3. In § 648.14, revise paragraphs (a)(7) and (k)(17) to read as follows:

§ 648.14 Prohibitions.

* * * * *

(a) * * *

(7) Possess, import, export, transfer, land, or have custody or control of any species of fish regulated pursuant to this part that do not meet the minimum size provisions in this part, unless such species were harvested exclusively within state waters by a vessel that does not hold a valid permit under this part, or are species included in the NE Multispecies Fishery Management Plan that were harvested by a vessel issued a valid High Seas Fishing Compliance permit that fished exclusively in the NAFO Regulatory Area.

* * * * *

(k) * * *

(17) *Presumptions.* For purposes of this part, the following presumptions apply:

Regulated species possessed for sale that do not meet the minimum sizes specified in § 648.83 are deemed to have been taken from the EEZ or imported in violation of these regulations, unless the preponderance of all submitted evidence demonstrates that such fish were harvested by a vessel not issued a permit under this part and fishing exclusively within state waters, or by a vessel issued a valid High Seas Fishing Compliance permit that fished exclusively in the NAFO Regulatory Area. This presumption does not apply to fish being sorted on deck.

* * * * *

■ 4. In § 648.17, revise paragraph (a)(1) to read as follows:

§ 648.17 Exemptions for vessels fishing in the NAFO Regulatory Area.

* * * * *

(a) *Fisheries included under exemption*—(1) *NE multispecies.* A vessel issued a valid High Seas Fishing Compliance Permit under part 300 of this title and that complies with the requirements specified in paragraph (b) of this section, is exempt from NE multispecies permit, mesh size, effort-control, minimum fish size, and possession limit restrictions, specified in §§ 648.4, 648.80, 648.82, 648.83, and 648.86, respectively, while transiting the EEZ with NE multispecies on board the vessel, or landing NE multispecies in U.S. ports that were caught while fishing in the NAFO Regulatory Area.

* * * * *

■ 5. In § 648.82, revise paragraph (k)(3)(iii) to read as follows:

§ 648.82 Effort-control program for NE multispecies limited access vessels.

* * * * *

(k) * * *

(3) * * *

(iii) *Denial of lease application.* The Regional Administrator may deny an application to lease Category A DAS for any of the following reasons, including, but not limited to: The application is incomplete or submitted past the April 30 deadline; the Lessor or Lessee has not been issued a valid limited access NE multispecies permit or is otherwise not eligible; the Lessor's or Lessee's DAS are under sanction pursuant to an enforcement proceeding; the Lessor's or Lessee's vessel is prohibited from fishing; the Lessor's or Lessee's limited access NE multispecies permit is sanctioned pursuant to an enforcement proceeding; the Lessor or Lessee vessel is determined not in compliance with the conditions, restrictions, and requirements of this part; or the Lessor has an insufficient number of allocated or unused DAS available to lease. Upon denial of an application to lease NE multispecies DAS, the Regional Administrator shall send a letter to the applicants describing the reason(s) for application rejection. The decision by the Regional Administrator is the final agency decision.

* * * * *

■ 6. Section 648.85 is amended by revising paragraphs (a)(3)(v)(A)(*3*), (a)(6)(iv)(I), and (a)(7)(vi)(D) to read as follows:

§ 648.85 Special management programs.

* * * * *

(a) * * *

(3) * * *

(v) * * *

(A) * * *

(*3*) Total pounds of cod, haddock, yellowtail flounder, winter flounder, witch flounder, pollock, American plaice, redfish, Atlantic halibut, ocean pout, Atlantic wolffish, and white hake kept (in pounds, live weight) in each statistical area, as instructed by the Regional Administrator.

* * * * *

(6) * * *

(iv) * * *

(I) *Reporting requirements.* The owner or operator of a NE multispecies DAS vessel must submit catch reports via VMS in accordance with instructions provided by the Regional Administrator, for each day fished when declared into the Regular B DAS Program. The reports must be submitted in 24-hr intervals for each day, beginning at 0000 hr and ending at 2359 hr. The reports must be submitted by 0900 hr of the following day. For vessels that have declared into the Regular B DAS Program in accordance with paragraph (b)(6)(iv)(C) of this section, the reports must include at least the following information: VTR serial number or other universal ID specified by the Regional Administrator; date fish were caught; statistical area fished; and the total pounds of cod, haddock, yellowtail flounder, winter flounder, witch flounder, pollock, American plaice, redfish, Atlantic halibut, and white hake kept in each statistical area (in pounds, live weight), as instructed by the Regional Administrator. Daily reporting must continue even if the vessel operator is required to flip, as described in paragraph (b)(6)(iv)(E) of this section.

* * * * *

(7) * * *

(vi) * * *

(D) *Reporting requirements.* The owner or operator of a common pool vessel must submit reports via VMS, in accordance with instructions to be provided by the Regional Administrator, for each day fished in the Closed Area I Hook Gear Haddock SAP Area. The reports must be submitted in 24-hr intervals for each day fished, beginning at 0000 hr local time and ending at 2359 hr local time. The reports must be submitted by 0900 hr local time of the day following fishing. The reports must include at least the following information: VTR serial number or other universal ID specified by the Regional Administrator; date fish were caught; statistical area fished; and the total pounds of cod, haddock, yellowtail flounder, winter flounder, witch flounder, pollock, American plaice, redfish, Atlantic halibut, and white hake kept in each statistical area (in pounds, live weight), specified in § 648.10(k)(3), as instructed by the Regional Administrator. Daily reporting must continue even if the vessel operator is required to exit the SAP as required under paragraph (b)(7)(iv)(G) of this section.

* * * * *

■ 7. In § 648.87, revise paragraph (b)(1)(vi) introductory text and paragraph (b)(1)(vi) (A) to read as follows:

§ 648.87 Sector allocation.

* * * * *

(b) * * *

(1) * * *

(vi) *Sector reporting requirements.* In addition to the other reporting/recordkeeping requirements specified in this part, a sector's vessels must comply with the reporting requirements specified in this paragraph (b)(1)(vi).

(A) *VMS declarations and trip-level catch reports.* Prior to each sector trip, a sector vessel must declare into broad stock areas in which the vessel fishes and submit the VTR serial number associated with that trip pursuant to § 648.10(k). The sector vessel must also submit a VMS catch report detailing regulated species and ocean pout catch by statistical area when fishing in multiple broad stock areas on the same trip, pursuant to § 648.10(k).

* * * * *

■ 8. Section 648.90 is amended by revising paragraphs (a)(4)(iii)(C) and paragraph (a)(5)(iv)(B), and adding paragraph (a)(5)(iv)(D) to read as follows:

§ 648.90 NE multispecies assessment, framework procedures and specifications, and flexible area action system.

* * * * *

(a) * * *

(4) * * *

(iii) * * *

(C) *Yellowtail flounder catch by the Atlantic sea scallop fishery.* Yellowtail flounder catch in the Atlantic sea scallop fishery, as defined in subpart D of this part, shall be deducted from the ABC/ACL for each yellowtail flounder stock pursuant to the restrictions specified in subpart D of this part and the process to specify ABCs and ACLs, as described in paragraph (a)(4) of this section. Unless otherwise specified in this paragraph (a)(4)(iii)(C), or subpart D of this part, the specific value of the sub-components of the ABC/ACL for each stock of yellowtail flounder distributed to the Atlantic sea scallop fishery shall be specified pursuant to the biennial adjustment process specified in paragraph (a)(2) of this section. The Atlantic sea scallop fishery shall be allocated 40 percent of the GB yellowtail flounder ABC (U.S. share only) in fishing year 2013, and 16 percent in fishing year 2014 and each fishing year thereafter, pursuant to the process for specifying ABCs and ACLs described in this paragraph (a)(4). An ACL based on this ABC shall be determined using the process described in paragraph (a)(4)(i) of this section. Based on information available, NMFS shall project the expected scallop fishery catch of GB and SNE/MA yellowtail flounder for the current fishing year by January 15. If NMFS determines that the scallop fishery will catch less than 90 percent of its GB or SNE/MA yellowtail flounder sub-ACL, the Regional Administrator may reduce the pertinent scallop fishery sub-ACL to the amount projected to be caught, and increase the groundfish fishery sub-ACL by any amount up to the amount reduced from the scallop fishery sub-ACL. The revised GB or SNE/MA yellowtail flounder groundfish fishery sub-ACL shall be distributed to the common pool and sectors based on the process specified in paragraph (a)(4)(iii)(H)(*2*) of this section.

* * * * *

(5) * * *

(iv) * * *

(B) *2017 and 2018 fishing year threshold for implementing the Atlantic sea scallop fishery AMs for Northern windowpane flounder.* For the 2017 and 2018 fishing years only, if scallop fishery catch exceeds the northern windowpane flounder sub-ACL specified in paragraph (a)(4) of this section, and total catch exceeds the overall ACL for that stock, then the applicable scallop fishery AM will take effect, as specified in § 648.64 of the Atlantic sea scallop regulations. For the 2019 fishing year and onward, the threshold for implementing scallop fishery AMs for northern windowpane flounder will return to that listed in paragraph (a)(5)(iv)(A) of this section.

(C) * * *

(D) *2017 through 2020 fishing year threshold for implementing the Atlantic sea scallop fishery AM for GB yellowtail flounder.* For the 2017, 2018, 2019, and 2020 fishing years, if scallop fishery catch exceeds the GB yellowtail flounder sub-ACL specified in paragraph (a)(4) of this section, and total catch exceeds the overall ACL for that stock, then the applicable scallop fishery AM will take effect, as specified in § 648.64 of the Atlantic sea scallop regulations. For the 20212 fishing year and onward, the threshold for implementing scallop fishery AMs for GB yellowtail flounder will return to that listed in paragraph (a)(5)(iv)(A) of this section.

* * * * *

[FR Doc. 2019–07832 Filed 4–18–19; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 84, No. 76
Friday, April 19, 2019

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Advisory Committee on Voluntary Foreign Aid; Notice of the Re-Establishment of the Advisory Committee and Upcoming Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of the re-establishment of the Advisory Committee on Voluntary Foreign Aid (ACVFA).

ACVFA brings together officials from the U.S. Agency for International Development (USAID) and private voluntary organizations (PVOs), representatives from universities, international non-governmental organizations (NGOs), U.S. businesses, and multilateral and private organizations to foster understanding, communication and cooperation in the area of foreign aid. The Administrator of USAID is re-establishing the Committee for two years, effective on the date of the filing of its renewed Charter.

Pursuant to the Federal Advisory Committee Act, notice is also given of a public meeting of ACVFA:

Date: Monday, May 20, 2019.

Time: 2:00–4:00 p.m.

Location: Center for Strategic and International Studies (CSIS), 1616 Rhode Island Avenues NW, Washington, DC 20036.

USAID's leadership will make opening remarks, followed by a presentation and discussion on the importance of the Agency's work in democracy, rights, and governance, and the principles and operations the Agency is considering to support programming in closed and closing spaces. The full meeting agenda will be forthcoming on the ACVFA website, at: *http://www.usaid.gov/who-we-are/organization/advisory-committee.* The meeting is free and open to the public.

For further information, please contact Victoria Whitney, at *vwhitney@usaid.gov* or 202–712–1977. Interested persons may write to her in care of the Office of the Administrator of USAID, at 1300 Pennsylvania Avenue NW, Washington, DC 20523–2110.

Tyrone Brown,

Senior Policy Analyst, Bureau for Management, USAID, U.S. Agency for International Development.

[FR Doc. 2019–07864 Filed 4–18–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Summer Food Service Program

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 a revision of a currently approved information collection for the Summer Food Service Program (SFSP), which allows for the successful operation of SFSP.

DATES: Written comments must be received on or before June 18, 2019.

ADDRESSES: Comments may be sent to Andrea Farmer, Community Meals Branch, Policy and Program Development Division, Child Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, 12th Floor, Alexandria, VA 22302. Comments may be submitted via fax to the attention of Andrea Farmer at 703–305–6294. 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 Andrea Farmer, Community Meals Branch, Policy and Program Development Division, Child Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, 12th Floor, Alexandria, VA 22302.

SUPPLEMENTARY INFORMATION:

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were 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.

Title: Summer Food Service Program (SFSP).

Form Number: None.

OMB Number: 0584–0280.

Expiration Date: August 31, 2019.

Type of Request: Revision of a currently approved collection.

Abstract: SFSP is authorized under section 13 of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1761). The SFSP is directed toward children in low-income areas when school is not in session and is operated locally by approved sponsors. Local sponsors may include public or private non-profit school food authorities (SFAs), public or private non-profit residential summer camps, units of local, municipal, county or State governments, or other private non-profit organizations that develop a special summer program and provide meal service similar to that available to children during the school year under the National School Lunch Program (NSLP) and the School Breakfast Program (SBP).

This is a revision of a currently approved collection. It revises the reporting, recordkeeping, and public disclosure burden as a result of adjustments (*e.g.,* updated number of sponsors of all site types). Current OMB inventory for this collection includes Reporting, Recordkeeping, and Public Disclosure burden that consists of

197,062 hours. As a result of adjustments, the reporting burden decreased from 151,975 to 125,503 hours and recordkeeping burden decreased from 43,758 to 18,620 hours, while the public disclosure burden increased from 1,329 to 1,381 hours. The average burden per response and the annual burden hours for reporting, recordkeeping, and public disclosure are explained below and summarized in the charts which follow.

Affected Public: (a) Individual/Households; (b) Business or Other For Profit; (c) Not-for-Profit; and (d) State, Local and Tribal Government. Respondent groups for this collection include Households, Camps and Other Sites, Sponsors, and State Agencies.

Estimated Number of Respondents: 64,275.

Estimated Number of Responses per Respondent: 6.19963.

Estimated Total Annual Responses: 398,481.

Estimate Time per Response: 0.365147.

Estimated Total Annual Burden: 145,504.

Current OMB Inventory: 197,062.

Difference (Burden Revisions Requested): 51,558.

Refer to the table below for estimated total annual burden for each type of respondent.

Affected public	Estimated number of respondents	Number of responses per respondent	Total annual responses	Estimated total hours per response	Estimated total burden
Reporting					
State Agencies	53	435	23,055	0.709	16,337
Sponsors	5,524	4	21,001	3.110	65,309
Camps and Other Sites	333	1	333	.25	83
Households	58,365	2	116,730	.375	43,774
Total Estimated Reporting Burden	64,275	2.506718	161,119	.778944	125,503
Recordkeeping					
State Agencies	53	145	7,685	.08	615
Sponsors	5,524	41	223,820	.08	17,906
Camps and Other Sites	333	1	333	.3	100
Total Estimated Recordkeeping Burden	5,910	39.22809	231,838	0.080	18,620
Public Disclosure					
Sponsors	5,524	1	5,524	0.25	1,381
Total Estimated Public Disclosure	5,524	1	5,524	0.25	1,381
Total of Reporting, Recordkeeping, and Public Disclosure of SFSP					
Reporting	64,275	2.506718	161,119	.778944	125,503
Recordkeeping	5,910	39.22809	231,838	0.080	18,620
Public Disclosure	5,524	1	5,524	0.25	1,381
Total Burden for SFSP	64,275	6.19963	398,481	.365147	145,504

Dated: April 5, 2019.

Brandon Lipps,

Administrator, Food and Nutrition Service.

[FR Doc. 2019–07941 Filed 4–18–19; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection: Forest Service Law Enforcement & Investigations Ride-Along Program

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the extension of the information collection, Forest Service Law Enforcement & Investigations Ride-Along Program.

DATES: Comments must be received in writing on or before June 18, 2019 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to the Director of Law Enforcement and Investigations, USDA Forest Service, 1400 Independence Avenue SW, Mail Stop 1140, Washington, DC 20250–1140.

Comments also may be submitted via facsimile to 703–605–5114, or by email to Curtis Davis at *curtis.davis@usda.gov.*

The public may inspect comments received at USDA Forest Service Washington Office, Yates Building, 201 14th Street SW, Washington, DC; during normal business hours. Visitors must call ahead to 703–605–4690 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Curtis Davis, Assistant Director for Law Enforcement & Liaison, 703–605–4690.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Forest Service Law Enforcement & Investigations Ride-Along Program.

OMB Number: 0596–0170.

Expiration Date of Approval: July 31, 2019.

Type of Request: Extension.

Abstract: This information collection is necessary for Forest Service Law Enforcement and Investigations (LEI) personnel to authorize a rider who applies to participate in the Ride-Along

Program. The information collection also provides additional protection for LEI personnel who allow authorized riders to accompany them in boats, cars, trucks, or other vehicles. The purpose of this program is for citizens to learn about and observe Forest Service LEI tasks and activities. The program is intended to enhance Forest Service law enforcement community relationships, improve the quality of Forest Service customer service, and provide LEI personnel a recruitment tool. A rider shall complete two forms in order to participate.

Form FS–5300–33 asks for the participant's name, address, social security number, driver's license number, work address, location of the Ride-Along, and the reason for the Ride-Along. Law enforcement officers use form FS–5300–33 to conduct a minimum background check before authorizing a person to ride along.

Form FS–5300–34 is signed by riders to exempt law enforcement officers and the Forest Service from damage, loss, or injury liability incurred during the rider's participation in the program. If the information is not collected, riders will be denied permission to ride along with Forest Service law enforcement personnel.

Estimate of Annual Burden:

FS–5300–33: 4 minutes
FS–5300–34: 4 minutes
Total: 8 minutes

Type of Respondents: Citizens who want to learn about and observe Forest Service Law Enforcement and Investigation (LEI) tasks and activities.

Estimated Annual Number of Respondents: 185.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 25 hours.

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the information collection submission for Office of Management and Budget approval.

Dated: March 27, 2019.

Victoria Christiansen,

Chief, Forest Service.

[FR Doc. 2019–07856 Filed 4–18–19; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Announcement of Application Deadlines and Requirements for Section 313A Guarantees for Bonds and Notes Issued for Utility Infrastructure Loans for Fiscal Year (FY) 2019

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of Solicitation of Applications (NOSA).

SUMMARY: The Rural Utilities Service (RUS), an agency of the United States Department of Agriculture (USDA), announces the application window and requirements and $750 million in loan funding that is available for Fiscal Year (FY) 2019 under the Guarantees for Bonds and Notes Issued for utility infrastructure loans (the 313A Program) authorized under the Rural Electrification Act of 1936, as amended (the RE Act), and related terms. The Agriculture Improvement Act of 2018 (the Farm Bill), enacted on December 20, 2018, amended Section 313A of the RE Act. Applications under this NOSA will be considered under the new statutory provisions. Those provisions supersede any prior inconsistent policy, regulation or guidance. The Farm Bill instructs RUS to continue to carry out this program under a Notice until new regulations are implemented. RUS is developing regulatory changes to implement new Farm Bill provisions related to this program and others. This NOSA implements the new 313A Program provisions until further notice or regulation.

Under the 313A Program, in accordance with the Farm Bill, the Federal Financing Bank (FFB) will make loans to the selected applicant(s) and RUS will guarantee the applicant(s)'s repayment of the loans to FFB. The Farm Bill amended the RE Act to allow selected applicants to use the proceeds of loan funds made available under this NOSA for the 313A Program to make utility infrastructure loans (which includes broadband loans) or to refinance, subject to certain limitations, bonds or notes issued for such purposes to an applicant that has at any time received, or is eligible to receive, a loan under the RE Act. In addition, the Farm Bill amendments to the RE Act removed the prohibition against the use of proceeds of loan funds made available under the 313A Program for projects for the generation of electricity.

DATES: Completed applications must be received or post marked by RUS no later than 5:00 p.m. Eastern Daylight Time (EDT) June 18, 2019.

ADDRESSES: Applicants are required to submit one original and two copies of their loan applications to the U.S. Department of Agriculture, Rural Utilities Service, Electric Program, ATTN: Amy McWilliams, Management Analyst, 1400 Independence Avenue SW, STOP 1568, Room 0226–S, Washington, DC 20250–1568.

FOR FURTHER INFORMATION CONTACT: For further information contact Amy McWilliams, Management Analyst, 1400 Independence Avenue SW, STOP 1568, Room 0226–S, Washington, DC 20250–1568. Telephone: (202) 205–8663; fax: (844) 749–0736; or email: *amy.mcwilliams@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Utilities Service, USDA.

Funding Opportunity Title: Guarantees for Bonds and Notes Issued for Electrification or Telephone Purposes for Fiscal Year (FY) 2019.

Announcement Type: Guarantees for Bonds and Notes.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.850.

Due Date for Applications: Completed applications must be received or post marked by RUS no later than 5:00 p.m. Eastern Daylight Time (EDT) June 18, 2019.

Items in Supplementary Information

I. Funding Opportunity Description.
II. Award Information.
III. Eligibility Information.
IV. Fiscal Year 2019 Application and Submission Information.
V. Application Review Information.
VI. Issuance of the Guarantee.
VII. Guarantee Agreement.
VIII. Reporting Requirements.
IX. Award Administration Information.
X. National Environmental Policy Act Certification.
XI. Other Information and Requirements.
XII. Agency Contacts: website, phone, fax, email, contact name.
XIII. Non-discrimination Statement: USDA non-discrimination statement, how to file a complaint, persons with disabilities.

I. Funding Opportunity Description

A. Purpose and Objectives of the 313A Program

The purpose of the 313A Program is to make guaranteed loans to selected applicants (each referred to as ''Guaranteed Lender'' in this NOSA and in the Program Regulations) that are to be used (i) to make utility infrastructure loans or (ii) to refinance bonds or notes issued for such purposes to a borrower that has at any time received, or is eligible to receive, a loan under the RE Act. Each applicant must provide a statement on how it proposes to use the proceeds of the guaranteed bonds, and the financial benefit it anticipates deriving from participating in the program pursuant to 7 CFR 1720.6(a)(3). Objectives may include, but are not limited to the annual savings to be realized by the ultimate borrower(s) as a result of the applicant's use of lower cost loan funds provided by FFB and guaranteed by RUS.

The Farm Bill has modified the 313A Program by amending the RE Act to allow proceeds of guaranteed bonds awarded under this NOSA to be used to make broadband loans, or to refinance broadband loans, made to a borrower that has received, or is eligible to receive, a broadband loan under Title VI of the RE Act. As a result, to the extent that the proceeds of guaranteed bonds are to be used to fund or refinance broadband loans that were not made by RUS (''Non-RUS Broadband Loans''), such proceeds may only be used for Non-RUS Broadband Loans that would meet the amended eligibility requirements of Title VI pursuant to the 2018 Farm Bill.

The Farm Bill has also modified the 313A Program to allow the proceeds of guaranteed loans made under this NOSA to be used by the Guaranteed Lender to fund projects for the generation of electricity.

B. Statutory Authority

The 313A Program is authorized by Section 313A of the Rural Electrification Act of 1936, as amended (7 U.S.C. 940c–1) (the RE Act) and is implemented by regulations located at 7 CFR part 1720, in accordance with the Farm Bill. The Administrator of RUS (the Administrator) has been delegated responsibility for administering the 313A Program.

C. Definition of Terms

The definitions applicable to this NOSA are published at 7 CFR 1720.3.

D. Application Awards

RUS will review and evaluate applications received in response to this NOSA based on the regulations at 7 CFR 1720.7, and as provided in this NOSA.

II. Award Information

Type of Awards: Guaranteed Loans.

Fiscal Year Funds: FY 2019.

Available Funds: $750 million.

Award Amounts: RUS anticipates making multiple approvals under this NOSA. The number, amount and terms of awards under this NOSA will depend in part on the number of eligible applications and the amount of funds requested. In determining whether or not to make an award, RUS will take overall program policy objectives into account.

Due Date for Applications: See under **SUPPLEMENTARY INFORMATION** section.

Award Date: Awards will be made on or before September 30, 2019.

Schedule of Loan Repayment: The amortization method for the repayment of the guaranteed loan shall be repaid by the Guaranteed Lender: (i) In periodic installments of principal and interest, (ii) in periodic installments of interest and, at the end of the term of the bond or note, as applicable, by the repayment of the outstanding principal, or (iii) through a combination of the methods described in (i) and (ii) above. The amortization method will be agreed to by RUS and the Guaranteed Lender.

III. Eligibility Information

A. Eligible Applicants

1. *To be eligible to participate in the 313A Program, a Guaranteed Lender must be:*

a. A bank or other lending institution organized as a private, not-for-profit cooperative association, or otherwise organized on a non-profit basis;

b. Able to demonstrate to the Administrator that it possesses the appropriate expertise, experience, and qualifications to make loans for utility infrastructure purposes (to the extent that the applicant intends to use the guaranteed loan funds for such purpose); and

c. Able to demonstrate to the Administrator that it has bonds or notes eligible for refinancing under the 313A Program (to the extent that the applicant intends to use the guaranteed loan funds for such purpose).

2. *To be eligible to receive a guarantee, a Guaranteed Lender's bond must meet the following criteria:*

a. The Guaranteed Lender must furnish the Administrator with a certified list of the principal balances of eligible loans outstanding and certify that such aggregate balance is at least equal to the sum of the proposed principal amount of guaranteed bonds to be issued, including any previously issued guaranteed bonds outstanding;

b. The guaranteed bonds to be issued by the Guaranteed Lender would receive an underlying investment grade rating from a Rating Agency, without regard to the guarantee; and

3. A lending institution's status as an eligible applicant does not assure that the Administrator will issue the guarantee sought in the amount or under the terms requested, or otherwise preclude the Administrator from declining to issue a guarantee.

B. Other Eligibility Requirements

Applications will only be accepted from lenders that serve rural areas defined in 7 CFR 1710.2(a) as (i) any area of the United States, its territories and insular possessions (including any area within the Federated States of Micronesia, the Marshall Islands, and the Republic of Palau) other than a city, town, or unincorporated area that has a population of greater than 20,000 inhabitants; and (ii) any area within a service area of a borrower for which a borrower has an outstanding loan as of June 18, 2008, made under titles I through V of the Rural Electrification Act of 1936 (7 U.S.C. 901–950bb). For initial loans to a borrower made after June 18, 2008, the ''rural'' character of an area is determined at the time of the initial loan to furnish or improve service in the area.

IV. Fiscal Year 2019 Application and Submission Information

A. Applications

All applications must be prepared and submitted in accordance with this NOSA and 7 CFR 1720.6 (Application Process). To ensure the proper preparation of applications, applicants should carefully read this NOSA and 7 CFR part 1720 (available online at *http://www.ecfr.gov/cgi-bin/text-idx?SID=9295e45c9a0f6a857d800fbec5dde2fb&mc=true&node=pt7.11.1720&rgn=div5*).

B. Content and Form of Submission

In addition to the required application specified in 7 CFR 1720.6, all applicants must submit the following additional required documents and materials:

1. *Form AD–1047, Certification Regarding Debarment, Suspension, and Other Responsibility Matters Primary Covered Transactions.*

This form contains certain certifications relating to debarment and suspension, convictions, criminal

charges, and the termination of public transactions (See 2 CFR part 417, and 7 CFR 1710.123.) This form is available at *http://www.ocio.usda.gov/policy-directives-records-forms/forms-management/approved-computer-generated-forms;*

2. *Restrictions on Lobbying.*

Applicants must comply with the requirements relating to restrictions on lobbying activities. (See 2 CFR part 418, and 7 CFR 1710.125.) This form is available at *http://www.rd.usda.gov/publications/regulations-guidelines/electric-sample-documents;*

3. *Uniform Relocation Act assurance statement.*

Applicants must comply with 49 CFR part 24, which implements the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. (See 7 CFR 1710.124.) This form is available at *http://www.rd.usda.gov/publications/regulations-guidelines/electric-sample-documents;*

4. *Federal debt delinquency requirements.*

This report indicates whether or not the applicants are delinquent on any Federal debt (See 7 CFR 1710.126 and 7 CFR 1710.501(a)(13)). This form is available at *http://www.rd.usda.gov/publications/regulations-guidelines/electric-sample-documents;*

5. *RUS Form 266, Compliance Assurance.*

Applicants must submit a non-discrimination assurance commitment to comply with certain regulations on non-discrimination in program services and benefits and on equal employment opportunity as set forth in 7 CFR parts 15 and 15b and 45 CFR part 90. This form is available at *http://www.rd.usda.gov/publications/regulations-guidelines/forms-publications;*

6. *Articles of incorporation and bylaws.*

See 7 CFR 1710.501(a)(14). These are required if either document has been amended since the last loan application was submitted to RUS, or if this is the applicant's first application for a loan under the RE Act; and

7. *Form AD–3030, Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applications.*

Corporate applicants are required to complete and submit Form AD–3030 with their applications. This form is available at *http://www.ocio.usda.gov/policy-directives-records-forms/forms-management/approved-computer-generated-forms.*

C. Supplemental Documents for Submission

1. *Cash flow projections and assumptions:*

Each applicant must include five-year pro-forma cash flow projections or business plans and clearly state the assumptions that underlie the projections, demonstrating that there is reasonable assurance that the applicant will be able to repay the guaranteed loan in accordance with its terms (See 7 CFR 1720.6(a)(4)).

2. *Pending litigation statement:*

A statement from the applicant's counsel listing any pending litigation, including levels of related insurance coverage and the potential effect on the applicant, must be submitted to RUS.

V. Application Review Information

A. Application Evaluation

1. *Administrator Review.*

a. Each application will be reviewed by the Administrator to determine whether it is eligible under 7 CFR 1720.5, the information required under 7 CFR 1720.6 is complete, and the proposed guaranteed bond complies with applicable statutes and regulations. The Administrator can at any time reject an application that fails to meet these requirements.

b. Applications will be subject to a substantive review, on a competitive basis, by the Administrator based upon the evaluation factors listed in 7 CFR 1720.7(b).

2. *Decisions by the Administrator.*

The Administrator will approve or deny applications in a timely manner as such applications are received; provided, however, that in order to facilitate competitive evaluation of applications, the Administrator may from time to time defer a decision until more than one application is pending. The Administrator may limit the number of guarantees made to a maximum of five per year, to ensure a sufficient examination is conducted of applicant requests. RUS will notify the applicant in writing of the Administrator's approval or denial of an application. Approvals for guarantees will be conditioned upon compliance with 7 CFR 1720.4 (in accordance with the Farm Bill) and 7 CFR 1720.6. The Administrator reserves the discretion to approve an application for an amount less than that requested.

B. Independent Assessment

Before a guarantee decision is made by the Administrator, the Administrator shall request that FFB review the rating agency determination required by 7 CFR 1720.5(b)(2) as to whether the bond or note to be issued would receive an investment grade rating without regard to the guarantee.

VI. Issuance of the Guarantee

The requirements under this section must be met by the applicant prior to the endorsement of a guarantee by the Administrator (See 7 CFR 1720.8.)

VII. Guarantee Agreement

Each Guaranteed Lender will be required to enter into a Guarantee Agreement with RUS that contains the provisions described in 7 CFR 1720.8 (Issuance of the Guarantee), 7 CFR 1720.9 (Guarantee Agreement), and 7 CFR 1720.12 (Reporting Requirements). The Guarantee Agreement will also obligate the Guaranteed Lender to pay, on an annual basis, a guarantee fee equal to 30 basis points (0.30 percent) of the outstanding principal amount of the guaranteed loan (See 7 CFR 1720.10).

VIII. Reporting Requirements

Guaranteed Lenders are required to comply with the financial reporting requirements and Pledged Collateral review and certification requirements set forth in 7 CFR 1720.12.

IX. Award Administration Information

Award Notices

RUS will send a commitment letter to an applicant once the loan is approved. Applicants must accept and commit to all terms and conditions of the loan which are requested by RUS and FFB as follows:

1. *Compliance conditions.*

In addition to the standard conditions placed on the 313A Program or conditions requested by RUS to ensure loan security and statutory compliance, applicants must comply with the following conditions:

a. Each Guaranteed Lender selected under the 313A Program will be required to post collateral for the benefit of RUS in an amount equal to the aggregate amount of loan advances made to the Guaranteed Lender under the 313A Program.

b. The pledged collateral (the Pledged Collateral) shall consist of outstanding notes or bonds payable to the Guaranteed Lender (the Eligible Securities) and shall be placed on deposit with a collateral agent for the benefit of RUS. To be deemed Eligible Securities that can be pledged as collateral, the notes or bonds to be pledged (i) cannot be classified as non-performing, impaired, or restructured under generally accepted accounting principles, (ii) must be free and clear of all liens other than the lien created for

the benefit of RUS, (iii) cannot be comprised of more than 30% of bonds or notes from generation and transmission borrowers, (iv) cannot have more than 5% of notes and bonds be from any one particular borrower and (v) cannot be unsecured notes.

c. The Guaranteed Lender will be required to place a lien on the Pledged Collateral in favor of RUS (as secured party) at the time that the Pledged Collateral is deposited with the collateral agent. RUS will have the right, in its sole discretion, within 14 business days to reject and require the substitution of any Pledged Collateral that the Guaranteed Lender deposits as collateral with the collateral agent. Prior to receiving any advances under the 313A Program, the Guaranteed Lender will be required to enter into a pledge agreement, satisfactory to RUS, with a banking institution serving as collateral agent.

d. The Guaranteed Lender will be required to maintain Pledged Collateral at a level that is sufficient to ensure that in the event of default resources will be available to cover principal, interest, fees and reasonable expenses incurred by RUS as a result of a default or incurred pursuant to RUS's obligation to make related payments to FFB on all guarantees issued by RUS to FFB for the benefit of the Guaranteed Lender under Section 313A of the RE Act. The Guaranteed Lender will also be required to agree that the Pledged Collateral can be used for such purposes.

e. The Guaranteed Lender will be required to agree to not to take any action that would have the effect of reducing the value of the pledged collateral below the level described above.

f. Applicants must certify to the RUS, the portion of their loan portfolio that is:

(1) Refinanced RUS debt;

(2) Debt of borrowers for whom both RUS and the applicants have outstanding loans; and

(3) Debt of borrowers for whom both RUS and the applicant have outstanding concurrent loans pursuant to Section 307 of the RE Act, and the amount of Eligible Loans.

2. *Compliance with Federal Laws.*

Applicants must comply with all applicable Federal laws and regulations.

a. This obligation is subject to the provisions contained in the Consolidated Appropriations Act, 2018, Public Law 115–141, Division E, Title VII, Sections 745 and 746, as amended and/or subsequently enacted for USDA agencies and offices, regarding the prohibition against RUS making awards to applicants having corporate felony convictions within the past 24 months or to applicants having corporate federal tax delinquencies.

b. An authorized official within your organization must execute, date, and return the loan commitment letter and the Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants (Form AD–3031) to RUS within 14 calendar days from the date of the loan commitment letter, or by September 27, 2019, if the loan is approved after September 13, 2019; otherwise, the commitment will be void. This form is available at *http://www.ocio.usda.gov/policy-directives-records-forms/forms-management/approved-computer-generated-forms.*

c. Uniform Commercial Code (UCC) Filing. The Borrower must provide RUS with evidence that the Borrower has filed the UCC financing statement required by 7 CFR 1720.8(a)(2). Upon filing of the appropriate UCC financing statement, the Guaranteed Lender will provide RUS with a perfection opinion by outside counsel which demonstrates that RUS's security interest in the pledged collateral under the Pledge Agreement is perfected.

d. Additional conditions may be instituted for future obligations.

X. National Environmental Policy Act Certification

For any proceeds to be used to refinance bonds and notes previously issued by the Guaranteed Lender for the RE Act purposes that are not obligated with specific projects, RUS has determined that these financial actions will not individually or cumulatively have a significant effect on the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR parts 1500–1508. However, for any new projects funded through the 313A Program, applicants must consult with RUS and comply with the Agency regulations at 7 CFR part 1970.

XI. Other Information and Requirements

Applications must contain all the required elements of this NOSA and all standard requirements as required by 7 CFR part 1720. Additional supporting data or documents may be required by RUS depending on the individual application or financial conditions. All applicants must comply with all Federal Laws and Regulations.

XII. Agency Contacts

A. Website: https://www.rd.usda.gov/contact-us/national-office/rus.

B. Phone: (202) 205–8663.

C. Fax: (844) 749–0736.

D. Email: amy.mcwilliams@wdc.usda.gov.

E. Main point of contact: Amy McWilliams, Management Analyst, 1400 Independence Avenue SW, STOP 1568, Room 0226–S, Washington, DC 20250–1568.

XIII. USDA Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027. Individuals wishing to file a discrimination complaint may use the form available at *http://www.ocio.usda.gov/policy-directives-records-forms/forms-management/approved-computer-generated-forms* and at any USDA office, or may write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410;

(2) *Fax:* (202) 690–7442; or

(3) *Email: program.intake@usda.gov.*

USDA is an equal opportunity provider, employer, and lender.

Authority: 7 U.S.C. 940c–1.

Dated: April 11, 2019.

Chad Rupe,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2019–07900 Filed 4–18–19; 8:45 am]

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–70–2018]

Foreign-Trade Zone (FTZ) 52—Suffolk, County, New York; Authorization of Production Activity; LNK International, Inc. (Pharmaceutical Products), Hauppauge, New York

On November 5, 2018, Suffolk County, New York, grantee of FTZ 52, submitted a notification of proposed production activity to the FTZ Board on behalf of LNK International, Inc., within Subzone 52B, in Hauppauge, New York.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (83 FR 56800, November 14, 2018). On April 15, 2019, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: April 15, 2019.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2019–07907 Filed 4–18–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–71–2018]

Foreign-Trade Zone (FTZ) 230—Greensboro, North Carolina; Authorization of Production Activity; Patheon Softgels (Pharmaceutical Products), High Point, North Carolina

On November 7, 2018, The Piedmont Triad Partnership, grantee of FTZ 230, submitted a notification of proposed production activity to the FTZ Board on behalf of Patheon Softgels, within Subzone 230C in High Point, North Carolina.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (83 FR 57409, November 15, 2018). On April 16, 2019, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: April 16, 2019.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2019–07908 Filed 4–18–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–867]

Large Power Transformers From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that Hyosung Corporation (Hyosung) and Hyundai Heavy Industries Co., Ltd. and Hyundai Electric & Energy Systems Co. (collectively, Hyundai) made sales of large power transformers from the Republic of Korea (Korea) at less than normal value during the period of review (POR) August 1, 2016, through July 31, 2017.

DATES: Applicable April 19, 2019.

FOR FURTHER INFORMATION CONTACT: John Drury (Hyosung) or Joshua DeMoss (Hyundai), AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0195 or (202) 482–3362, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 7, 2018, Commerce published the *Preliminary Results*.[1] A summary of the events that occurred since Commerce published these preliminary results, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum, which is hereby adopted by this notice.[2]

The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and it is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018, through the resumption of operations on January 29, 2019.[3] If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the final results of this review is now April 12, 2019.

Scope of the Order

The scope of this order covers large liquid dielectric power transformers (LPTs) having a top power handling capacity greater than or equal to 60,000 kilovolt amperes (60 megavolt amperes), whether assembled or unassembled, complete or incomplete. The merchandise subject to the order is currently classified in the Harmonized Tariff Schedule of the United States at subheadings 8504.23.0040, 8504.23.0080, and 8504.90.9540. For a complete description of the scope of the order, *see* the accompanying Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum. For a list of the issues raised by parties, *see* the Appendix to this notice.

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[1] *See Large Power Transformers from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2016–2017,* 83 FR 45415 (September 7, 2018) (*Preliminary Results*).

[2] *See* Memorandum to Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, entitled ''Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Large Power Transformers from the Republic of Korea; 2016–2017,'' dated concurrently with this notice (Issues and Decision Memorandum).

[3] *See* memorandum to the Record from 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, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

Changes Since the Preliminary Results

Commerce has made no changes to the *Preliminary Results* with respect to Hyundai. As stated in the *Preliminary Results,* we found that the application of total facts otherwise available with adverse inferences to Hyundai's weighted-average dumping margin, pursuant to sections 776(a) and (b) of the Tariff Act of 1930, as amended, (the Act), was warranted.

Based on our review of the record and comments received from interested parties, we made certain changes to the margin calculations for Hyosung. For Hyosung, Commerce has relied on partial adverse facts available under section 776(a)(1) of the Act with respect to general and administrative (G&A) expenses, indirect selling expenses, and document acceptance charges. As a result of these changes, the weighted-average dumping margin also changes for the three companies not selected for individual examination.

Final Results of the Review

The final weighted-average dumping margins are as follows:

Producer or exporter	Weighted-average dumping margin (percent)
Hyosung Corporation	15.74
Hyundai Heavy Industries Co., Ltd./ Hyundai Electric & Energy Systems Co., Ltd	60.81
Iljin Electric Co., Ltd	15.74
Iljin	15.74
LSIS Co., Ltd	15.74

Disclosure

We will disclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b).

Assessment Rate

The Department shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries.[4] For any individually examined respondents whose weighted-average dumping margin is above *de minimis,* we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). Upon issuance of the final results of this administrative review, if any importer-specific assessment rates calculated in the final results are above *de minimis* (*i.e.,* at or above 0.5 percent), the Department will issue instructions directly to CBP to assess antidumping duties on appropriate entries.

To determine whether the duty assessment rates covering the period were *de minimis,* in accordance with the requirement set forth in 19 CFR 351.106(c)(2), for each respondent we calculated importer (or customer)-specific *ad valorem* rates by aggregating the amount of dumping calculated for all U.S. sales to that importer or customer and dividing this amount by the total entered value of the sales to that importer (or customer). Where an importer (or customer)-specific *ad valorem* rate is greater than *de minimis,* and the respondent has reported reliable entered values, we will apply the assessment rate to the entered value of the importer's/customer's entries during the POR.

With regard to Hyosung, as explained in our Issues and Decision Memorandum, we find that Hyosung has provided sufficient evidence, based on the totality of the circumstances under Commerce's successor-in-interest criteria, to demonstrate that Hyosung Heavy Industries Corporation (HIIC) is the successor-in-interest to Hyosung. After the publication of these final results, we intend to issue liquidation instructions covering entries made by Hyosung during the POR at the rate established in these final results.

We intend to issue assessment instructions directly to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of this notice for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of these final results, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for respondents noted above will be equal to the weighted-average dumping margins established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 22.00 percent, the all-others rate established in the less-than-fair-value investigation.[5] These cash deposit requirements, when imposed, shall remain in effect until further notice.

As explained above, we find that Hyosung has provided sufficient evidence, based on the totality of the circumstances under Commerce's successor-in-interest criteria, to demonstrate that HIIC is the successor-in-interest to Hyosung. Accordingly, effective the date of publication of these final results, we intend to instruct CBP to begin collecting deposits from HHIC at the rate assigned to Hyosung pursuant to these final results.

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties did occur and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/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.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19

[4] In these final results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[5] *See Large Power Transformers from the Republic of Korea: Antidumping Duty Order,* 77 FR 53177 (August 31, 2012).

CFR 351.213(h) and 19 CFR 351.221(b)(5).

Dated: April 12, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. List of Issues
III. Background
IV. Scope of the Order
V. Application of Adverse Facts Available
VI. Discussion of the Issues

A. Hyundai-Specific Issues

Comment 1: Reliability of Hyundai's Cost Data
Comment 2: Hyundai's Cost Reconciliation
Comment 3: An Adverse Inference is Not Warranted
Comment 4: Moot Issues

B. Hyosung-Specific Issues

Comment 5: Ministerial Errors
Comment 6: Service Related Revenue Capping and Order Acknowledgement Form
Comment 7: U.S. Indirect Selling and General and Administrative Expenses
Comment 8: Whether Commerce's Preliminary Results G&A Expense Adjustment was Appropriate
Comment 9: Variable Overhead Expenses
Comment 10: Costs of Spare Parts
Comment 11: Packing Costs
Comment 12: Scrapped Materials
Comment 13: Product Codes and Home Market Sales
Comment 14: Product Codes and U.S. Sales
Comment 15: Product Codes and ''VOH3B'' Cost Variances
Comment 16: Warranty Expenses
Comment 17: Depreciation Costs
Comment 18: Document Acceptance Charge
Comment 19: Interest Expense Ratio
Comment 20: Brokerage Expenses
Comment 21: Effective Date of the Deposit Rate
Comment 22: Successor in Interest
Comment 23: Cost Variances
Comment 24: Constructed Export Price Offset
Comment 25: Constructed Value for Normal Value

C. General Issues

Comment 26: Rate for Non-selected Respondents
VII. Recommendation

[FR Doc. 2019–07909 Filed 4–18–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Meeting of the Civil Nuclear Trade Advisory Committee

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the Civil Nuclear Trade Advisory Committee (CINTAC).

DATES: The meeting is scheduled for Monday, May 6, 2019, from 2:00 p.m. to 4:00 p.m. Eastern Daylight Time (EDT). The deadline for members of the public to register to participate, including requests to make comments during the meeting and for auxiliary aids, or to submit written comments for dissemination prior to the meeting, is 5:00 p.m. EDT on Thursday, May 2, 2019.

ADDRESSES: The meeting will be held via conference call. The call-in number and passcode will be provided by email to registrants. Requests to register to participate (including to speak or for auxiliary aids) and any written comments should be submitted to: Mr. Devin Horne, Office of Energy & Environmental Industries, International Trade Administration, Room 28018, 1401 Constitution Ave. NW, Washington, DC 20230. (Fax: 202–482–5665; email: *devin.horne@trade.gov*). Members of the public are encouraged to submit registration requests and written comments via email to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT: Mr. Devin Horne, Office of Energy & Environmental Industries, International Trade Administration, Room 28018, 1401 Constitution Ave. NW, Washington, DC 20230. (Phone: 202–482–0775; Fax: 202–482–5665; email: *devin.horne@trade.gov*).

SUPPLEMENTARY INFORMATION:

Background: The Secretary of Commerce established CINTAC under discretionary authority and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.). The Department of Commerce identified a need for consensus advice from U.S. industry to the U.S. Government regarding the development and administration of programs to expand U.S. exports of civil nuclear goods and services in accordance with applicable U.S. laws and regulations, including advice on how U.S. civil nuclear goods and services export policies, programs, and activities will affect the U.S. civil nuclear industry's competitiveness and ability to participate in the international market.

The Department of Commerce renewed the CINTAC charter on August 10, 2018. This meeting is being convened under the sixth charter of the CINTAC.

Topics to be considered: The agenda for the Monday, May 6, 2019, CINTAC meeting is as follows: Discussion of activities related to the U.S. Department of Commerce's Civil Nuclear Trade Initiative and establishment of CINTAC subcommittees.

Members of the public wishing to attend the meeting must notify Mr. Devin Horne at the contact information above by 5:00 p.m. EDT on Thursday, May 2, 2019 in order to pre-register to participate. Please specify any requests for reasonable accommodation at least five business days in advance of the meeting. Last minute requests will be accepted, but may not be possible to fill. A limited amount of time will be available for brief oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of 20 minutes. Individuals wishing to reserve speaking time during the meeting must contact Mr. Horne and submit a brief statement of the general nature of the comments and the name and address of the proposed participant by 5:00 p.m. EDT on Thursday, May 2, 2019. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, ITA may conduct a lottery to determine the speakers.

Any member of the public may submit written comments concerning the CINTAC's affairs at any time before and after the meeting. Comments may be submitted to the Civil Nuclear Trade Advisory Committee, Office of Energy & Environmental Industries, Room 28018, 1401 Constitution Ave. NW, Washington, DC 20230. For consideration during the meeting, and to ensure transmission to the Committee prior to the meeting, comments must be received no later than 5:00 p.m. EDT on Thursday, May 2, 2019. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of CINTAC meeting minutes will be available within 90 days of the meeting.

Dated: April 15, 2019.

Man Cho,

Deputy Director, Office of Energy and Environmental Industries.

[FR Doc. 2019–07863 Filed 4–18–19; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–828]

Stainless Steel Butt-Weld Pipe Fittings From Italy: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2017–2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily finds that Filmag Italia Spa (Filmag) did not make sales of stainless steel butt-weld pipe fittings (SSBW pipe fittings) from Italy at less than normal value during the period of review (POR) February 1, 2017, through January 31, 2018. In addition, we are rescinding the review in part with respect to one company for which the request for review was timely withdrawn. Interested parties are invited to comment on these preliminary results.

DATES: Applicable April 19, 2019.

FOR FURTHER INFORMATION CONTACT: John Drury or Kent Boydston, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0195 or (202) 482–5649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 16, 2018, Commerce published in the **Federal Register** the notice of initiation of an administrative review of the AD order on SSBW pipe fittings from Italy for the period February 1, 2017, through January 31, 2018.[1] Commerce initiated a review with respect to two companies, Filmag and Tectubi Raccordi Spa (Tectubi). On April 26, 2018, Tectubi certified that it had no shipments of subject merchandise to the United States during the review period. On May 14, 2018, the petitioners, Core Pipe Products, Inc., Shaw Alloy Piping Products, LLC, and Taylor Forge Stainless Inc., withdrew their request for an administrative review of Tectubi.

On October 31, 2018, Commerce extended the preliminary results of review until February 8, 2019.[2] Additionally, Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018, through the resumption of operations on January 29, 2019. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day.[3] On March 15, 2019, Commerce extended the preliminary results of review until April 9, 2019.

For a complete description of the events that followed the initiation of the review, *see* the Preliminary Decision Memorandum.[4] A list of topics included in the Preliminary Decision Memorandum is included at the Appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and to all parties in the Central Records Unit, located in Room B8094 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Order

The merchandise covered by the order is certain stainless steel butt-weld pipe fittings from Italy.[5] A full description of the scope of the order is contained in the Preliminary Decision Memorandum, which is issued concurrently with these results and hereby adopted by this notice.

Partial Rescission of Administrative Review

In the *Initiation Notice,* we initiated a review of two companies. Subsequently, the petitioner withdrew its request for review of Tectubi. No other parties had requested a review of this company. Thus, in response to the petitioner's timely filed withdrawal request and pursuant to 19 CFR 351.213(d)(1), we are rescinding the administrative review with respect to Tectubi.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Act. In addition, Commerce has relied on partial adverse facts available under section 776(a)–(b) of the Act. For a full description of the methodology underlying the preliminary results, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

We preliminarily determine that, for the period February 1, 2017, through January 31, 2018, the following dumping margin exists:

Producer/exporter	Weighted-average dumping margin (percent)
Filmag Italia Spa	0.00

Disclosure and Public Comment

Commerce intends to disclose to parties to the proceeding any calculations performed in connection with these preliminary results of review within five days after the date of publication of this notice.[6] Interested parties may submit case briefs to Commerce in response to these preliminary results no later than 30 days after the publication of these preliminary results.[7] Rebuttal briefs, the content of which is limited to the issues raised in the case briefs, must be filed within five days from the deadline date for the submission of case briefs.[8]

Parties who submit arguments in this proceeding are requested to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[9] Case and rebuttal briefs should be filed using ACCESS,[10] and must be served on

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 16298 (April 16, 2018).

[2] *See* Memorandum to James Maeder, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, from Kent C. Boydston, International Trade Compliance Analyst, Office VI, ''Stainless Steel Butt-Weld Pipe Fittings from Italy: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2017–2018,'' dated October 31, 2018.

[3] *See* Memorandum to the file from 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 regarding ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review: Stainless Steel Butt-Weld Pipe Fittings from Italy,'' dated concurrently with this notice (Preliminary Decision Memorandum).

[5] *See Antidumping Duty Orders: Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines,* 66 FR 11257 (February 23, 2001).

[6] *See* 19 CFR 351.224(b)

[7] *See* 19 CFR 351.309(c)(1)(ii).

[8] *See* 19 CFR 351.309(d)(1) and (2).

[9] *See* 19 CFR 351.309(c)(2).

[10] *See generally* 19 CFR 351.303.

interested parties.[11] Executive summaries should be limited to five pages total, including footnotes.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days of the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues parties intend to discuss. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a date and time to be determined.[12] Parties should confirm the date, time, and location of the hearing by telephone two days before the scheduled date.

Commerce intends to publish the final results of this administrative review, including the results of its analysis of issues addressed in any case or rebuttal brief, no later than 120 days after publication of these preliminary results, unless extended.[13]

Assessment Rates

Upon completion of the administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[14] The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[15] We intend to issue instructions to CBP 15 days after the publication date of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Filmag will be that established in the final results of this administrative review; (2) for previously reviewed or investigated companies, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or in the investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recent review period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be the all-others rate of 26.59 percent, the rate established in the investigation of this proceeding.[16] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a 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. We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: April 9, 2019.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Application of Partial Facts Available and Use of Adverse Inference
5. Application of Partial Adverse Facts Available (AFA) Due to Unreported Commission Expenses
6. Partial Rescission of Administrative Review
7. Discussion of the Methodology
   A. Comparisons to Normal Value
   B. Product Comparisons
   a. Determination of Comparison Method
   b. Results of Differential Pricing Analysis
   C. Date of Sale
   D. Export Price
   E. Normal Value
   a. Home Market Viability
   b. Level of Trade
   c. Cost of Production
   1. Calculation of Cost of Production
   2. Test of Comparison Market Sales Prices
   3. Results of the Cost of Production Test
   d. Calculation of Normal Value Based on Comparison Market Prices
   e. Price-to-Constructed Value Comparison
   F. Currency Conversion
8. Recommendation

[FR Doc. 2019–07924 Filed 4–18–19; 8:45 am]

BILLING CODE 3510–DS–P

[11] *See* 19 CFR 351.303(f).

[12] *See* 19 CFR 351.310(d).

[13] *See* section 751(a)(3)(A) of the Act; 19 CFR 351.213(h).

[14] *See* 19 CFR 351.212(b).

[15] *See* section 751(a)(2)(C) of the Act.

[16] *See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Butt-Weld Pipe Fittings from Italy,* 65 FR 81830 (December 27, 2000).

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Visiting Committee on Advanced Technology

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: National Institute of Standards and Technology (NIST)'s Visiting Committee on Advanced Technology (VCAT or Committee) will meet on Tuesday, June 4, 2019, from 8:30 a.m. to 5:00 p.m. Eastern Time, and Wednesday, June 5, 2019, from 8:30 a.m. to 12:00 p.m. Eastern Time.

DATES: The VCAT will meet on Tuesday, June 4, 2019, from 8:30 a.m. to 5:00 p.m. and Wednesday, June 5, 2019, from 8:30 a.m. to 12:00 p.m. Eastern Time.

ADDRESSES: The meeting will be held in the Portrait Room, Administration Building, at NIST, 100 Bureau Drive, Gaithersburg, Maryland 20899 with an option to participate via webinar. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Stephanie Shaw, VCAT, NIST, 100 Bureau Drive, Mail Stop 1060, Gaithersburg, Maryland 20899–1060, telephone number 301–975–2667. Ms. Shaw's email address is *stephanie.shaw@nist.gov.*

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. 278, as amended, and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the VCAT will meet on Tuesday, June 4, 2019, from 8:30 a.m. to 5:00 p.m. Eastern Time, and Wednesday, June 5, 2019, from 8:30 a.m. to 12:00 p.m. Eastern Time. The meeting will be open to the public. The VCAT is composed of not fewer than 9 members appointed by the NIST Director, eminent in such fields as business, research, new

product development, engineering, labor, education, management consulting, environment, and international relations. The primary purpose of this meeting is for the VCAT to review and make recommendations regarding general policy for NIST, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. The agenda will include an update on major programs at NIST. In addition, the meeting will include presentations and discussions on the future of neutron facilities at NIST. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST website at *http://www.nist.gov/director/vcat/agenda.cfm.*

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's business are invited to request a place on the agenda. Approximately one-half hour will be reserved for public comments and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received but, is likely to be about 3 minutes each. The exact time for public comments will be included in the final agenda that will be posted on the NIST website at *http://www.nist.gov/director/vcat/agenda.cfm.* Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to VCAT, NIST, 100 Bureau Drive, MS 1060, Gaithersburg, Maryland 20899, via fax at 301–216–0529 or electronically by email to *stephanie.shaw@nist.gov.*

All visitors to the NIST site are required to pre-register to be admitted. Please submit your name, time of arrival, email address, and phone number to Stephanie Shaw by 5:00 p.m. Eastern Time, Tuesday, May 28, 2019. Non-U.S. citizens must submit additional information; please contact Ms. Shaw. Ms. Shaw's email address is *stephanie.shaw@nist.gov* and her phone number is 301–975–2667. For participants attending in person, please note that federal agencies, including NIST, can only accept a state-issued driver's license or identification card for access to federal facilities if such license or identification card is issued by a state that is compliant with the REAL ID Act of 2005 (Pub. L. 109–13), or by a state that has an extension for REAL ID compliance. NIST currently accepts other forms of federal-issued identification in lieu of a state-issued driver's license. For detailed information please contact Ms. Shaw at 301–975–2667 or visit: *http://nist.gov/public_affairs/visitor/.* For participants attending via webinar, please contact Ms. Shaw at 301–975–2667 for detailed instructions on how to join the webinar.

Kevin A. Kimball,

Chief of Staff.

[FR Doc. 2019–07859 Filed 4–18–19; 8:45 am]

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DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

NIST Smart Grid Advisory Committee Meeting

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Institute of Standards and Technology (NIST) Smart Grid Advisory Committee (SGAC or Committee) will meet in open session on Tuesday, June 4, 2019 from 8:30 a.m. to 5:00 p.m. Eastern time and Wednesday, June 5, 2019 from 8:30 a.m. to 2:00 p.m. Eastern time. The primary purposes of this meeting are to discuss the draft NIST Framework and Roadmap for Smart Grid Interoperability Standards, Release 4.0 and provide updates on NIST Smart Grid activities, and the intersections with Cyber-Physical Systems program activities. The agenda may change to accommodate Committee business. The final agenda will be posted on the Smart Grid website at *http://www.nist.gov/smartgrid.*

DATES: The SGAC will meet on Tuesday, June 4, 2019 from 8:30 a.m. to 5:00 p.m. Eastern time and Wednesday, June 5, 2019 from 8:30 a.m. to 2:00 p.m. Eastern time.

ADDRESSES: The meeting will be held in the West Square Conference Room, Building 101 (Administration), National Institute of Standards and Technology, 100 Bureau Drive, Gaithersburg, Maryland 20899. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Mr. Cuong Nguyen, Smart Grid and Cyber-Physical Systems Program Office, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8200, Gaithersburg, MD 20899–8200; telephone 301–975–2254, fax 301–948–5668; or via email at *cuong.nguyen@nist.gov.*

SUPPLEMENTARY INFORMATION: The Committee was established in accordance with the Federal Advisory Committee Act, as amended, 5 U.S.C. App. The Committee is composed of nine to fifteen members, appointed by the Director of NIST, who were selected on the basis of established records of distinguished service in their professional community and their knowledge of issues affecting Smart Grid deployment and operations. The Committee advises the Director of NIST in carrying out duties authorized by section 1305 of the Energy Independence and Security Act of 2007 (Pub. L. 110–140). The Committee provides input to NIST on Smart Grid standards, priorities, and gaps, on the overall direction, status, and health of the Smart Grid implementation by the Smart Grid industry, and on the direction of Smart Grid research and standards activities. Background information on the Committee is available at *http://www.nist.gov/smartgrid/.*

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the NIST Smart Grid Advisory Committee (SGAC or Committee) will meet in open session on Tuesday, June 4, 2019 from 8:30 a.m. to 5:00 p.m. Eastern time and Wednesday, June 5, 2019 from 8:30 a.m. to 2:00 p.m. Eastern time. The meeting will be held in the West Square Conference Room, Building 101 (Administration), National Institute of Standards and Technology, 100 Bureau Drive, Gaithersburg, Maryland 20899. The primary purposes of this meeting are to discuss the draft NIST Framework and Roadmap for Smart Grid Interoperability Standards, Release 4.0 and provide updates on NIST Smart Grid activities, and the intersections with Cyber-Physical Systems program activities. The agenda may change to accommodate Committee business. The final agenda will be posted on the Smart Grid website at *http://www.nist.gov/smartgrid.*

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request a place on the agenda by submitting their request to Cuong Nguyen at *cuong.nguyen@nist.gov* or (301) 975–2254 no later than 5:00 p.m. Eastern time, Tuesday, May 21, 2019. On Wednesday, June 5, 2019, approximately one-half hour will be reserved at the end of the meeting for public comments, and speaking times

will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about three minutes each. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to Mr. Cuong Nguyen, Smart Grid and Cyber-Physical Systems Program Office, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8200, Gaithersburg, MD 20899–8200; telephone 301–975–2254, fax 301–948–5668; or via email at *cuong.nguyen@nist.gov.*

All visitors to the NIST site are required to pre-register to be admitted. Anyone wishing to attend this meeting must register by 5:00 p.m. Eastern time, Tuesday, May 21, 2019, in order to attend. Please submit your full name, time of arrival, email address, and phone number to Cuong Nguyen. Non-U.S. citizens must submit additional information; please contact Mr. Nguyen. Mr. Nguyen's email address is *cuong.nguyen@nist.gov* and his phone number is (301) 975–2254. For participants attending in person, please note that federal agencies, including NIST, can only accept a state-issued driver's license or identification card for access to federal facilities if such license or identification card is issued by a state that is compliant with the REAL ID Act of 2005 (Pub. L. 109–13), or by a state that has an extension for REAL ID compliance. NIST currently accepts other forms of federal-issued identification in lieu of a state-issued driver's license. For detailed information, please contact Mr. Nguyen or visit: *https://www.nist.gov/about-nist/visit.*

Kevin A. Kimball,

Chief of Staff.

[FR Doc. 2019–07858 Filed 4–18–19; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG973

General Advisory Committee to the U.S. Section to the Inter-American Tropical Tuna Commission and Scientific Advisory Subcommittee to the General Advisory Committee; Meeting Announcement

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

ACTION: Notice of public meeting.

SUMMARY: NMFS announces a public meeting of the General Advisory Committee to the U.S. Section to the Inter-American Tropical Tuna Commission on June 5, 2019, and a public meeting of the Scientific Advisory Subcommittee to the General Advisory Committee on June 4, 2019. The meeting topics are described under the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The meeting of the Scientific Advisory Subcommittee (SAS) to the General Advisory Committee (GAC) will be held on June 4, 2019, from 10:00 a.m. to 5 p.m. PDT (or until business is concluded). The meeting of the GAC will be held on June 5, 2019, from 8:30 a.m. to 5 p.m. PDT (or until business is concluded).

ADDRESSES: The GAC and SAS meetings will be held in the Pacific Conference Room (Room 300) at NMFS, Southwest Fisheries Science Center, 8901 La Jolla Shores Drive, La Jolla, California 92037–1508. Please notify Taylor Debevec (see **FOR FURTHER INFORMATION CONTACT**) by May 24, 2019, if you plan to attend either or both meetings in person or remotely. The meetings will be accessible by webinar—instructions will be emailed to meeting participants.

FOR FURTHER INFORMATION CONTACT: Taylor Debevec, West Coast Region, NMFS, at *Taylor.Debevec@noaa.gov,* or at (562) 980–4066.

SUPPLEMENTARY INFORMATION: In accordance with the Tuna Conventions Act (16 U.S.C. 951 *et seq.*), the U.S. Department of Commerce, in consultation with the Department of State (the State Department), appoints a GAC to the U.S. Section to the IATTC and a SAS that advises the GAC. The U.S. Section consists of the four U.S. Commissioners to the IATTC and representatives of the State Department, NOAA, Department of Commerce, other U.S. Government agencies, and stakeholders. The GAC advises the U.S. Section with respect to U.S. participation in the work of the IATTC, focusing on the development of U.S. policies, positions, and negotiating tactics. The purpose of the SAS is to advise the GAC on scientific matters. NMFS West Coast Region staff provide administrative support for the GAC and SAS. The meetings of the GAC and SAS are open to the public, unless in executive session. The time and manner of public comment will be at the discretion of the Chairs for the GAC and SAS.

The 94th meeting of the IATTC, the 39th Meeting of the Parties to the Agreement on the International Dolphin Conservation Program (AIDCP), and IATTC and AIDCP working group meetings are expected to be held from July 15 to July 26, 2019, in Bilbao, Spain. For more information on these meetings, please visit the IATTC's website: *https://www.iattc.org/MeetingsENG.htm.*

GAC and SAS Meeting Topics

The SAS meeting topics will include, but are not limited to, the following:

(1) Outcomes of the 2019 meeting of the Scientific Advisory Committee (SAC) to the IATTC (*e.g.,* stock status updates for tuna, tuna-like species, and other species caught in association with those fisheries in the eastern Pacific Ocean);

(2) Evaluation of the IATTC staff's recommended conservation measures for 2019;

(3) Issues related to non-target species, such as sharks, seabirds, sea turtles;

(4) Evaluation of U.S. proposals for the 94th meeting of the IATTC and proposals from other IATTC members; and

(5) Other issues as they arise.

The GAC meeting topics will include, but are not limited to, the following:

(1) Outcomes of the 2019 meeting of the SAC to the IATTC (*e.g.,* stock status updates for tuna, tuna-like species, and other species caught in association with those fisheries in the eastern Pacific Ocean);

(2) Issues related to non-target species, such as sharks, seabirds, sea turtles;

(3) Recommendations and evaluations by the SAS;

(4) Recommendations to the U.S. Section on issues that may arise at the 94th meeting of the IATTC, including the IATTC staff's recommended conservation measures, U.S. proposals, and proposals from other IATTC members; and

(5) Other issues as they arise.

Special Accommodations

The meeting location is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Taylor Debevec (see **FOR FURTHER INFORMATION CONTACT**) by May 16, 2019.

Authority: 16 U.S.C. 951 *et seq.*

Dated: April 16, 2019.

Alan D. Risenhoover,

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

[FR Doc. 2019–07918 Filed 4–18–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Recruitment of First Responder Network Authority Board Members

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice; reopening of application window.

SUMMARY: On March 19, 2019, the National Telecommunications and Information Administration (NTIA) published a notice seeking expressions of interest in an appointment to the Board of the First Responder Network Authority (FirstNet). The notice established a deadline of April 18, 2019 for the transmittal of expressions of interest. This notice reopens the period for submission of expressions of interest until April 26, 2019.

DATES: Expressions of interest must be postmarked or electronically transmitted on or before April 26, 2019.

ADDRESSES: Persons wishing to submit expressions of interest as described below should send that information to: Michael Dame, Deputy Associate Administrator of NTIA's Office of Public Safety Communications, by email to *FirstNetBoardApplicant@ntia.gov*; or by U.S. mail or commercial delivery service to: Office of Public Safety Communications, National Telecommunications and Information Administration, 1401 Constitution Avenue NW, Room 4078, Washington, DC 20230. Please note that all material sent via the U.S. Postal Service (including ''Overnight'' or ''Express Mail'') is subject to delivery delays of up to two weeks due to mail security procedures.

FOR FURTHER INFORMATION CONTACT: Michael Dame, Deputy Associate Administrator, Office of Public Safety Communications, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 4078, Washington, DC 20230; telephone: (202) 482–1181; email: *mdame@ntia.gov.* Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002.

SUPPLEMENTARY INFORMATION: On March 19, 2019, NTIA published a notice seeking expressions of interest in an appointment to the FirstNet Board. *See* Notice, Recruitment of First Responder Network Authority Board Members, 84 FR 10047 (Mar. 19, 2019). The notice established a deadline of April 18, 2019 for the transmittal of expressions of interest. To ensure that all interested parties have an opportunity to submit expressions of interest, NTIA through this notice reopens the submission period until April 26, 2019.

Dated: April 16, 2019.

Kathy Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2019–07926 Filed 4–18–19; 8:45 am]

BILLING CODE 3510–10–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds product and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date added to the Procurement List:* May 19, 2019.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 3/8/2019 and 3/15/2019, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the product and services and impact of the additions on the current or most recent contractors, the Committee has determined that the product and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product and services to the Government.

2. The action will result in authorizing small entities to furnish the product and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product and services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following product and services are added to the Procurement List:

Product

NSN—Product Name
MR 10742—Skewer, Marshmallow, Includes Shipper 20742
Mandatory Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: Military Resale-Defense Commissary Agency

Services

Service Type: Grounds Maintenance
Mandatory for: Federal Aviation Administration, Charleston Air Traffic Control Tower, North Charleston, SC
Mandatory Source of Supply: Palmetto Goodwill Services, North Charleston, SC

Service Type: Janitorial Service
Mandatory for: Federal Aviation Administration, Peachtree-DeKalb System Support Center, Chamblee, GA
Mandatory Source of Supply: New Ventures Enterprises, Inc., LaGrange, GA
Contracting Activity: Federal Aviation Administration, FAA, Regional Acquisitions Services

Patricia Briscoe,

Deputy Director, Business Operations (Pricing and Information Management).

[FR Doc. 2019–07883 Filed 4–18–19; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete products and services from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Comments must be received on or before:* May 19, 2019.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following products and services are proposed for deletion from the Procurement List:

Products

NSNs—Product Names:
8030–00–251–5048—Compound, Corrosion Preventative, Food Equipment, Clear, 1 Gallon
8030–00–251–5049—Compound, Corrosion Preventative, Food Equipment, Clear, 5 Gallons
8030–00–260–1053—Compound, Corrosion Preventative, Food Equipment, Clear, 55 Gallons
Mandatory Source of Supply: The Lighthouse for the Blind, St. Louis, MO
Contracting Activity: DLA Troop Support, Philadelphia, PA

NSNs—Product Names:
8415–00–NIB–0123—Band, Helmet, 8415–00–NIB–0124—Band, Helmet
Mandatory Source of Supply: Lions Services, Inc., Charlotte, NC
Contracting Activity: W6QK ACC–APG Natick, Natick, MA

NSNs—Product Names:
7510–00–205–0806—Fastener, Paper, 3″ Capacity with Compressor, 8.5″ Center
7510–00–235–6046—Fastener, Paper 8.5″ Nominal Distance Between Prongs
7510–00–235–6049—Fastener, Paper, 3″ Capacity with Compressor and Base
7510–00–244–1169—Fastener, Paper 2.75″ Nominal Distance Between Prongs
7510–01–442–1471—Fastener, Paper, Brown Coated, 2″ Capacity
7510–01–442–1479—Fastener, Paper, 2″ Capacity
7510–01–442–1480—Fastener, Paper, Brown Coated, 1″ Capacity
7510–01–442–1483—Fastener, Paper, 1″ Capacity
Mandatory Source of Supply: Delaware County Chapter, NYSARC, Inc., Walton, NY
7045–01–554–7680—CD/DVD Case, Clamshell, Multi-Color
Mandatory Source of Supply: Wiscraft, Inc., Milwaukee, WI
Contracting Activity: GSA/FAS Admin Svcs Acquisition BR (2, New York, NY

Services

Service Type: Administrative Services
Mandatory for: Chicago Cooperative Adm Support Unit (CASU): Philadelphia Operations Center, Wanamaker Building, Philadelphia, PA
Mandatory Source of Supply: Horizon House, Inc., Philadelphia, PA
Contracting Activity: Housing and Urban Development, Department of, Dept of Housing and Urban Development

Service Type: Operation of Postal Service Center
Mandatory for: Kirtland Air Force Base: Buildings 20204 and 926, Kirtland AFB, NM
Mandatory Source of Supply: LifeROOTS, Inc., Albuquerque, NM
Contracting Activity: Veterans Affairs, Department of, NAC

Service Type: Janitorial/Custodial
Mandatory for: U.S. Federal Building and Courthouse, 500 Fannin Street, Shreveport, LA
Mandatory Source of Supply: Goodwill Industries of North Louisiana, Inc., Shreveport, LA
Contracting Activity: General Services Administration, FPDS Agency Coordinator

Service Type: Custodial Services
Mandatory for: Cereal Crops Research Unit: USDA Agricultural Research Service, 502 Walnut Street, Madison, WI
Mandatory Source of Supply: Madison Area Rehabilitation Centers, Inc., Madison, WI
Contracting Activity: Agricultural Research Service, USDA ARS MWA 5114

Service Type: Switchboard Operation
Mandatory for: Defense Supply Center Richmond: 8000 Jefferson Davis Highway, Richmond, VA
Mandatory Source of Supply: Goodwill Services, Inc, Richmond, VA
Contracting Activity: Defense Logistics Agency, DLA Aviation

Service Type: Administrative Services
Mandatory for: U.S. Attorney's Office-Atlanta, DOJ, Atlanta, GA
Mandatory Source of Supply: Bobby Dodd Institute, Inc., Atlanta, GA
Contracting Activity: Federal Prison System, Terminal Island, FCI

Service Type: Microfilm Reproduction
Mandatory for: United States Marine Corps: Headquarters (Navy Annex), Washington, DC
Mandatory Source of Supply: ServiceSource, Inc., Oakton, VA

Service Type: Laundry Service
Mandatory for: Whidbey Island Naval Air Station, Oak Harbor, WA
Mandatory Source of Supply: Northwest Center, Seattle, WA
Mandatory for: Everett Naval Station, Everett, WA
Mandatory Source of Supply: Northwest Center, Seattle, WA
Mandatory for: Everett Naval Station: Bachelor Enlisted Quarters (BEQ), Everett, WA
Mandatory Source of Supply: Northwest Center, Seattle, WA
Mandatory for: Bangor Naval Subase BOQ & BEQ, Bremerton, WA
Mandatory Source of Supply: Northwest Center, Seattle, WA
Contracting Activity: Dept of the Navy, U.S. Fleet Forces Command

Service Type: Catering Service
Mandatory for: Salt Lake City Military Entrance Processing Station, Fort Douglas, UT
Contracting Activity: Dept of the Air Force, FA7014 AFDW PK

Service Type: Grounds Maintenance
Mandatory for: USDA, Agriculture Research Service: Weslaco Center, Weslaco, TX
Mandatory Source of Supply: Mavagi Enterprises, Inc., San Antonio, TX
Contracting Activity: Agricultural Research Service, USDA ARS SPA 7D79

Service Type: Administrative Services
Mandatory for: Social Security Administration, Camp Springs, MD
Mandatory Source of Supply: Anchor Mental Health Association, Washington, DC
Contracting Activity: Department of Health and Human Services

Service Type: Mailroom Service
Mandatory for: U.S. Coast Guard, Integrated Support Command, Alameda Mail Center, Alameda, CA
Mandatory Source of Supply: Pacific Coast Community Services, Richmond, CA
Contracting Activity: U.S. Coast Guard, SILC BSS

Patricia Briscoe,

Deputy Director, Business Operations (Pricing and Information Management).

[FR Doc. 2019–07882 Filed 4–18–19; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Withdrawal of the Notice of Intent To Prepare a Programmatic Environmental Impact Statement for Land Acquisition, South Texas Training Center in McMullen County, TX

AGENCY: Department of the Army, DoD.

ACTION: Notice of intent; withdrawal.

SUMMARY: On December 23, 2010, the Department of the Army announced in the **Federal Register** its intent to prepare a Programmatic Environmental Impact Statement (PEIS) to analyze the environmental and socioeconomic impacts associated with the proposed land acquisition and use of approximately 22,232 acres for joint maneuver training and mission activities in McMullen County, Texas. In March of 2018, the Texas Army National Guard determined that the proposed action is no longer needed. The NOI is withdrawn and the NEPA process is terminated.

ADDRESSES: Questions or comments regarding the withdrawal of this action should be forwarded to: TXARNG (ATTN: MAJ Jeffrey Basa), HHC 71st BFSB, 4255 IH 35 North, San Antonio, TX 78218.

FOR FURTHER INFORMATION CONTACT: MAJ Jeffrey Basa at (512) 782–7926 or email at *jeffrey.e.basa.mil@mail.mil.*

SUPPLEMENTARY INFORMATION: None.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2019–07888 Filed 4–18–19; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Charter Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense is publishing this notice to announce that it is renewing the charter for the Reserve Forces Policy Board (''the Board'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: The Board's charter is being renewed pursuant to 10 U.S.C. 175 and 10301 and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., App) and 41 CFR 102–3.50(a). The Board's charter and contact information for the Board's Designated Federal Officer (DFO) can be found at *https://www.facadatabase.gov/FACA/apex/FACAPublicAgencyNavigation.*

The Board, pursuant to 10 U.S.C. 113(c)(2), provides to the Secretary of Defense, for transmittal to the President and the Congress, an annual report on any reserve component matter that the Board considers appropriate to include and serves as an independent adviser to the Secretary of Defense to provide advice and recommendation on strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the reserve component. The Board may act on those matters referred to it by the Chair and on any matters raised by a member of the Board or the Secretary of Defense.

The Board, under the provisions of 10 U.S.C. 10301(c), shall be composed of 20 members, appointed or designated as follows: a. A civilian appointed by the Secretary of Defense from among persons determined by the Secretary to have the knowledge of, and experience in, policy matters relevant to national security and reserve component matters necessary to carry out the duties of Chair of the Board, who shall serve as Chair of the Board. b. Two active or retired reserve officers or enlisted members designated by the Secretary of Defense upon recommendation of the Secretary of the Army. (1) One of whom shall be a member of the Army National Guard of the United States or a former member of the Army National Guard of the United States in the Retired Reserve; and (2) one of whom shall be a member or retired member of the Army Reserve. c. Two active or retired reserve officers or enlisted members designated by the Secretary of Defense upon the recommendation of the Secretary of the Navy. (1) One of whom shall be an active or retired officer of the Navy Reserve, and (2) one of whom shall be an active or retired officer of the Marine Corps Reserve. d. Two active or retired reserve officers or enlisted members designated by the Secretary of Defense upon the recommendation of the Secretary of the Air Force. (1) One of whom shall be a member of the Air National Guard of the United States or a former member of the Air National Guard of the United States in the Retired Reserve; and (2) one of whom shall be a member or retired member of the Air Force Reserve. e. One active or retired reserve officer or enlisted member of the U.S. Coast Guard designated by the Secretary of Homeland Security. f. Ten persons appointed or designated by the Secretary of Defense, each of whom shall be a United States citizen having significant knowledge of and experience in policy matters relevant to national security and reserve component matters and shall be one of the following: (1) An individual not employed in any Federal or State department or agency. (2) An individual employed by a Federal or State department or agency. (3) An officer of a regular component of the armed forces on active duty, or an officer of a reserve component of the armed forces in an active status, who: (a) Is serving or has served in a senior position on the Joint Staff, the headquarters staff of a combatant command, or the headquarters staff of an armed force; and (b) has experience in joint professional military education, joint qualification, and joint operations matters. g. A reserve officer of the Army, Navy, Air Force, or Marine Corps, who is a general or flag officer recommended by the Chair and designated by the Secretary of Defense, who shall serve without vote: (1) As military adviser to the Chair; (2) as military executive officer of the Board; and (3) as supervisor of the operations and staff of the Board. h. A senior enlisted member of a reserve component recommended by the Chair and designated by the Secretary of Defense, who shall serve without vote as enlisted military adviser to the Chair.

All Board members are appointed to provide advice on behalf of the Government on the basis of their best judgment without representing any particular points of view and in a manner that is free from conflict of interest. Except for reimbursement of official Board-related travel and per diem, Board members serve without compensation.

The public or interested organizations may submit written statements to the Board membership about the Board's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Board. All written statements shall be submitted to the DFO for the Board, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: April 15, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–07854 Filed 4–18–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Charter Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense is publishing this notice to announce that

it is renewing the charter for the Advisory Committee on Industrial Security and Industrial Base Policy (''the Committee'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: The Committee's charter is being renewed pursuant to section 1647(a) of the National Defense Authorization Act for Fiscal Year 2017 (''the FY 2017 NDAA'') (Pub. L. 114–328) and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., App) and 41 CFR 102–3.50(a). The Committee's charter and contact information for the Committee's Designated Federal Officer (DFO) can be found at *https://www.facadatabase.gov/FACA/apex/FACAPublicAgencyNavigation.*

The Committee, pursuant to section 1647(b) of the FY 2017 NDAA, provides the Secretary of Defense, independent advice and recommendations on matters relating to industrial security and industrial base policy. The Committee shall review and assess: a. The national industrial security program for cleared facilities and the protection of the information and networking systems of cleared defense contractors; b. policies and practices relating to physical security and installation access at installations of the Department of Defense (DoD); c. information security and cyber defense policies, practices, and reporting relating to the unclassified information and networking systems of defense contractors; d. policies, practices, regulations and reporting relating to industrial base issues; and e. any other matters the Secretary of Defense determines to be appropriate.

The Committee, pursuant to section 1647(c) of the FY 2017 NDAA, shall be composed of ten member of which five members shall be representatives of non-governmental entities and five members shall be representatives of departments or agencies of the Federal Government. These individuals will be experts in matters having to do with industrial security and industrial base policy. All Committee members are appointed to provide advice on behalf of the Government on the basis of their best judgment without representing any particular points of view and in a manner that is free from conflict of interest. Except for reimbursement of official Committee-related travel and per diem, Committee members serve without compensation.

The public or interested organizations may submit written statements to the Committee membership about the Committee's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Committee. All written statements shall be submitted to the DFO for the Committee, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: April 15, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–07845 Filed 4–18–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Reopening the Fiscal Year (FY) 2019 Competition for Certain Eligible Applicants; Education Innovation and Research Program—Mid-Phase Grants

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: In order to afford eligible applicants the opportunity to apply, the Assistant Secretary for Elementary and Secondary Education reopens, for certain prospective eligible applicants, the FY 2019 Education Innovation and Research Mid-phase competition, Catalog of Federal Domestic Assistance (CFDA) number 84.411B. The Assistant Secretary takes this action to allow more time for the preparation and submission of applications by prospective eligible applicants affected by the severe storms and flooding in parts of Iowa, Nebraska, and Alabama, as well as areas impacted by the Ironworks Fire in New Mexico, which have been designated for Individual Assistance or Public Assistance under Presidential major disaster or fire management assistance declarations under DR–4421, DR–4420, DR–4419, and FM–5281, respectively.

DATES: *Deadline for Transmittal of Applications:* April 23, 2019.

Deadline for Intergovernmental Review: June 24, 2019.

FOR FURTHER INFORMATION CONTACT: Irene Montanti, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E323, Washington, DC 20202. Telephone: (202) 453–7122. Email: *eir@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On February 1, 2019, we published in the **Federal Register** (84 FR 1101) a notice inviting applications for new awards for FY 2019 for the Education Innovation and Research Mid-phase competition (NIA). We are reopening this competition in order to allow certain eligible applicants more time to prepare and submit their applications.

Eligibility: The reopening of this competition applies to eligible applicants under the Education Innovation and Research Mid-phase competition that are located in a federally declared disaster area, as determined by the Federal Emergency Management Agency (FEMA) under declarations DR–4421, DR–4420, DR–4419, or FM–5281. These are areas adversely affected by the severe storms and flooding in parts of Iowa, Nebraska, and Alabama, as well as areas impacted by the Ironworks Fire in New Mexico. The federally-declared disaster areas under each of these declarations are the jurisdictions identified by FEMA in which assistance to individuals or public assistance has been authorized.

An eligible applicant for the Education Innovation and Research Mid-phase competition is defined in the NIA.

An eligible applicant submitting an application as part of the reopened competition must provide a certification in its application that it is located in a jurisdiction that is part of one of the applicable federally-declared disaster areas and must provide appropriate supporting documentation, if requested.

We are not reopening the application period for all applicants. Thus, applications from applicants not affected by the natural disasters referenced in this notice may not be submitted as part of this reopened period for submission of applications.

See the Emergency Declarations available at: *www.fema.gov/disaster/4421; www.fema.gov/disaster/4420; www.fema.gov/disaster/4419;* and *www.fema.gov/disaster/5281* to determine if you are eligible to apply as part of this reopened competition.

Note: All information in the NIA remains the same, except for the deadline date for certain eligible entities and the deadline for intergovernmental review.

Program Authority: Section 4611 of the Elementary and Secondary Education Act, as amended, 20 U.S.C. 7261.

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on

request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 16, 2019.

Frank T. Brogan,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2019–07971 Filed 4–18–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Reopening the Fiscal Year (FY) 2019 Competition for Certain Eligible Applicants; Education Innovation and Research Program—Expansion Grants

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: In order to afford eligible applicants the opportunity to apply, the Assistant Secretary for Elementary and Secondary Education reopens, for certain prospective eligible applicants, the FY 2019 Education Innovation and Research Expansion competition, Catalog of Federal Domestic Assistance (CFDA) number 84.411A. The Assistant Secretary takes this action to allow more time for the preparation and submission of applications by prospective eligible applicants affected by the severe storms and flooding in parts of Iowa, Nebraska, and Alabama, as well as areas impacted by the Ironworks Fire in New Mexico, which have been designated for Individual Assistance or Public Assistance under Presidential major disaster or fire management assistance declarations under DR–4421, DR–4420, DR–4419, and FM–5281, respectively.

DATES: *Deadline for Transmittal of Applications:* April 23, 2019.

Deadline for Intergovernmental Review: June 24, 2019.

FOR FURTHER INFORMATION CONTACT: Irene Montanti, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E323, Washington, DC 20202. Telephone: (202) 453–7122. Email: *eir@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On February 1, 2019, we published in the **Federal Register** (84 FR 1085) a notice inviting applications for new awards for FY 2019 for the Education Innovation and Research Expansion competition (NIA). We are reopening this competition in order to allow certain eligible applicants more time to prepare and submit their applications.

Eligibility: The reopening of this competition applies to eligible applicants under the Education Innovation and Research Expansion competition that are located in a federally declared disaster area, as determined by the Federal Emergency Management Agency (FEMA) under declarations DR–4421, DR–4420, DR–4419, or FM–5281. These are areas adversely affected by the severe storms and flooding in parts of Iowa, Nebraska, and Alabama, as well as areas impacted by the Ironworks Fire in New Mexico. The federally declared disaster areas under each of these declarations are the jurisdictions identified by FEMA in which assistance to individuals or public assistance has been authorized.

An eligible applicant for the Education Innovation and Research Expansion competition is defined in the NIA.

An eligible applicant submitting an application as part of the reopened competition must provide a certification in its application that it is located in a jurisdiction that is part of one of the applicable federally-declared disaster areas and must provide appropriate supporting documentation, if requested.

We are not reopening the application period for all applicants. Thus, applications from applicants not affected by the natural disasters referenced in this notice may not be submitted as part of this reopened period for submission of applications.

See the Emergency Declarations available at: *www.fema.gov/disaster/4421; www.fema.gov/disaster/4420; www.fema.gov/disaster/4419;* and *www.fema.gov/disaster/5281* to determine if you are eligible to apply as part of this reopened competition.

Note: All information in the NIA remains the same, except for the deadline date for certain eligible entities and the deadline for intergovernmental review.

Program Authority: Section 4611 of the Elementary and Secondary Education Act, as amended, 20 U.S.C. 7261.

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT.**

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 16, 2019.

Frank T. Brogan,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2019–07972 Filed 4–18–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Impact Aid Discretionary Construction Grant Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2019 for the Impact Aid Discretionary Construction Grant Program, Catalog of Federal Domestic Assistance (CFDA) number 84.041C. This notice relates to the approved information collection under OMB control number 1810–0657.

DATES:

Applications Available: April 19, 2019.

Deadline for Transmittal of Applications: June 11, 2019.

Deadline for Intergovernmental Review: August 12, 2019.

FOR FURTHER INFORMATION CONTACT: Jacqueline Edwards, Impact Aid Program, U.S. Department of Education, 400 Maryland Avenue SW, Room 3C121, Washington, DC 20202–6244. Telephone: 202–260–3858. Email: *Jacqueline.Edwards@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Impact Aid Discretionary Construction Grant Program provides grants for emergency repairs and modernization of school facilities to certain local educational agencies (LEAs) that receive Impact Aid formula funds.

Priority: In accordance with 34 CFR 75.105(b)(2)(ii) and (iv), this priority is from section 7007(b)(2)(A) of the Elementary and Secondary Education Act of 1965, as amended (Act) (20 U.S.C. 7707(b)), and the regulations for this program in 34 CFR 222.177.

Absolute Priority: For FY 2019 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority and otherwise follow the applicable funding provisions in 34 CFR 222.189.

This priority is:

Emergency Repair Grants.

An LEA is eligible to be considered for an emergency grant under this priority if it—

(a) Is eligible to receive formula construction funds for the fiscal year under section 7007(a) of the Act (20 U.S.C. 7707(a));

(b)(1) Has no practical capacity to issue bonds;

(2) Has minimal capacity to issue bonds and has used at least 75 percent of its bond limit; or

(3) Is eligible to receive funds for the fiscal year for heavily impacted districts under section 7003(b)(2) of the Act (20 U.S.C. 7707(b)(2)); and

(c) Has a school facility emergency that the Secretary has determined, consistent with 34 CFR 222.172(a) and 222.173, poses a health or safety hazard to students and school personnel.

Program Authority: 20 U.S.C. 7707(b).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75 (except for 34 CFR 75.600 through 75.617), 77, 79, 82, 84, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR part 222.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $17,400,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Estimated Range of Awards: $60,000–$6,000,000.

Estimated Average Size of Awards: $2,175,000.

Estimated Number of Awards: 8.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months. We will determine each project period based on the nature of the project proposed and the time needed to complete it. We will specify this period in the Grant Award Notification (GAN).

III. Eligibility Information

1. *Eligible Applicants:* An LEA is eligible to apply for an emergency grant under the absolute priority if it—

(a) Is eligible to receive formula construction funds for the fiscal year under section 7007(a) of the Act (20 U.S.C. 7707(a)) because it enrolls a high percentage (at least 50 percent) of federally connected children in average daily attendance (ADA) who either reside on Indian lands or who have a parent on active duty in the U.S. uniformed services;

(b)(1) Has no practical capacity to issue bonds (as defined in 34 CFR 222.176);

(2) Has minimal capacity to issue bonds (as defined in 34 CFR 222.176) and has used at least 75 percent of its bond limit; or

(3) Is eligible to receive funds for the fiscal year for heavily impacted districts under section 7003(b)(2) of the Act (20 U.S.C. 7703(b)(2)); and

(c) Has a school facility emergency that the Secretary has determined, consistent with 34 CFR 222.172(a) and 222.173, poses a health or safety hazard to students and school personnel.

2. a. *Cost Sharing or Matching:* In reviewing proposed awards, the Secretary considers the funds available to the grantee from other sources, including local, State, and other Federal funds. See 20 U.S.C. 7707(b)(5)(A)(iii) and 34 CFR 222.174 and 222.191 through 222.193. Consistent with 34 CFR 222.192, an applicant will be required to submit its most recently available audited financial reports for three consecutive fiscal years, showing closing balances for all school funds. If significant balances (as detailed in 34 CFR 222.192) are available at the close of the applicant's FY 2018, or its most recently audited year, that are not obligated for other purposes, those funds will be considered available for the proposed emergency repair project. Available balances may reduce the amount of funds that may be awarded or eliminate the applicant's eligibility for an emergency grant award under this competition.

b. *Supplement-Not-Supplant:* This competition involves supplement-not-supplant funding requirements. As outlined in 34 CFR 222.174, grant funds under this competition may not be used to supplant or replace other available non-Federal construction money.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

IV. Application and Submission Information

1. *Address To Request Application Package:* You can obtain an electronic application via the internet at: *www.G5.gov.* For assistance, please contact Jacqueline Edwards, Impact Aid Program, U.S. Department of Education, 400 Maryland Avenue SW, Room 3C121, Washington, DC 20202–6244. Telephone: (202) 260–3858. Email: *Jacqueline.Edwards@ed.gov.*

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

2. *Content and Form of Application Submission:* Requirements concerning the content and form of an application, together with the forms you must

submit, are in the application package for this competition.

3. *Submission Dates and Times:*

Applications Available: April 19, 2019.

Deadline for Transmittal of Applications: June 11, 2019.

Applications for grants under this competition must be submitted electronically using G5, the Department's grant management system, accessible through the Department's G5 site. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to *Other Submission Requirements* in section IV of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT**. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice. Deadline for Intergovernmental Review: August 10, 2019.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* Except for applicants with no practical capacity to issue bonds, as defined in 34 CFR 222.176, an eligible applicant's award amount may not be more than 50 percent of the total cost of an approved project and the total amount of grant funds may not exceed $4 million during any four-year period. See 34 CFR 222.193. For example, an LEA that is awarded $4 million in the first year may not receive any additional funds for the following three years. Applicants may submit only one application for one educational facility as provided by 34 CFR 222.183. If an applicant submits more than one application, the Department will consider only the first submission, as determined by the G5 e-application system. Grant recipients must, in accordance with Federal, State, and local laws, use emergency grants for permissible construction activities at public elementary and secondary school facilities. The scope of the project for a selected facility will be identified as part of the final grant award conditions. A grantee must also ensure that its construction expenditures under this program meet the requirements of 34 CFR 222.172 (allowable program activities) and 34 CFR 222.173 (prohibited activities).

We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following website: *http://fedgov.dnb.com/webform.* A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, it may be 24 to 48 hours before you can access the information in, and submit an application through, *Grants.gov.*

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Impact Aid Discretionary Construction Grant Program, CFDA number 84.041C, must be submitted electronically using the G5 system, accessible through the Department's G5 site at: *www.G5.gov.* While completing your electronic application, you will be entering data online that will be saved into a database. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

Please note the following:

- You must complete the electronic submission of your grant application by midnight, Eastern Time, on the application deadline date. G5 will not accept an application for this competition after 11:59:59 p.m., Eastern Time, on the application deadline date. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process.
- The hours of operation of the G5 website are 6:00 a.m. Monday until 9:00 p.m. Wednesday; and 6:00 a.m. Thursday until 3:00 p.m. Sunday, Eastern Time. Please note that, because of maintenance, the system is unavailable between 3:00 p.m. on Sundays and 6:00 a.m. on Mondays, and

between 9:00 p.m. on Wednesdays and 6:00 a.m. on Thursdays, Eastern Time. Any modifications to these hours are posted on the G5 website.

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Discretionary Construction Program under Section 7007(b) and all necessary signature pages.

• When you submit your application electronically, you must upload any narrative sections and all other attachments to your application as files in either Portable Document Format (PDF) or Microsoft Word. Although applicants have the option of uploading any narrative sections and all other attachments to their application in either PDF or Microsoft Word, we recommend applicants submit all documents as read-only flattened PDFs, meaning any fillable PDF files must be saved and submitted as non-fillable PDF files and not as interactive or fillable PDF files, to better ensure applications are processed in a more timely, accurate, and efficient manner. If you choose to submit your application in Microsoft Word, you may do so using any version of Microsoft Word (*i.e.,* a document ending in a .doc or .docx extension). If you upload a file type other than PDF or Microsoft Word or if you submit a password-protected file, we will be unable to review that material. Please note that this will likely result in your application not being considered for funding. The Department will not convert material from other formats to PDF or Microsoft Word.

• Prior to submitting your electronic application, you may wish to print a copy of it for your records.

• After you electronically submit your application, you will receive an automatic acknowledgment that will include a unique PR/Award number for your application.

• By the application deadline date, you must email to the Impact Aid Program a signed copy of the cover page and the independent emergency certification form for the Application for Discretionary Construction Program under Section 7007(b) after following these steps:

(1) Print a copy of the application from G5 for your records.

(2) The applicant's Authorizing Representative must sign and date the cover page. The local certifying official must sign the certification for an emergency application. These forms must be submitted by the application deadline in order to be considered for funding under this program.

(3) Place the PR/Award number in the upper, right-hand corner of the hard-copy signed cover page of the application.

(4) Email the signed cover page and independent emergency certification to the Impact Aid Program at *Impact.Aid@ed.gov.* These forms must be submitted before midnight, Eastern Time, of the application deadline in order to be considered for funding under this program.

• We may request that you provide us original signatures on other forms at a later date.

Application Deadline Date Extension in Case of G5 System Unavailability: If you are prevented from electronically submitting your application on the application deadline date because the G5 system is unavailable, we will grant you an extension until midnight, Eastern Time, the following business day to enable you to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if—

(1) You are a registered user of the G5 system and you have initiated an electronic application for this competition; and

(2) (a) G5 is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 11:00 p.m., Eastern Time, on the application deadline date; or

(b) G5 is unavailable for any period of time between 11:00 p.m. and midnight, Eastern Time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgment of any system unavailability, you may contact either (1) the person listed under **FOR FURTHER INFORMATION CONTACT** or (2) the G5 help desk at 1–888–336–8930. If G5 is unavailable due to technical problems with the system and, therefore, the application deadline is extended, an email will be sent to all registered users who have initiated a G5 application. Extensions referred to in this section apply only to the unavailability of the G5 system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the G5 system because—

• You do not have access to the internet; or

• You do not have the capacity to upload large documents to G5;

and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date.

Address and mail your statement to: Jacqueline Edwards, Impact Aid Program, U.S. Department of Education, 400 Maryland Avenue SW, Room 3C121, Washington, DC 20202–6244. Telephone: 202–260–3858.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Impact Aid Program, Attention: (CFDA Number 84.041C), Room 3C121, 400 Maryland Avenue SW, Washington, DC 20202–6244.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark.

Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date.

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application, by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Impact Aid Program, Attention: (CFDA Number 84.041C), Room 3C121, 400 Maryland Avenue SW, Washington, DC 20202–6244.

The Impact Aid Program accepts hand deliveries daily between 8:00 a.m. and 4:30 p.m., Eastern Time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Paper Applications: If you mail your application to the Department—

(1) You must indicate on the envelope—if not provided by the Department—the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Impact Aid Program will mail to you a notification of receipt of your grant application. If you do not receive this grant notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Impact Aid Program at (202) 260–3858.

V. Application Review Information

1. *Selection Criteria:* Consistent with 34 CFR 75.209, the selection criteria for this competition are from the applicable statutory and regulatory provisions as indicated after each criterion. The maximum score for each criterion is indicated in parentheses. Within each criterion, the Secretary evaluates each factor equally, unless otherwise specified. The maximum score that an application may receive is 100 points.

(a) Severity of the school facility problem to be addressed by the proposed project (34 CFR 222.189(a)(1)) (30 points).

(i) Justification that the proposed emergency project will address a deficiency that poses a health or safety hazard to occupants of the facility, and consistency of the emergency description and the proposed project with the certifying local official's statement (34 CFR 222.185(a) and (c)) (15 points).

(ii) Impact of the emergency condition on the health and safety of the building occupants and how free public education program delivery in the instructional school facility is adversely affected (34 CFR 222.172, 222.173, 222.176, and 222.185(b)). Applicants should describe: The systems or areas of the facility involved (*e.g.,* HVAC, roof, floor, windows; the type of space affected, such as instructional, resource, food service, recreational, general support, or other areas); the percentage of building occupants affected by the emergency; and the importance of the facility or affected area to the instructional program (15 points).

(b) Project urgency (28 points).

(i) Risk to occupants if the facility condition is not addressed (34 CFR 222.176, definition of ''emergency''). Applicants should describe: Projected increased future costs; the anticipated effect of the proposed project on the useful life of the facility or the need for major construction; and the age and condition of the facility and date of last renovation of affected areas.

(ii) The justification for rebuilding, if proposed (34 CFR 222.172(c)).

(c) Effects of Federal presence (section 7007(b)(4)(B) and (C) and 34 CFR 222.184(b)) (30 points).

(i) Amount of non-taxable Federal property in the applicant LEA (percentage of Federal property divided by 10) (10 points).

(ii) The number of federally connected children identified in section 7003(a)(1)(A), (B), (C), and (D) of the Act in the LEA (percentage of identified children in LEA divided by 10) (10 points).

(iii) The number of federally connected children identified in section 7003(a)(1)(A), (B), (C), and (D) of the Act in the school facility (percentage of identified children in school facility divided by 10) (10 points).

(d) Ability to respond or pay (section 7007(b)(4)(A)) (12 points).

(i) The percentage of its bonding capacity used by the LEA. Four points will be distributed based on this percentage such that: Four points will be given to an LEA that has used 75 percent or more of its bonding capacity; three points will be given to an LEA that has used 50 percent to 74 percent of its bonding capacity; two points will be given to an LEA that has used 25 percent to 49 percent of its bonding capacity; and one point will be given to an LEA that has used less than 25 percent of its bond limit. LEAs that do not have limits on bonded indebtedness established by their States will be evaluated by assuming that their bond limit is 10 percent of the assessed value of real property in the LEA. LEAs deemed to have no practical capacity to issue bonds will receive all four points (4 points).

(ii) Assessed value of real property per student (applicant LEA's total assessed valuation of real property per pupil as a percentile ranking of all LEAs in the State). Points will be distributed by providing all four points to LEAs in the State's poorest quartile and only one point to LEAs in the State's wealthiest quartile (4 points).

(iii) Total tax rate for capital or school purposes (applicant LEA's tax rate for capital or school purposes as a percentile ranking of all LEAs in the State). If the State authorizes a tax rate for capital expenditures, then these data must be used; otherwise, data on the total tax rate for school purposes are used. Points will be distributed by providing all four points to LEAs in the State's highest-taxing quartile and only one point to LEAs in the State's lowest-taxing quartile (4 points).

2. *Review and Selection Process:* (a) We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

(b) Upon receipt, Impact Aid program staff will screen all applications to eliminate any applications that do not meet the eligibility standards, are incomplete, or are late. Applications that do not include a signed cover page and a signed independent emergency certification submitted by email before midnight, Eastern Time, on the application deadline are considered incomplete and will not be considered for funding. Program staff will also calculate the scores for each application under criteria (c) and (d). Panel reviewers will assess the applications under criteria (a) and (b).

(c) Applications are ranked based on the total number of points received during the review process. Those with the highest scores will be at the top of the funding slate.

(d) Applicants may submit only one application for one educational facility. If an applicant submits multiple applications, the Department will only consider the first sequentially submitted application, as provided under 34 CFR 222.183.

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a GAN; or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20(c).

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* The Department has established the following performance measure for this program: An increasing percentage of LEAs receiving Impact Aid Construction funds will report that the overall condition of their school buildings is adequate. Data for this measure will be reported to the Department on Table 10 of the application for Impact Aid Section 7003 Basic Support Payments.

6. *Feasibility Study:* For applicants that request funding for new construction and that are selected for funding, the Department will require a feasibility of construction study prior to making an award determination. This independent third-party study must demonstrate that the chosen construction site is viable and the infrastructure will be able to sustain the new facility or addition.

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Frank T. Brogan,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2019–07894 Filed 4–18–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Reopening the Fiscal Year (FY) 2019 Competition for Certain Eligible Applicants; Education Innovation and Research Program—Early-Phase Grants

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: In order to afford eligible applicants the opportunity to apply, the Assistant Secretary for Elementary and Secondary Education reopens, for certain prospective eligible applicants, the FY 2019 Education Innovation and Research Early-phase competition, Catalog of Federal Domestic Assistance (CFDA) number 84.411C. The Assistant Secretary takes this action to allow more time for the preparation and submission of applications by prospective eligible applicants affected by the severe storms and flooding in parts of Iowa, Nebraska, and Alabama, as well as areas impacted by the Ironworks Fire in New Mexico, which have been designated for Individual Assistance or Public Assistance under Presidential major disaster or fire management assistance declarations under DR–4421, DR–4420, DR–4419, and FM–5281, respectively.

DATES: *Deadline for Transmittal of Applications:* April 23, 2019.

Deadline for Intergovernmental Review: June 24, 2019.

FOR FURTHER INFORMATION CONTACT: Irene Montanti, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E323, Washington, DC 20202. Telephone: (202) 453–7122. Email: *eir@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On February 1, 2019, we published in the **Federal Register** (84 FR 1093) a notice inviting applications for new awards for FY 2019 for the Education Innovation and Research Early-phase competition (NIA). We are reopening this competition in order to allow certain eligible applicants more time to prepare and submit their applications.

Eligibility: The reopening of this competition applies to eligible applicants under the Education Innovation and Research Early-phase competition that are located in a federally declared disaster area, as determined by the Federal Emergency Management Agency (FEMA) under declarations DR–4421, DR–4420, DR–4419, or FM–5281. These are areas adversely affected by the severe storms and flooding in parts of Iowa, Nebraska, and Alabama, as well as areas impacted by the Ironworks Fire in New Mexico. The federally-declared disaster areas under each of these declarations are the jurisdictions identified by FEMA in which assistance to individuals or public assistance has been authorized.

An eligible applicant for the Education Innovation and Research Early-phase competition is defined in the NIA.

An eligible applicant submitting an application as part of the reopened competition must provide a certification in its application that it is located in a jurisdiction that is part of one of the applicable federally-declared disaster areas and must provide appropriate supporting documentation, if requested.

We are not reopening the application period for all applicants. Thus, applications from applicants not affected by the natural disasters referenced in this notice may not be submitted as part of this reopened period for submission of applications.

See the Emergency Declarations available at: *www.fema.gov/disaster/4421; www.fema.gov/disaster/4420; www.fema.gov/disaster/4419;* and *www.fema.gov/disaster/5281* to determine if you are eligible to apply as part of this reopened competition.

Note: All information in the NIA remains the same, except for the deadline date for certain eligible entities and the deadline for intergovernmental review.

Program Authority: Section 4611 of the Elementary and Secondary Education Act, as amended, 20 U.S.C. 7261.

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 16, 2019.

Frank T. Brogan,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2019–07970 Filed 4–18–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–470]

Application To Export Electric Energy; EDECSAMEX, S.A. de C.V.

AGENCY: Office of Electricity, Department of Energy (DOE).

ACTION: Notice of application.

SUMMARY: EDECSAMEX, S.A. de C.V. (Applicant or EDECSAMEX) has applied for authorization to transmit electric energy from the United States to Mexico pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before May 20, 2019.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) regulates exports of electricity from the United States to a foreign country, pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b) and 7172(f)). Such exports require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On April 2, 2019, DOE received an application from EDECSAMEX for authorization to transmit electric energy from the United States to Mexico as a power marketer for a five-year term using existing international transmission facilities. The Applicant intends to apply for authority from the Federal Energy Regulatory Commission (FERC) to sell electricity at wholesale market-based rates.

In its application, the Applicant states that it does not ''own or control (nor hold an interest in other entities that own or control) any electric power generation or transmission facilities within the United States'' and that it does not ''hold a franchised electric power service area nor have a native

load obligation.'' The electric energy that the Applicant proposes to export to Mexico would be surplus energy purchased from third parties such as electric utilities and Federal power marketing agencies pursuant to voluntary agreements. The existing international transmission facilities to be utilized by the Applicant have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five (5) copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning EDECSAMEX's application to export electric energy to Mexico should be clearly marked with OE Docket No. EA–470. An additional copy is to be provided directly to both Vahid Sadeghpour, EDECSAMEX, S.A. de C.V., 2615 Centenary Street, Houston, Texas 77005, and Gregory Arroyo, Jr., EDECSAMEX, S.A. de C.V., 124 Palm Blvd., Missouri City, Texas 77459.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE determines that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program website at *http://energy.gov/node/11845,* or by emailing Angela Troy at *Angela.Troy@hq.doe.gov.*

Signed in Washington, DC, on April 15, 2019.

Christopher Lawrence,

Management and Program Analyst, Transmission Permitting and Technical Assistance, Office of Electricity.

[FR Doc. 2019–07911 Filed 4–18–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Reinstatement, With Change

AGENCY: U.S. Department of Energy.

ACTION: Submission for Office of Management and Budget (OMB) review; comment request

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Department of Energy (DOE) has submitted a request to the Office of Management and Budget (OMB) to review and approve a reinstatement, with change, of a previously approved information collection for which approval has expired regarding reports required pursuant to the Technology Transfer Commercialization Act of 2000.

DATES: Comments regarding this collection must be received 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, please advise the OMB Desk Officer of your intention to make a comment as soon as possible. The Desk Officer may be telephoned at 202–395–4650.

ADDRESSES: Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW, Washington, DC 20503 and to Phillip Harmonick, Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, Fax: (202) 287–1415, Email: *phillip.harmonick@hq.doe.gov.* Please refer to OMB Control No. 1910–5118 in all correspondence.

FOR FURTHER INFORMATION CONTACT: Phillip Harmonick, (202) 287–1415 Email: *phillip.harmonick@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) *OMB No.:* 1910–5118; (2) *Information Collection Request Title:* Technology Transfer Commercialization Act of 2000 Reports; (3) *Type of Request:* Reinstatement, With Changes; (4) *Purpose:* DOE's Alternative Dispute Resolution Office is one of four entities required by the Technology Transfer Commercialization Act of 2000 to collect reports from technology partnership ombudsmen at each DOE national laboratory. This reinstatement ensures that required reports are collected, while reducing the burden on affected parties by streamlining the collection instrument; (5) *Annual Estimated Number of Respondents:* 17; (6) *Annual Estimated Number of Total Responses:* 68; (7) *Annual Estimated Number of Burden Hours:* 17; (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $850.

Statutory Authority: Section 11 of the Technology Transfer Commercialization Act of 2000, Public Law 106–404, codified at 42 U.S.C. 7261c(c)(3)(C).

Signed in Washington, DC, on April 12, 2019.

Poli Marmolejos,

Director, Office of Hearings and Appeals.

[FR Doc. 2019–07917 Filed 4–18–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2576–186]

FirstLight Hydro Generating Co.; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Updated Shoreline Management Plan.

b. *Project No:* 2576–186.

c. *Date Filed:* March 27, 2019.

d. *Applicant:* FirstLight Hydro Generating Co.

e. *Name of Project:* Housatonic River Project.

f. *Location:* The Housatonic River in Fairfield, New Haven, and Litchfield counties, Connecticut.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* John Howard, FirstLight Power Resources, 143 West Street Ext., Suite E, P.O. Box 5002, New Milford, CT 06776, (860) 350–3617.

i. *FERC Contact:* Mark Carter, (678) 245–3083, *mark.carter@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* May 15, 2019.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests 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–2576–186. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* As required by ordering paragraph (I) of the March 27, 2013 Order Modifying and Approving Shoreline Management Plan Pursuant to Article 407, FirstLight Hydro Generating Co. (licensee) underwent a six-year review process (including stakeholder consultation) and as a result, requests Commission approval of an updated shoreline management plan (SMP) for the project. The licensee proposes several changes to the approved SMP, including changes to the following: (1) A fee schedule for non-project shoreline uses; (2) the shoreline buffer rules; (3) consultation requirements (*e.g.,* reinstituting Lake and River Advisory Committee meetings); (4) shoreline activity annual reporting requirements; and (5) various other changes to the approved SMP.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also 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. 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, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: April 15, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–07948 Filed 4–18–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–140–000]

Columbia Gas Transmission, LLC; Notice of Request Under Blanket Authorization

Take notice that on April 5, 2019, Columbia Gas Transmission, LLC (Columbia Gas), 700 Louisiana Street, Houston, Texas 77002, filed in Docket No. CP19–140–000 a prior notice request pursuant to sections 157.205, and 157.216 of the Commission's regulations under the Natural Gas Act for authorization to abandon two storage wells and associated pipelines and appurtenances located in its Dundee Storage Field in Steuben and Schuyler Counties, New York. Columbia proposes to abandon these facilities under authorities granted by its blanket certificate issued in Docket No. CP83–76, 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, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Linda Farquhar, Manager, Project Determinations & Regulatory Administration, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 700, Houston, Texas 77002–2700, at (832) 320–5685 or fax (832) 320–6685 or *linda_farquhar@transcanada.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

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.

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 commenters 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 commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters 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.

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.

Dated: April 15, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–07945 Filed 4–18–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2934–029]

New York State Electric & Gas Corporation; Notice of Application Tendered for Filing With the Commission and Establishing Procedural Schedule for Licensing and Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2934–029.

c. *Date Filed:* April 1, 2019.

d. *Applicant:* New York State Electric & Gas Corporation (NYSEG).

e. *Name of Project:* Upper Mechanicville Hydroelectric Project.

f. *Location:* The existing project is located on the Hudson River, in Saratoga and Rensselaer Counties, New York. The project does not occupy any federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Hugh J. Ives, Manager, NYSEG Hydro Operations, 89 East Avenue, Rochester, NY 14649; (585) 724–8209; *hugh.ives@avangrid.com.*

i. *FERC Contact:* Jody Callihan, (202) 502–8278 or *jody.callihan@ferc.gov.*

j. This application is not ready for environmental analysis at this time.

k. *Project Description:* The existing Upper Mechanicville Hydroelectric Project consists of: (1) A 700-foot-long concrete gravity dam with a crest elevation of 66.6 feet National Geodetic Vertical Datum of 1929 (NGVD29); (2) 3 spillway bays each extending 222 feet across the length of the dam and separated by a 7.5-foot to 10.5-foot-wide concrete pier, with each spillway bay containing 12 pneumatic Obermeyer crest gates that are 6 feet high; (3) a 1.8-mile-long impoundment with a 380-acre surface area and gross storage capacity of 10,735 acre-feet at a normal pool elevation of 72.6 feet NGVD29; (4) an intake channel with two reinforced guide walls and three 35-foot-diameter cofferdam walls constructed of sheet piling; (5) a 20-foot-wide and 7.5-foot-high intake bypass sluice gate; (6) a 105.5-foot-long by 122-foot-wide powerhouse containing two 12,780 horsepower Kaplan turbines and two Siemens-Allis generators each having a rated capacity of 8,265 kilowatts; (7) a tailrace approximately 1,200 feet long and 120 feet wide with a bi-level bottom designed to minimize cross-currents; (8) one 1.10-mile-long, 34.5-kilovolt transmission line; and (9) appurtenant facilities.

During the non-navigation season (typically from December 1 through April 30), NYSEG operates the project in a run-of-river (ROR) mode and maintains the impoundment at an elevation of 72.6 feet NGVD29. During the navigation season (typically May 1 through November 30), NYSEG periodically spills water to lower the impoundment up to 3 feet below full pool, as directed by the New York State Canal Corporation, to accommodate navigation at lock C–3, and uses all available remaining inflow (that is not used to support navigation) for generation purposes. NYSEG proposes to continue operating the project as it does currently, to support both generation and navigation. In addition, NYSEG proposes to enhance fish passage at the project by: (1) Installing upstream passage for American eel (4 years post-license); (2) developing an agreement with the New York State Canal Corporation to modify lock operations to accommodate the upstream passage of blueback herring and American shad (commencing 2 years post-license); and (3) modifying the project's intake bypass sluice gate to provide an additional route of downstream fish passage from April 1 through November 30. The project currently generates an annual average of 88,537 megawatt-hours.

l. *Locations of the Application:* 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 at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the Mechanicville District Public Library located at 190 North Main Street, Mechanicville, NY 12118 and the A.E. Diver Memorial Library located at 136 Main Street, Schaghticoke, NY 12154.

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 Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Notice of Acceptance/Notice of Ready for Environmental Analysis	June 2019.
Filing of recommendations, preliminary terms and conditions, and fishway prescriptions	August 2019.
Commission issues Environmental Assessment (EA)	December 2019.
Comments on EA	February 2020.

Milestone	Target date
Modified Terms and Conditions	April 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 15, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–07949 Filed 4–18–19; 8:45 am]

BILLING CODE 6717–01–P

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: RP19–1122–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: TETLP Apr2018 Customer Name Change Cleanup Filing to be effective 5/11/2019.

Filed Date: 4/11/19.

Accession Number: 20190411–5000.

Comments Due: 5 p.m. ET 4/23/19.

Docket Numbers: RP19–1123–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Apr2019 Negotiated Rates Cleanup Filing to be effective 5/11/2019.

Filed Date: 4/11/19.

Accession Number: 20190411–5022.

Comments Due: 5 p.m. ET 4/23/19.

Docket Numbers: RP19–1124–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: Negotiated Rates—Apr2019 Cleanup Filing to be effective 5/11/2019.

Filed Date: 4/11/19.

Accession Number: 20190411–5029.

Comments Due: 5 p.m. ET 4/23/19.

Docket Numbers: RP19–1125–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 041219 Negotiated Rates—Castleton Commodities Merchant Trading R–4010–15 to be effective 4/15/2019.

Filed Date: 4/12/19.

Accession Number: 20190412–5010.

Comments Due: 5 p.m. ET 4/24/19.

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 15, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–07944 Filed 4–18–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL19–62–000]

Notice of Complaint: City Utilities of Springfield, Missouri v. Southwest Power Pool, Inc.

Take notice that on April 12, 2019, pursuant to sections 206, 306, and 309 of the Federal Power Act, 16 U.S.C. 824e, 825e, 825h and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, City Utilities of Springfield, Missouri (Complainant) filed a formal complaint against Southwest Power Pool, Inc. (SPP or Respondent), requesting the Commission to: (1) Enforce current Section III.D.4 of Attachment J of SPP's Open Access Transmission Tariff (OATT) for the period from June 19, 2010 through the refund effective date established in this proceeding; and (2) revise Section III.D.4 of Attachment J of SPP's OATT on a prospective basis, all as more fully explained in the complaint.

The Complainant certifies that copies of the complaint were served on the contacts listed for Respondent's, as well as affected regulatory agencies and other entities under Rule 206(c) of the Commission's Rules of Practice and Procedure, 18 CFR 385.206(c), as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commissions' Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondents' answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on May 2, 2019.

Dated: April 15, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–07946 Filed 4–18–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC19–7–000]

Commission Information Collection Activities (Ferc–915); Comment Request; Withdrawal

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collection and request for comments; withdrawal.

SUMMARY: This document withdraws the Notice of Information Collection and request for comments published in the **Federal Register** of April 12, 2019, soliciting public comment on the currently approved information collection FERC–915 (Public Utility Market-Based Rate Authorization Holders—Records Retention Requirements) and submitting the information collection to the Office of Management and Budget (OMB) for review. The notice was issued in error.

DATES: The notice published on April 12, 2019 (84 FR 14935) is withdrawn as of April 19, 2019.

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION: On April 8, 2019, the Federal Energy Regulatory Commission (Commission) issued a 30-day public notice regarding the extension of information collection FERC–915, Public Utility Market-Based Rate Authorization Holders, Records Retention Requirement, which published in the **Federal Register** on April 12, 2019. The 30-day notice was issued in error and was withdrawn.

Dated: April 15, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–07947 Filed 4–18–19; 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: ER17–1730–001.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.19a(b): Refund Report_Entergy Services to be effective N/A.
Filed Date: 4/15/19.
Accession Number: 20190415–5109.
Comments Due: 5 p.m. ET 5/6/19.

Docket Numbers: ER18–1704–001.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.19a(b): Refund Report_Stuttgart Solar to be effective N/A.
Filed Date: 04/15/2019.
Accession Number: 20190415–5084.
Comment Date: 5 p.m. ET 5/6/19.

Docket Numbers: ER19–1067–001.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Tariff Amendment: 2019–04–15_SA 3243 Deuel Harvest Wind-OTP GIA (J526) Amendment to be effective 2/6/2019.
Filed Date: 4/15/19.
Accession Number: 20190415–5145.
Comments Due: 5 p.m. ET 5/6/19.

Docket Numbers: ER19–1570–000.
Applicants: American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.
Description: American Transmission Systems, Incorporated submits tariff filing per 35.13(a)(2)(iii): ATSI submits Revised Interconnection Agreement SA No. 3992 to be effective 6/1/2019.
Filed Date: 04/15/2019.
Accession Number: 20190415–5078.
Comment Date: 5:00 p.m. Eastern Time on Monday, May 06, 2019.

Docket Numbers: ER19–1571–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA, SA No. 5296; Queue No. AD2–030 to be effective 3/19/2019.
Filed Date: 4/15/19.
Accession Number: 20190415–5120.
Comments Due: 5 p.m. ET 5/6/19.

Docket Numbers: ER19–1572–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: BPA General Transfer Agreement (West) Rev 10 to be effective 1/1/2018.
Filed Date: 4/15/19.
Accession Number: 20190415–5123.
Comments Due: 5 p.m. ET 5/6/19.

Docket Numbers: ER19–1573–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: BPA General Transfer Agreement (West) Rev 11 to be effective 1/1/2019.
Filed Date: 4/15/19.
Accession Number: 20190415–5124.
Comments Due: 5 p.m. ET 5/6/19.

Docket Numbers: ER19–1574–000.
Applicants: The Potomac Edison Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Potomac Edison submits a Construction Agreement, Service Agreement No. 5276 to be effective 5/1/2019.
Filed Date: 4/15/19.
Accession Number: 20190415–5125.
Comments Due: 5 p.m. ET 5/6/19.

Docket Numbers: ER19–1575–000.
Applicants: Alta Oak Realty, LLC.
Description: Baseline eTariff Filing: MBR Application to be effective 6/15/2019.
Filed Date: 4/15/19.
Accession Number: 20190415–5148.
Comments Due: 5 p.m. ET 5/6/19.

Docket Numbers: ER19–1576–000.
Applicants: Duke Energy Progress, LLC, Duke Energy Carolinas, LLC.
Description: § 205(d) Rate Filing: Revisions to Joint OATT Formula Transmission Rates (DEC and DEP) to be effective 5/15/2019.
Filed Date: 4/15/19.
Accession Number: 20190415–5158.
Comments Due: 5 p.m. ET 5/6/19.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES19–22–000.
Applicants: Mid-Atlantic Interstate Transmission, LLC.
Description: Application under Section 204 of the Federal Power Act for Authorization to Issue Securities or Borrow Securities, et al. of Mid-Atlantic Interstate Transmission, LLC.
Filed Date: 4/12/19.
Accession Number: 20190412–5212.
Comments Due: 5 p.m. ET 5/3/19.

Take notice that the Commission received the following foreign utility company status filings:

Docket Numbers: FC19–4–000.
Applicants: Whitetower Holdings UK Ltd.
Description: Notice of Self-Certification of Foreign Utility Company Status of Whitetower Holdings UK Ltd.
Filed Date: 04/15/2019.
Accession Number: 20190415–5094.
Comment Date: 5 p.m. ET 5/6/19.

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 15, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–07943 Filed 4–18–19; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9992–03–OW]

Notice of Availability of the Deepwater Horizon Oil Spill Louisiana Trustee Implementation Group Draft Supplemental Restoration Plan and Environmental Assessment for the Lake Charles Science Center and Educational Complex Project Modification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability; request for public comments.

SUMMARY: On July 20, 2018, the Environmental Protection Agency (EPA) published a Notice of Availability of the *Deepwater Horizon* Oil Spill Louisiana Trustee Implementation Group (Louisiana TIG) Final Restoration Plan and Environmental Assessment #2: Provide and Enhance Recreational Opportunities (Final RP/EA #2). The Louisiana TIG is considering modifications to the original Lake Charles Science Center and Educational Complex (Lake Charles SCEC) project described in the Final RP/EA #2. The modifications being considered include collocating the Lake Charles SCEC with the Lake Charles Children's Museum (LCCM) as part of the shared Port Wonder facility on the north shore of Lake Charles. In accordance with the Oil Pollution Act of 1990 (OPA) and the National Environmental Policy Act (NEPA), the federal and state natural resource trustee agencies for the Louisiana TIG prepared a Draft Supplemental Restoration Plan and Environmental Assessment for the Lake Charles SCEC Project Modification (Draft Supplemental RP/EA). The Draft Supplemental RP/EA evaluates modifications to the Lake Charles SCEC project and alternatives considered by the Louisiana TIG under criteria set forth in the OPA Natural Resource Damage Assessment (NRDA) regulations and evaluates their environmental effects in accordance with the NEPA. The modifications under consideration to the Lake Charles SCEC project are consistent with the restoration alternatives selected in the *Deepwater Horizon* Oil Spill Final Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement (PDARP/PEIS). The purpose of this notice is to inform the public of the availability of the Draft Supplemental RP/EA and to seek public comment on the document.

DATES: The Louisiana TIG will consider public comments received on or before May 20, 2019.

Public Meeting: The Louisiana TIG will also take verbal comments at a public meeting that will be held at the Lake Charles Civic Center, Contraband Room, on May 8, 2019; Open House 5:30 p.m., Meeting 6:00 p.m.; 900 Lakeshore Drive, Lake Charles, LA 70601.

ADDRESSES: *Obtaining Documents:* You may download the Draft Supplemental RP/EA at any of the following sites:

- *http://www.gulfspillrestoration.noaa.gov*
- *http://www.la-dwh.com*

Alternatively, you may request a CD of the Draft Supplemental RP/EA (see **FOR FURTHER INFORMATION CONTACT**). You may also view the document at any of the public facilities listed at *http://www.gulfspillrestoration.noaa.gov.*

Submitting Comments: You may submit comments on the Draft Supplemental RP/EA by one of the following methods:

- *Via the Web: http://www.gulfspillrestoration.noaa.gov/restoration-areas/louisiana*
- *Via U.S. Mail:* U.S. Fish and Wildlife Service, P.O. Box 29649, Atlanta, GA 30345
- *In Person:* Verbal comments may be provided at the public meeting on May 8, 2019

Once submitted, comments cannot be edited or withdrawn. The Louisiana TIG may publish any comment received on the document. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information for which 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 Louisiana TIG 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). Please be aware that your entire comment, including your personally identifiable information, will become part of the public record. Please note that mailed comments must be postmarked on or before the comment deadline of 30 days following publication of this notice to be considered.

FOR FURTHER INFORMATION CONTACT:

- Louisiana—Joann Hicks, 225–342–5477
- EPA—Tim Landers, 202–566–2231

SUPPLEMENTARY INFORMATION:

Introduction

On April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon,* which was being used to drill a well for BP Exploration and Production, Inc. (BP), in the Macondo prospect (Mississippi Canyon 252–MC252), experienced a significant explosion, fire, and subsequent sinking in the Gulf of Mexico, resulting in an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed. The *Deepwater Horizon* oil spill is the largest off shore oil spill in U.S. history, discharging millions of barrels of oil over a period of 87 days.

The Trustees conducted the natural resource damage assessment for the *Deepwater Horizon* oil spill under the Oil Pollution Act of 1990 (33 United States Code 2701 *et seq.*). Under the OPA, federal and state agencies act as trustees on behalf of the public to assess natural resource injuries and losses and to determine the actions required to compensate the public for those injuries and losses. The OPA further instructs the designated trustees to develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship, including the loss of use and services from those resources from the time of injury until the time of restoration to baseline (the resource quality and conditions that would exist if the spill had not occurred) is complete.

The *Deepwater Horizon* oil spill Trustees are:

- U.S. Environmental Protection Agency (EPA);
- U.S. Department of the Interior (DOI), as represented by the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management;
- National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Department of Commerce;
- U.S. Department of Agriculture (USDA);

• State of Louisiana Coastal Protection and Restoration Authority (CPRA), Oil Spill Coordinator's Office (LOSCO), Department of Environmental Quality (LDEQ), Department of Wildlife and Fisheries (LDWF), and Department of Natural Resources (LDNR);

• State of Mississippi Department of Environmental Quality;

• State of Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;

• State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission; and

• State of Texas Parks and Wildlife Department, General Land Office, and Commission on Environmental Quality.

On April 4, 2016, the Trustees reached and finalized a settlement of their natural resource damage claims with BP in a Consent Decree approved by the United States District Court for the Eastern District of Louisiana. Pursuant to that Consent Decree, restoration projects in the Louisiana Restoration Area are now chosen and managed by the Louisiana TIG. The Louisiana TIG is composed of the following Trustees: CPRA, LOSCO, LDEQ, LDWF, LDNR, EPA, DOI, NOAA, USDA.

Background

The original scope and design of the Lake Charles SCEC project were evaluated in the Final RP/EA #2, which was published on July 20, 2018. As proposed in the Final RP/EA #2, the Lake Charles SCEC project would enhance recreational opportunities by providing indoor and outdoor public visitation and outreach components, including fisheries extension, access, outreach, and education to the public. Following release of the Final RP/EA #2, the City of Lake Charles requested that the Louisiana TIG consider collocating the Lake Charles SCEC with the City's planned LCCM. The Louisiana TIG prepared the Draft Supplemental RP/EA to evaluate modifications to the Lake Charles SCEC project and consider alternatives, consistent with the purpose and need of the original project. Alternatives considered in the Draft Supplemental RP/EA include the collocation of the Lake Charles SCEC and LCCM with variations of indoor and outdoor components to support recreational and educational opportunities. The Louisiana TIG prepared the Draft Supplemental RP/EA to inform the public about potential modifications to the Lake Charles SCEC project and to seek public comment.

Next Steps

The public is encouraged to review and comment on the Draft Supplemental RP/EA. A public meeting is scheduled to also help facilitate the public review and comment process. A summary of comments received on the Draft Supplemental RP/EA and the Louisiana TIG's responses, where applicable, will be included in the Final Supplemental RP/EA. Public comments on the Draft Supplemental RP/EA will inform the Louisiana TIG's decision on whether to select the Lake Charles SCEC project, as modified, in the Final Supplemental RP/EA.

Administrative Record

The documents comprising the Administrative Record for the Draft Supplemental RP/EA can be viewed electronically at *https://www.doi.gov/deepwaterhorizon/adminrecord.*

Authority

The authority for this action is the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*), its implementing NRDA regulations found at 15 CFR part 990, and the NEPA (42 U.S.C. 4321 *et seq.*).

Dated: April 2, 2019.

Benita Best-Wong,

Deputy Assistant Administrator, Office of Water.

[FR Doc. 2019–07441 Filed 4–18–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9044–4]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa/.*

Weekly receipt of Environmental Impact Statements
Filed 04/01/2019 Through 04/05/2019
Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20190044, Final, BLM, NM, Copper Flat Copper Mine, Review Period Ends: 05/20/2019, Contact: Leighandra Keeven 575–525–4337

EIS No. 20190057, Final, USFS, WY, Medicine Bow Landscape Vegetation Analysis (LaVA) Project, Review Period Ends: 05/20/2019, Contact: Melissa Martin 307–745–2371

EIS No. 20190058, Final, FHWA, NY, Hunts Point Interstate Access Improvement Project, Contact: Erik Koester—NYSDOT Project Director 718–482–4683. Under 23 U.S.C. 139(n)(2), FHWA has issued a single document that consists of a final environmental impact statement and record of decision. Therefore, the 30-day wait/review period under NEPA does not apply to this action.

EIS No. 20190059, Draft, BLM, WY, Moneta Divide Natural Gas and Oil Development Project, Comment Period Ends: 07/18/2019, Contact: Kristin Yannone 307–332–8400

EIS No. 20190060, Draft, USFWS, CA, Proposed Habitat Conservation Plan and Incidental Take Permit for Sierra Pacific Industries, Comment Period Ends: 06/18/2019, Contact: Kim Turner 916–414–6600

EIS No. 20190061, Draft, BIA, CA, Redding Rancheria Fee-to-Trust and Casino Project, Comment Period Ends: 06/03/2019, Contact: Chad Broussard 916–978–6165

EIS No. 20190062, Final, FERC, FL, Eagle LNG Partners Jacksonville, LLC Jacksonville Project, Review Period Ends: 05/20/2019, Contact: Office of External Affairs 866–208–3372

Amended Notice

EIS No. 20180087, Draft, USDA, NAT, Southern Gardens Citrus Nursery, LLC Permit to Release Genetically Engineered Citrus tristeza virus Draft Environmental Impact Statement, Comment Period Ends: 04/30/2019, Contact: Joanne Serrels 301–851–3867. Revision to FR Notice Published 05/11/2018; APHIS has reopened the comment period to end on 04/30/2019.

Dated: April 15, 2019.

Robert Tomiak,

Director, Office of Federal Activities.

[FR Doc. 2019–07779 Filed 4–18–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2018–0604; FRL–9990–36]

Materials Supporting the Colour Index (C. I.) Pigment Violet 29 Risk Evaluation; Notice of Availability and Comment Opportunity

Correction

In notice document 2019–07708 appearing on page 16011 in the issue of Wednesday, April 17, 2019, make the following correction:

In the first column, under the **DATES** heading, in the second line ''April 17, 2019'' should read ''May 17, 2019''.

[FR Doc. C1–2019–07708 Filed 4–18–19; 8:45 am]

BILLING CODE 1301–00–D

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2019–0058; FRL–9991–51]

Pesticide Program Dialogue Committee; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act, the Environmental Protection Agency's (EPA's) Office of Pesticide Programs is announcing a public meeting of the Pesticide Program Dialogue Committee (PPDC) on Wednesday, May 8, 2019 from 9 a.m. to 5 p.m., and Thursday, May 9, 2019 from 9 a.m. to 12 noon. This meeting provides advice and recommendations to the EPA Administrator on issues associated with pesticide regulatory development and reform initiatives, evolving public policy and program implementation issues, and science issues associated with evaluating and reducing risks from use of pesticides.

Agenda: A draft agenda will be posted on approximately, May 1, 2019.

Accommodations requests: To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATON CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The PPDC Meeting will be held at 1 Potomac Yard South, 2777 S Crystal Drive, Arlington, VA, in the lobby-level Conference Center. EPA's Potomac Yard South Bldg. is approximately 1 mile from the Crystal City Metro Station.

FOR FURTHER INFORMATION CONTACT: Shannon Jewell, Office of Pesticide Programs, Environmental Protection Agency, 2777 Crystal Drive, Arlington, VA 22202; telephone number: (703) 347–0109; email address: *jewell.shannon@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you work in an agricultural settings or if you are concerned about implementation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); the Federal Food, Drug, and Cosmetic Act (FFDCA); and the amendments to both of these major pesticide laws by the Food Quality Protection Act (FQPA) of 1996; the Pesticide Registration Improvement Act, and the Endangered Species Act. Potentially affected entities may include, but are not limited to: Agricultural workers and farmers; pesticide industry and trade associations; environmental, consumer, and farm worker groups; pesticide users and growers; animal rights groups; pest consultants; State, local, and tribal governments; academia; public health organizations; and the public. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2019–0058, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Background

The PPDC is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA), Public Law 92–463. EPA established the PPDC in September 1995 to provide advice and recommendations to the EPA Administrator on issues associated with pesticide regulatory development and reform initiatives, evolving public policy and program implementation issues, and science issues associated with evaluating and reducing risks from use of pesticides. The following sectors are represented on the current PPDC: Environmental/public interest and animal rights groups; farm worker organizations; pesticide industry and trade associations; pesticide user, grower, and commodity groups; Federal and State/local/tribal governments; the general public; academia; and public health organizations.

III. How can I request to participate in this meeting?

PPDC meetings are free, open to the public, and no advance registration is required. Public comments may be made during the public comment session of each meeting or in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 7 U.S.C. 136 *et. seq.*

Dated: April 12, 2019.

Wynne Miller,

Acting Director, Office of Pesticide Programs.

[FR Doc. 2019–07837 Filed 4–18–19; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS19–02]

Appraisal Subcommittee Notice of Special Meeting

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

ACTION: Notice of Special Meeting.

Description: In accordance with Section 1104 (b) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, notice is hereby given that the Appraisal Subcommittee (ASC) met for a Special Meeting on this date:

Location: Conference Call.

Date: April 15, 2019.

Time: 12:55 p.m.

Action and Discussion Item

North Dakota Temporary Waiver Request

The ASC convened a Special Meeting to take a vote on whether a request for Temporary Waiver was received by the ASC that would require publication in the **Federal Register** for public comment. By rule, the agency is to take prompt action on a request for Temporary Waiver. By reason of the vote taken in the Special Meeting, notice is required to be published in the **Federal Register** to seek public comment for a 30-day comment period on the request for Temporary Waiver prior to a determination by the ASC whether to grant or deny the request.

Dated: April 16, 2019.

James R. Park,

Executive Director.

[FR Doc. 2019–07923 Filed 4–18–19; 8:45 am]

BILLING CODE 6700–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

April 17, 2019.

TIME AND DATE: 10:00 a.m., Thursday, May 2, 2019.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW, Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *Sims Crane, Inc.,* Docket No. SE 2016–81. (Issues include whether the Judge erred in upholding a citation alleging that a miner had not used fall protection when required.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFO: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD. Relay/1–800–877–8339 for toll free.

PHONE NUMBER FOR LISTENING TO MEETING: 1 (866) 867–4769. Passcode: 678–100

Michael J. Cole,

Attorney Advisor.

[FR Doc. 2019–08059 Filed 4–17–19; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to implement the Report of Institution-to-Aggregate Granular Data on Assets and Liabilities on an Immediate Counterparty Basis (FR 2510; OMB No. 7100–to be assigned).

DATES: The FR 2510 will be effective for the reporting period ending on September 30, 2019.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Board may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Final Approval Under OMB Delegated Authority of the Implementation of the Following Information Collection

Report title: Report of Institution-to-Aggregate Granular Data on Assets and Liabilities on an Immediate Counterparty Basis.

Agency form number: FR 2510.

OMB control number: 7100-to be assigned.

Frequency: Quarterly, beginning with the reporting period ending on September 30, 2019.

Respondents: Bank holding companies headquartered in the United States that are global systemically important bank holding companies (U.S. G–SIBs) under the Board's rules.[1]

Estimated number of respondents: 8.

Estimated average hours per response: One-time implementation: 1,000 hours; ongoing: 568 hours.

Estimated annual burden hours: One-time implementation: 8,000 hours; ongoing: 18,176 hours.

General description of report: The FR 2510 will collect granular exposure data on the assets, liabilities, and off-balance sheet holdings of U.S. G–SIBs, providing breakdowns by instrument, currency, maturity, and sector. The FR 2510 will also collect data covering detailed positions for the top 35 countries of exposure, on an immediate-counterparty basis (on the basis of the country of residence of the borrower), as reported in the consolidated Country Exposure Report of the Federal Financial Institutions Examination Council (FFIEC 009; OMB No. 7100–0035), broken out by instrument and counterparty sector, with limited further breakouts by remaining maturity, subject to a $2 billion minimum threshold for country exposure. Further, the FR 2510 would collect information on financial derivatives by instrument type and foreign exchange derivatives by currency.

The FR 2510 will allow the Federal Reserve to conduct a more complete balance sheet analysis of U.S. G–SIBs. Additionally, the FR 2510 will provide the Federal Reserve with valuable systemic information through the collection of more granular data regarding common or correlated exposures and funding dependencies than is currently collected by existing reports by providing more information about U.S. G–SIBs' consolidated exposures and funding positions to different countries according to instrument, counterparty sector, currency and remaining maturity.

Legal authorization and confidentiality: The information collection is authorized under section 5 of the Bank Holding Company Act (12 U.S.C. 1844). The information collected in the FR 2510 will be collected as part of the Board's supervisory process and therefore may be afforded confidential treatment pursuant to exemption 8 of the Freedom of Information Act (FOIA) (5 U.S.C. 552(b)(8)). In addition, individual respondents may request that certain data be afforded confidential treatment pursuant to exemption 4 of the FOIA if the data has not previously been publically disclosed and the release of the data would likely cause substantial harm to the competitive position of the respondent (5 U.S.C. 552(b)(4)). Determinations of confidentiality based on exemption 4 of the FOIA will be made on a case-by-case basis.

Current actions: On August 27, 2018, the Board published a notice in the **Federal Register** (83 FR 43680) requesting public comment for 60 days on the implementation of the FR 2510. The comment period for this notice expired on October 26, 2018. The Board received two comments. With the exception of certain changes discussed below, the FR 2510 will be implemented as proposed.

[1] *See* 12 CFR part 217, subpart H.

Detailed Discussion of Public Comments: One commenter, a banking association, stated that the FR 2510 would be a necessary step toward narrowing the scope of the data collection from what the FSB originally proposed. In addition, the commenter made six recommendations to the Board:

- First, the commenter requested that the Board delay the implementation date in light of the following concerns:
- Respondents will need time to revise their reporting systems and develop the required controls for a new report;
- Several respondents rely on external vendors, who cannot begin software design work until the Board provides final approval and releases the final technical specifications;
- Several respondents are undergoing transformative changes to their regulatory reporting systems, which will draw resources away from FR 2510 implementation; and
- Respondents are currently preparing for the upcoming Comprehensive Capital Analysis and Review (CCAR),[2] which will also draw resources away from FR 2510 implementation.

For these reasons, the commenter recommended that the Board delay the proposed March 31, 2019, effective date to December 31, 2019, and that in no case should reporting begin earlier than September 30, 2019. The Board agrees with the commenter's recommendation to allow more time and is thus delaying the effective date of the FR 2510 to September 30, 2019. The Board believes the revised effective date addresses the commenter's concerns by providing institutions with sufficient time to prepare their reporting systems and implement appropriate controls.

Second, the commenter stated that there would be insufficient time to determine in each quarter the top 35 countries by total exposure as requested in Table 2, Consolidated Balance Sheet, since current quarter exposure data is based on the FFIEC 009, which has a filing deadline only five days before the FR 2510 for the first, second, and third calendar quarters. In response, the Board has clarified the instructions to specify that the top 35 countries by total exposure should be based on the four quarters preceding the current quarter.

Third, the commenter recommended that foreign exchange derivatives reported on the Financial Derivatives and Foreign Exchange Derivatives Schedules should be defined consistently between Board regulatory reports and align with U.S. generally accepted accounting principles (GAAP). As proposed, the Financial Derivatives Schedule would have been populated automatically from the FR Y–15, which includes certain client clearing derivatives not included on the FR Y–9C or the FR 2436. In response, the Board has revised the instructions for the Financial Derivatives Schedule by removing the reference to automatic data population from the FR Y–15 and by aligning the schedule with U.S. GAAP and the FR Y–9C and FR 2436.

Fourth, the commenter noted a difference in treatment between the FR Y–9C and the FFIEC 009 for netting trading assets against trading liabilities in the same security (Committee on Uniform Security Identification Procedures (CUSIP) netting), which would affect production of data for the FR 2510. To address this concern, the commenter recommended revising the instructions to use the treatment of CUSIP netting on the FFIEC 009. The commenter also suggested clarifying the instructions so that the definition of country of residence for individuals would be consistent with the FFIEC 009. In response, the Board has revised the instructions to state that both the treatment of CUSIP netting and the definition of country of residence for individuals should be consistent with the FFIEC 009.

Fifth, the commenter requested that the Board provide clarifications to a supplemental instructional document that anchors the definitions of certain FR 2510 data items to the FR Y–9C and other reports and update the supplemental instructional document to reflect the current version of the FR Y–9C. The Board will provide the requested clarifications and update the supplemental instructional document in advance of the first FR 2510 filing date.

Sixth and finally, the commenter requested clarifications to the FR 2510 instructions for reporting of certificates of deposit held for trading; reverse repurchase agreements and securities lending agreements with household counterparts; master netting agreements; and short sale contracts. In response, the Board has clarified the instructions in these areas.

The other commenter, an individual, stated that the FR 2510 contains similarities to existing collections, such as the Central Bank Survey of Foreign Exchange and Derivatives Market Activity (FR 3036; OMB No. 7100–0285), the Treasury Department's Treasury International Capital (TIC) B form for claims and liabilities by country and counterparty type (OMB No. 1505–0020), and the TIC D form for derivatives activity (OMB No. 1505–0199). While existing reports collect data on exposures and funding positions to different countries, it is important to note that the FR 2510 supports a more complete balance sheet analysis and collects more granular data regarding instruments, counterparty sector, currency, and residual maturity. Therefore, the Board has not altered the proposal in response to this comment.

Aside from the delayed implementation date and the instructional changes discussed above, the Board will implement the FR 2510 as originally proposed.

Board of Governors of the Federal Reserve System, April 16, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–07875 Filed 4–18–19; 8:45 am]

BILLING CODE 6210–01–P

[2] The Federal Reserve's CCAR exercises evaluate the capital planning processes and capital adequacy of the largest U.S.-based bank holding companies, including the firms' planned capital actions, such as dividend payments and share buybacks.

FEDERAL RESERVE SYSTEM

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 1:30 p.m. on Tuesday, April 23, 2019.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th Street entrance between Constitution Avenue and C Streets NW, Washington, DC 20551.

STATUS: Open.

On the day of the meeting, you will be able to view the meeting via webcast from a link available on the Board's public website. *You do not need to register to view the webcast of the meeting.* A link to the meeting documentation will also be available approximately 20 minutes before the start of the meeting. Both links may be accessed from the Board's public website at *www.federalreserve.gov.*

If you plan to attend the open meeting in person, we ask that you notify us in advance and provide your name, date of birth, and social security number (SSN) or passport number. You may provide this information by calling 202–452–2474 or you may register online. You may pre-register until close of business on Monday, April 22, 2019. You also will be asked to provide identifying information, including a photo ID, before being admitted to the Board meeting. The Public Affairs Office must approve the use of cameras; please call 202–452–2955 for further information. If

you need an accommodation for a disability, please contact Penelope Beattie on 202–452–3982. For the hearing impaired only, please use the Telecommunication Device for the Deaf (TDD) on 202–263–4869.

Privacy Act Notice: The information you provide will be used to assist us in prescreening you to ensure the security of the Board's premises and personnel. In order to do this, we may disclose your information consistent with the routine uses listed in the Privacy Act Notice for BGFRS–32, including to appropriate federal, state, local, or foreign agencies where disclosure is reasonably necessary to determine whether you pose a security risk or where the security or confidentiality of your information has been compromised. We are authorized to collect your information by 12 U.S.C. 243 and 248, and Executive Order 9397. In accordance with Executive Order 9397, we collect your Social Security Number (SSN) so that we can keep accurate records, because other people may have the same name and birth date. In addition, we use your SSN when we make requests for information about you from law enforcement and other regulatory agency databases. Furnishing the information requested is voluntary; however, your failure to provide any of the information requested may result in disapproval of your request for access to the Board's premises. You may be subject to a fine or imprisonment under 18 U.S.C 1001 for any false statements you make in your request to enter the Board's premises.

MATTERS TO BE CONSIDERED:

Discussion Agenda

1. Proposal to Revise the Board's Control Rules.

Notes: 1. The staff memos to the Board will be made available to attendees on the day of the meeting in paper and the background material will be made available on a compact disc (CD). If you require a paper copy of the entire document, please call Penelope Beattie on 202–452–3982. The documentation will not be available to the public until about 20 minutes before the start of the meeting.

2. This meeting will be recorded for the benefit of those unable to attend. The webcast recording and a transcript of the meeting will be available after the meeting on the Board's public website *http://www.federalreserve.gov/aboutthefed/boardmeetings/* or if you prefer, a CD recording of the meeting will be available for listening in the Board's Freedom of Information Office, and copies can be ordered for $4 per disc by calling 202–452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

CONTACT PERSON FOR MORE INFORMATION: Michelle Smith, Director, or Dave Skidmore, Assistant to the Board, Office of Board Members at 202–452–2955.

SUPPLEMENTARY INFORMATION: You may access the Board's public website at *www.federalreserve.gov* for an electronic announcement. (The website also includes procedural and other information about the open meeting.)

Dated: April 16, 2019.

Ann Misback,

Secretary of the Board.

[FR Doc. 2019–08020 Filed 4–17–19; 11:15 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 16, 2019.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Ford Management III, L.P., Ford Financial Fund III, L.P. and EB Acquisition Company II LLC, 2011 TCRT, Ford Ultimate Management II, LLC, Ford Management II, L.P., GJF Financial Management II, LLC, Ford Family Investment, LP, Ford Financial Fund II, L.P., and EB Acquisition Company LLC, all of Dallas, Texas;* each to indirectly acquire shares of Pistachio NewCo Inc. and thereby acquire shares of Rabobank, National Association, both of Roseville, California.

In connection to this application, Applicants also have applied to engage de novo in financial and investment advisory services pursuant to section 225.25(b)(6) of Regulation Y.

Board of Governors of the Federal Reserve System, April 16, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–07914 Filed 4–18–19; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Registration of a Securities Holding Company (FR 2082; OMB No. 7100–0347).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB

inventory of currently approved collections of information. Copies of the PRA Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Board may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Report title: Registration of a Securities Holding Company.

Agency form number: FR 2082.

OMB control number: 7100–0347.

Frequency: On occasion.

Respondents: Securities holding companies (SHCs).

Estimated number of respondents: 1.

Estimated average hours per response: 8.

Estimated annual burden hours: 8.

General description of report: Section 241.3(a)(1) of the Board's Regulation OO requires SHCs that elect to register to become supervised SHCs to file the appropriate registration form with the responsible Federal Reserve Bank. The registration form, FR 2082, requests from the registering SHC an organization chart (including all subsidiaries), shareholder reports and financial statements, information regarding the SHC's shareholders, senior officers and directors, information regarding the methods used by the SHC to monitor and control its operations, and information regarding the SHC's foreign bank subsidiaries and the bank regulatory system in which these foreign bank subsidiaries operate. The information collected by the FR 2082 registration form is used by the Federal Reserve System to determine whether the registrant meets the requirements to become a supervised SHC and to complete the registration. This information is not available from another source.

Legal authorization and confidentiality: The FR 2082 registration form implemented by section 241.3(a) of Regulation OO (12 CFR 241.3(a)) is authorized by section 618(b)(2)(A) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 1850a(b)(2)(A)). Section 618(b)(2)(A) requires covered companies that elect to be supervised by the Board ''to register by filing with the Board of Governors such information and documents as the [Board], by regulation, may prescribe as necessary.'' The obligation to submit the FR 2082 registration form is required for covered companies that elect to register to become supervised SHCs on a one-time basis.

The information provided on the FR 2082 registration form and in connection with the SHC's registration is considered public. However, certain personal and biographical information on individuals, which is required to be submitted as part of the registration, may be treated as confidential under exemption 6 of the Freedom of Information Act (FOIA), which protects from disclosure information that ''would constitute a clearly unwarranted invasion of personal privacy'' (5 U.S.C. 552(b)(6)). In addition, certain information submitted in connection with the SHC's registration may be exempt from disclosure under exemption 4 of the FOIA, which protects confidential commercial or financial information that is reasonably likely to result in substantial competitive harm if disclosed (5 U.S.C. 552(b)(4)). If an SHC seeks confidential treatment of any information submitted as part of its registration under exemption 4 of the FOIA, the SHC must submit such a request in accordance with section 261.15 of the Board's Rules Regarding Availability of Information (12 CFR 261.15). In addition, information for which confidential treatment is sought under exemption 4 or 6 of the FOIA, must be labelled as confidential, accompanied by a request for confidential treatment submitted in writing concurrently with the filing of the registration (or related submissions), and the confidential treatment request must provide a detailed justification as to why confidential treatment is warranted for each portion of the registration (or submission) for which confidentiality is requested.

Current actions: On January 31, 2019, the Board published a notice in the **Federal Register** (84 FR 716) requesting public comment for 60 days on the extension, without revision, of the Registration of a Securities Holding Company. The comment period for this notice expired on April 1, 2019. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, April 16, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–07876 Filed 4–18–19; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (''Act'') (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 7, 2019.

A. Federal Reserve Bank of Minneapolis (Mark A. Rauzi, Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Lana Krause, Winnebago, Minnesota;* to retain voting shares of Krause Financial, Inc., Winnebago, Minnesota, and thereby indirectly retain shares of First Financial Bank in Winnebago, Winnebago, Minnesota.

B. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Kellye Lynee Ortega, Edinburg, Texas, and for Myrhanda Ortega, Edinburg, Texas, to join Kellye Lynee Ortega as a group acting in concert;* to acquire voting shares of MNB Ventures, Inc., and thereby acquire shares of Texas National Bank, both of Mercedes, Texas.

Board of Governors of the Federal Reserve System, April 16, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–07915 Filed 4–18–19; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, with revision, the Reporting

Requirements Associated with Regulation Y (Extension of Time to Conform to the Volcker Rule) (FR Y–1; OMB No. 7100–0333).

DATES: Comments must be submitted on or before June 18, 2019.

ADDRESSES: You may submit comments, identified by *FR Y–1,* by any of the following methods:

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

All public comments are available from the Board's website at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the Paperwork Reduction Act (PRA) OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, if approved. These documents will also be made available on the Board's public website at *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: On June 15, 1984, the OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, With Revision, the Following Information Collection

Report title: Reporting Requirements Associated with Regulation Y (Extension of Time to Conform to the Volcker Rule).

Agency form number: FR Y–1.

OMB control number: 7100–0333.

Frequency: Event-generated.

Respondents: Insured depository institutions (other than certain limited-purpose trust institutions), any company that controls an insured depository institution, any company that is treated as a bank holding company for purposes of section 8 of the International Banking Act of 1978 (12 U.S.C. 3106), and any affiliate or subsidiary of any of the foregoing (collectively, banking entities), and nonbank financial companies designated by the Financial Stability Oversight Council that engage in proprietary trading activities or make investments in covered funds.

Estimated number of respondents: 1.

Estimated average hours per response: 3.

Estimated annual burden hours: 3.

General description of report: The information collection in section 225.181(c) of the Board's Regulation Y (12 CFR 225.181(c)) is used by newly formed banking entities and existing companies that become a banking entity (collectively, new banking entities) to seek an extension of time to bring their activities and investments into compliance with section 13 of the Bank Holding Company Act (the Volcker Rule) or to divest their interest in an illiquid fund. The information collection in section 225.182(c) of the Board's Regulation Y (12 CFR 225.182(c)) is used by nonbank financial companies supervised by the Board to seek an extension of time to bring their activities and investments into compliance with the Volcker Rule, including any capital requirements and quantitative limits adopted thereunder. A request by a banking entity or nonbank financial company supervised by the Board also must address the relevant factors set out in sections 225.181(d) and 225.182(d) of Regulation Y.

Conformance Period for Banking Entities Engaged in Prohibited Proprietary Trading or Private Fund Activities—Approval Required To Hold Interests in Excess of Time Limit (Section 225.181(c))

Section 225.181(c) requires an application for an extension by or with respect to a new banking entity or an extension of the transition period for illiquid funds to (1) be submitted in writing to the Board at least 180 days prior to the expiration of the applicable time period, (2) provide the reasons why the banking entity believes the extension should be granted, and (3) provide a detailed explanation of the

banking entity's plan for divesting or conforming the activity or investment(s). A request by a banking entity also must address the relevant factors governing Board determinations set out in sections 225.181(d).

Additionally, Supervision and Regulation Letter 16–18 (SR Letter 16–18),[1] states that the following additional information that should be included in a request for an extended transition period for illiquid funds:

- A list or simple chart of illiquid funds for which an extension is sought,
- A short description of each fund, including the investment strategy and types of investments made by each fund, which entity within the firm holds the investment, the size of each fund, the total exposure of the banking entity to each fund, the date by which each remaining illiquid fund is expected to mature by its terms or be conformed to section 13 of the BHC Act, and the banking entity's relationship with the fund (for example, general partner, sponsor, investment adviser, investor),
- A description of the banking entity's specific efforts to divest or conform its illiquid funds, including a description of the overall covered funds (both liquid and illiquid) that have been divested or conformed to date, the progress that has been made towards divesting or conforming the investments for which an extension is being sought (for example, the number of funds sold, the number of funds that continue to be held, and the amount of investments remaining in each fund and in aggregate),
- A certification by the General Counsel or Chief Compliance Officer of the entity that sponsors or invests in the illiquid funds that each fund meets the definition of illiquid funds in section 13 of the BHC Act and sections 225.180–.181 of Regulation Y, including that the extension is necessary to fulfill a contractual obligation of the banking entity that was in effect on May 1, 2010, and
- The length of the requested extension of the conformance period and a description of the banking entity's plan for divesting or conforming each illiquid fund prior to the end of the requested extension period.

SR Letter 16–18 further provides that such a request should be submitted in writing to the appropriate Federal Reserve Bank and that the banking entity should provide the name, phone number, and email address of the banking entity's point of contact for the request. Additionally, SR Letter 16–18 provides that, in the case where the banking entity that sponsors or invests in the illiquid fund is supervised primarily by another federal banking agency, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, the top-tier banking entity should also provide a copy of the extension request to the relevant agency for the subsidiary banking entity.

Conformance Period for Nonbank Financial Companies Supervised by the Federal Reserve Engaged in Proprietary Trading or Private Fund Activities—Approval Required To Hold Interests in Excess of Time Limit (Section 225.182(c))

Section 225.182(c) requires an application for an extension by a nonbank financial company supervised by the Board to (1) be submitted in writing to the Board at least 180 days prior to the expiration of the applicable time period, (2) provide the reasons why the nonbank financial company supervised by the Board believes the extension should be granted, and (3) provide a detailed explanation of the company's plan for coming into compliance with the requirements of the Volcker Rule. A request by nonbank financial company supervised by the Board also must address the relevant factors governing Board determinations set out in section 225.182(d).

Proposed revisions: The Board is proposing to revise the FR Y–1 to account for the provisions of SR Letter 16–18 that relate to the contents of a request for an extended transition period for illiquid funds and the procedures for filing such a request.

Legal authorization and confidentiality: Section 13 of the BHC Act authorizes the Board to issue rules to permit entities covered by the Volcker Rule to seek extensions of time of the conformance period (12 U.S.C. 1851(c)(6)). The Board also has the authority to require reports from bank holding companies (12 U.S.C. 1844(c)), savings and loan holding companies (12 U.S.C. 1467a(b) and (g)), and state member banks (12 U.S.C. 248(a) and 324). The information collections associated with requests for extensions of time to conform to the Volcker Rule are required for covered entities that decide to seek an extension of time to conform their activities to the Volcker Rule or divest their interest in an illiquid hedge fund or private equity fund. These collections of information, therefore, are required to obtain a benefit.

Information required to be submitted in order to obtain an extension of time to conform activities to the Volcker Rule may include:

- The terms of private contractual obligations,
- The liquid or illiquid nature of assets proposed to be divested by the regulated entity,
- The total exposure of the covered entity to the activity or investment, and its materiality to the institution,
- The risks and costs of disposing of, or maintaining, the activity or investment, or
- The impact of divestiture or conformance of the activity or investment on any duty owed by the institution to a client, customer, or counterparty.

This information is the type of confidential commercial and financial information that may be withheld under exemption 4 of the Freedom of Information Act (5 U.S.C. 552(b)(4)). As required information, it may be withheld under exemption 4 only if public disclosure could result in substantial competitive harm to the submitting institution.[2]

Board of Governors of the Federal Reserve System, April 16, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–07873 Filed 4–18–19; 8:45 am]

BILLING CODE 6210–01–P

[1] Procedures for a Banking Entity to Request an Extended Transition Period for Illiquid Funds, SR Letter 16–18 (December 9, 2016), available at *https://www.federalreserve.gov/supervisionreg/srletters/sr1618.pdf.*

[2] See *National Parks and Conservation Association* v. *Morton,* 498 F.2d 765 (D.C. Cir. 1974).

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Written Security Program for State Member Banks (FR 4004; OMB No. 7100–0112).

DATES: Comments must be submitted on or before June 18, 2019.

ADDRESSES: You may submit comments, identified by *FR 4004,* by any of the following methods:

- *Agency Website: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*

• *Email: regs.comments@federalreserve.gov.* Include Office of Management and Budget (OMB) number in the subject line of the message.

• *Fax:* (202) 452–3819 or (202) 452–3102.

• *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available on the Board's website at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the Paperwork Reduction Act (PRA) OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, if approved. These documents will also be made available on the Board's public website at *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Report title: Written Security Program for State Member Banks.

Agency form number: FR 4004.

OMB control number: 7100–0112.

Frequency: On occasion.

Respondents: State member banks.

Estimated number of respondents: 26.

Estimated average hours per response: 1 hour.

Estimated annual burden hours: 26.

General description of report: This information collection arises from a recordkeeping requirement contained in section 208.61 of the Board's Regulation H, which requires each state member bank to develop and maintain a written security program for the bank's main office and branches within 180 days of becoming a member of the Federal Reserve System. There is no formal reporting form for this collection of information (the FR 4004 designation is for internal purposes only), and the information is not submitted to the Federal Reserve System.

Legal authorization and confidentiality: The FR 4004 recordkeeping requirement is authorized by section 3 of the Bank Protection Act of 1968, which requires federal banking agencies to issue rules establishing minimum standards for banks with respect to the installation, maintenance, and operation of security devices and procedures to discourage robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such acts.[1]

The FR 4004 is mandatory. Because there is no reporting requirement associated with this recordkeeping requirement, the issue of confidentiality does not normally arise. If a bank's written security program were retained during the course of an examination, it would be exempt from disclosure under exemption 8 of the Freedom of Information Act (''FOIA''), which protects bank examination material.[2] In addition, the records may also be exempt from disclosure under exemption 4 of the FOIA, which protects from disclosure ''trade secrets and commercial or financial information obtained from a person and privileged or confidential.'' [3]

Board of Governors of the Federal Reserve System, April 16, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–07874 Filed 4–18–19; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Privacy Act of 1974; System of Records

AGENCY: Federal Trade Commission (FTC).

ACTION: Notice of modified systems of records.

SUMMARY: The FTC is making technical revisions to several of the notices that it has published under the Privacy Act of 1974 to describe its systems of records. This action is intended to make these notices clearer, more accurate, and up-to-date.

DATES: This notice shall become final and effective on April 19, 2019.

[1] 12 U.S.C. 1882(a).

[2] 5 U.S.C. 552(b)(8).

[3] 12 U.S.C. 552(b)(4).

FOR FURTHER INFORMATION CONTACT: G. Richard Gold and Alex Tang, Attorneys, Office of the General Counsel, FTC, 600 Pennsylvania Avenue NW, Washington, DC 20580, (202) 326–2424.

SUPPLEMENTARY INFORMATION: To inform the public, the FTC publishes in the **Federal Register** and posts on its website a ''system of records notice'' (SORN) for each system of records that the FTC currently maintains within the meaning of the Privacy Act of 1974, as amended, 5 U.S.C. 552a (''Privacy Act'' or ''Act''). See *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems.* The Privacy Act protects records about individuals in systems of records collected and maintained by Federal agencies. (A system is not a ''system of records'' under the Act unless the agency maintains and retrieves records in the system by the relevant individual's name or other personally assigned identifier.) Each Federal agency, including the FTC, must publish a SORN that describes the records maintained in each of its Privacy Act systems, including the categories of individuals that the records in the system are about, where and how the agency maintains these records, and how individuals can find out whether an agency system contains any records about them or request access to such records, if any. The FTC, for example, maintains 40 systems of records under the Act. Some of these systems contain records about the FTC's own employees, such as personnel and payroll files, while other FTC systems contain records about members of the public, such as public comments, consumer complaints, or phone numbers submitted to the FTC's Do Not Call Registry.

The FTC's SORNs discussed in this notice apply only to the FTC's own Privacy Act record systems. They do not cover Privacy Act records that other Federal agencies may collect and maintain in their own systems. Likewise, the FTC's SORNs and the Privacy Act of 1974 do not cover records that private businesses or other non-FTC entities may collect about individuals, which may be covered by other privacy laws.

On June 12, 2008, the FTC republished and updated all of its SORNs, describing all of the agency's systems of records covered by the Privacy Act in a single document for ease of use and reference. See 73 FR 33592. To ensure the SORNs remain accurate, FTC staff reviews each SORN on a periodic basis. As a result of this systematic review, the FTC made revisions to several of its SORNs on April 17, 2009 (74 FR 17863), August 27, 2010 (75 FR 52749), February 23, 2015 (80 FR 9460), November 2, 2017 (82 FR 50871), and November 6, 2018 (83 FR 55541).

Based on a periodic review of its SORNs, the FTC is publishing these additional technical revisions, to ensure that the FTC's SORNs remain clear, accurate, and up-to-date:

- First, the FTC is amending several SORNs to clarify or update information about the applicable records disposition schedules published or approved by the National Archives and Records Administration (NARA), which determine how long agency records in each system should be retained and destroyed.
- Second, the FTC is amending several SORNs applicable to FTC personnel-related records to conform more closely to the related Government-wide SORNs for Federal personnel records published by the Office of Personnel Management (OPM), and to make other technical changes (*e.g.,* updating the official title of the system manager, explaining how individuals may now access certain records online.)
- Third, after consultation with staff at the Office of Management & Budget (OMB), which provides guidance to Federal agencies on complying with the Privacy Act, the FTC is amending the above SORNs to include specific references to the **Federal Register** notices where the FTC previously published three SORN Appendices applicable to all FTC SORNs. Specifically, these Appendices, which are posted on the FTC's website: List the authorized disclosures and routine uses applicable to all FTC systems of records (Appendix I); how an individual can make a Privacy Act request to determine if the FTC has any records about him or her and, if so, how the individual may request access to or amendment of those records in the FTC's systems (Appendix II); and the location of FTC buildings and offices where the FTC maintains its records subject to the Act (Appendix III).
- Fourth, the FTC is republishing the full text of each of the above SORNs, incorporating the technical amendments, for the convenience of the reader and in accordance with OMB Circular A–108 (2016), which reorganized the format and content for SORNs published by Federal agencies.

The FTC is not substantively adding or amending any routine uses of its Privacy Act system records. Accordingly, the FTC is not required to provide prior public comment or notice to OMB or Congress for these technical amendments, which are final upon publication. See U.S.C. 552a(e)(11) and 552a(r); OMB Circular A–108, supra.

A SORN-by-SORN summary, including a more detailed description of each SORN and how it is being amended, appears below, followed by the full text of the SORNs, as amended.

I. FTC Law Enforcement Systems of Records

FTC–I–7 (Office of Inspector General Investigative Files—FTC). This SORN covers investigatory records in the FTC's Office of Inspector General. The Commission has updated the ''retention and disposal'' section to cite the FTC's records disposition schedule approved by NARA for the agency's use.

II. Federal Trade Commission Personnel Systems of Records

FTC–II–1 (General Personnel Records—FTC). This SORN covers Official Personnel Folders (OPFs) and the approved electronic equivalent (the electronic OPF or eOPF) and other personnel records that the FTC's Human Capital Management Office (HCMO) maintains about FTC employees. The Office of Personnel Management (OPM) has published a Government-wide SORN that covers this system of records, OPM/GOVT–1 (General Personnel Records). See 71 FR 35341, 35342 (2006). We have revised FTC–II–1 to make it more consistent with OPM's SORN. The Commission has also updated the ''retention and disposal'' section to cite the applicable General Records Schedule that was recently approved by NARA for government-wide use.

FTC–II–2 (Unofficial Personnel Records—FTC). This SORN covers personnel records maintained outside of the FTC's HCMO by FTC managers about their employees. This system includes employee performance files maintained by managers. OPM has published a Government-wide SORN that covers those records, OPM/GOVT–2 (Employee Performance File System Records). See 71 FR 35341, 35347 (2006). We have revised FTC–II–2 to update the ''retention and disposal'' section to cite the applicable General Records Schedule that was recently approved by NARA for government-wide use. The Commission is also updating the official title of the FTC system manager.

FTC–II–3 (Workers' Compensation—FTC). This SORN covers FTC records of claims filed under the Federal Employees' Compensation Act (FECA) for injuries sustained on the job by FTC employees. The Commission has updated the ''retention and disposal''

section to cite the applicable General Records Schedule that was recently approved by NARA for government-wide use. The Commission is also updating the official title of the FTC system manager.

FTC–II–4 (Employment Application-Related Records—FTC). This SORN covers FTC records compiled from or about individuals who have applied for FTC employment, including individual applications, resumes, references or other records submitted for FTC consideration. The Commission has updated the ''retention and disposal'' section to cite the applicable General Records Schedule that was recently approved by NARA for government-wide use. The Commission is also updating the official title of the FTC system manager. The retrieval of records section of this SORN is also amended to recognize that this system no longer retrieves records by date of birth, social security number, or any type of identification other than an individual's name.

FTC–II–5 (Equal Employment Opportunity Statistical Reporting System—FTC). This SORN covers the confidential FTC personnel database maintained for the FTC's Equal Employment Opportunity (EEO) Office to generate statistical reports and analyses for the FTC's EEO program. The FTC is revising the ''records and disposal'' section of this SORN to update the reference to the applicable government-wide General Records Schedule.

FTC–II–6 (Discrimination Complaint System—FTC). This SORN covers investigatory files and related documentation generated in EEO pre-complaint counseling and investigations at the FTC. These records also are covered by a Government-wide SORN published by the Equal Employment Opportunity Commission (EEOC), EEOC/GOVT–1 (Equal Employment Opportunity in the Federal Government Complaint and Appeal Records). See 81 FR 81116 (2016). The Commission has updated the ''retention and disposal'' section to include a reference to the applicable General Records Schedule that was recently approved by NARA for government-wide use.

FTC–II–8 (Employee Adverse Action and Disciplinary Records—FTC). This SORN covers case files and records related to adverse actions and performance-based actions (removal, suspension, reduction-in-grade) against FTC employees. The FTC is revising this SORN to update the ''retention and disposal'' section to include the applicable General Records Schedule that was recently approved by the NARA for government-wide use. The Commission is also updating the official title of the system manager. The ''category of records'' section of this SORN is also amended to recognize that this system no longer maintains information about the employee's furlough status.

FTC–II–9 (Claimants Under Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act—FTC). This SORN covers records generated by tort claims and other claims filed with the FTC by its employees or others under the named statutes. The FTC is revising this SORN to update the ''retention and disposal'' section to include the applicable General Records Schedule that was recently approved by the NARA for government-wide use.

FTC–II–12 (e-Train Learning Management System—FTC.). This SORN covers the system used by the FTC's HCMO to track and log requests of FTC employees to attend training courses. The FTC is revising this SORN to update the ''retention and disposal'' section to cite the applicable General Records Schedule that was recently approved by the NARA for government-wide use. The Commission is also updating the official title of the FTC system manager. The ''category of records'' section of the SORN is also being amended to recognize that this system no longer maintains information about an employee's sex or race.

III. Federal Trade Commission Financial Systems of Records

FTC–III–1 (Personnel Payroll System—FTC). This SORN, which covers payroll processing records for FTC employees, is being revised to update the ''retention and disposal'' section to cite the applicable General Records Schedule that was recently approved by the NARA for government-wide use. The Commission is also updating the security classification of the records, the official title of the FTC system manager, the authorities for maintaining the system, and the location of the system.

FTC Systems of Records Notices

In light of the updated SORN template set forth in the newly revised OMB Circular A–108 (2016), the FTC is reprinting the entire text of each amended SORN for the public's benefit, to read as follows:

I. FTC Law Enforcement Systems of Records

* * * * *

SYSTEM NAME AND NUMBER:

Office of Inspector General Investigative Files–FTC (FTC–I–7).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Inspector General (OIG), Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. For other locations where records may be maintained or accessed, see Appendix III (Locations of FTC Buildings and Regional Offices), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 80 FR 9460, 9465 (Feb. 23, 2015).

SYSTEM MANAGER(S):

Inspector General, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, email: *SORNs@ftc.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act Amendments of 1988, Public Law 100–504, amending the Inspector General Act of 1978, Public Law 95–452, 5 U.S.C. app.

PURPOSE(S) OF THE SYSTEM:

To document the conduct and outcome of investigations; to report results of investigations to other components of the FTC or other agencies and authorities for their use in evaluating their programs and imposition of criminal, civil or administrative sanctions; to report the results of investigations to other agencies or other regulatory bodies for an action deemed appropriate and for retaining sufficient information to fulfill reporting requirements; and to maintain records related to the activities of the Office of the Inspector General.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Subjects of OIG investigations relating to the programs and operations of the Federal Trade Commission. Subject individuals include, but are not limited to, current and former employees; current and former agents or employees of contractors or subcontractors, as well as current and former contractors and subcontractors in their personal capacity, where applicable; and other individuals whose actions affect the FTC, its programs or operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence relating to the investigation; internal staff memoranda; copies of subpoenas issued during the investigation, affidavits, statements from witnesses, transcripts of testimony taken

in the investigation and accompanying exhibits; documents, records or copies obtained during the investigation; interview notes, documents and records relating to the investigation; opening reports, information or data relating to alleged or suspected criminal, civil or administrative violations or similar wrongdoing by subject individuals and final reports of investigation.

RECORD SOURCE CATEGORIES:

Employees or other individuals on whom the record is maintained, non-target witnesses, FTC and non-FTC records, to the extent necessary to carry out OIG investigations authorized by 5 U.S.C. app.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be:

(1) Disclosed to agencies, offices, or establishments of the executive, legislative, or judicial branches of the federal or state government—

(a) Where such agency, office, or establishment has an interest in the individual for employment purposes, including a security clearance or determination as to access to classified information, and needs to evaluate the individual's qualifications, suitability, and loyalty to the United States Government, or

(b) Where such agency, office, or establishment conducts an investigation of the individual for the purposes of granting a security clearance, or for making a determination of qualifications, suitability, or loyalty to the United States Government, or access to classified information or restricted areas, or

(c) Where the records or information in those records are relevant and necessary to a decision with regard to the hiring or retention of an employee or disciplinary or other administrative action concerning an employee, or

(d) Where disclosure is requested in connection with the award of a contract or other determination relating to a government procurement, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter, including, but not limited to, disclosure to any Federal agency responsible for considering suspension or debarment actions where such record would be germane to a determination of the propriety or necessity of such action, or disclosure to the United States General Accountability Office, the General Services Administration Board of Contract Appeals, or any other federal contract board of appeals in cases relating to an agency procurement;

(2) Disclosed to the Office of Personnel Management, the Office of Government Ethics, the Merit Systems Protection Board, the Office of the Special Counsel, the Equal Employment Opportunity Commission, or the Federal Labor Relations Authority or its General Counsel, of records or portions thereof relevant and necessary to carrying out their authorized functions, such as, but not limited to, rendering advice requested by the OIG, investigations of alleged or prohibited personnel practices (including unfair labor or discriminatory practices), appeals before official agencies, offices, panels or boards, and authorized studies or review of civil service or merit systems or affirmative action programs;

(3) Disclosed to independent auditors or other private firms with which the Office of the Inspector General has contracted to carry out an independent audit or investigation, or to analyze, collate, aggregate or otherwise refine data collected in the system of records, subject to the requirement that such contractors shall maintain Privacy Act safeguards with respect to such records;

(4) Disclosed to a direct recipient of federal funds such as a contractor, where such record reflects serious inadequacies with a recipient's personnel and disclosure of the record is for purposes of permitting a recipient to take corrective action beneficial to the Government;

(5) Disclosed to any official charged with the responsibility to conduct qualitative assessment reviews of internal safeguards and management procedures employed in investigative operations. This disclosure category includes members of the Council of the Inspectors General on Integrity and Efficiency and officials and administrative staff within their investigative chain of command, as well as authorized officials of the Department of Justice and the Federal Bureau of Investigation;

(6) Disclosed to members of the Council of the Inspectors General on Integrity and Efficiency for the preparation of reports to the President and Congress on the activities of the Inspectors General; and

(7) Disclosed to complainants and/or victims to the extent necessary to provide such persons with information and explanations concerning the progress and/or results of the investigation or case arising from the matters of which they complained and/or which they were a victim.

For other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency, see Appendix I (Authorized Disclosures and Routine Uses Applicable to All FTC Privacy Act Systems of Records), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 83 FR 55541, 55542–55543 (Nov. 6, 2018).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The FTC maintains system records in various electronic and non-electronic formats and media. The OIG Investigative Files consist of paper records maintained in file folders, cassette tapes and CD–ROMs containing audio recordings of investigative interviews, and data maintained on computer diskettes and hard drives. The folders, cassette tapes, CD–ROMs and diskettes are stored in file cabinets in the OIG. The hard drives are retained in the OIG safe.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

The records are retrieved by the name of the subject of the investigation or by a unique control number assigned to each investigation.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained and disposed of in accordance with Item 3.5 of FTC Records Retention Schedule N1–122–09–1, which was approved by the National Archives and Records Administration.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets, which are kept locked during non-duty hours. Records in file folders are retained as long as needed and then destroyed by shredding or burning. Computer disks and CD–ROMs are cleared, retired or destroyed when no longer useful. Entries on electronic media are deleted or erased when no longer needed. To the extent records or portions thereof are incorporated into emails or other electronic communications, access to such electronic records is controlled by ''user ID'' and password combination and/or other electronic access or network controls (*e.g.,* firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RECORD ACCESS PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

CONTESTING RECORD PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

NOTIFICATION PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(j)(2), records in this system are exempt from the provisions of 5 U.S.C. 552(a), except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10) and (11) and (i) and corresponding provisions of 16 CFR 4.13, to the extent that a record in the system of records was compiled for criminal law enforcement purposes.

Pursuant to 5 U.S.C. 552a(k)(2), the system is exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and the corresponding provisions of 16 CFR 4.13, to the extent the system of records consists of investigatory material compiled for law enforcement purposes, other than material within the scope of the exemption at 5 U.S.C. 552a(j)(2). See 16 CFR 4.13(m).

HISTORY:

74 FR 17863–17866 (April 17, 2009).

73 FR 33591–33634 (June 12, 2008).

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II. Federal Trade Commission Personnel Systems of Records

SYSTEM NAME AND NUMBER:

General Personnel Records—FTC (FTC–II–1).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. For other locations where records may be maintained or accessed, see Appendix III (Locations of FTC Buildings and Regional Offices), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 80 FR 9460, 9465 (Feb. 23, 2015).

SYSTEM MANAGER(S):

Chief Human Capital Officer, Human Capital Management Office, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, email: *SORNs@ftc.gov.*

See OPM/GOVT–1 for information about the system manager and address for that system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 1302, 2951, 3301, 3372, 4118, 8347; Executive Orders 9397, 9830, and 12107; and 5 CFR 293.

PURPOSE(S) OF THE SYSTEM:

The Official Personnel Folder (OPF), its approved electronic equivalent (the electronic OPF or eOPF), and other general personnel records are the official repository of the records, reports of personnel actions, and the documents required in connection with those actions effected during an employee's Federal service. The personnel action reports and other documents, some of which are filed as long term records in the OPF, give legal force and effect to personnel transactions and establish employee rights and benefits under pertinent laws and regulations governing Federal employment.

The OPF, which exists in various approved media, is maintained for the period of the employee's service in the Commission and is then transferred to the National Personnel Records Center for storage or, as appropriate, to the next employing Federal agency. Other records are either retained at the agency for various lengths of time in accordance with National Archives and Records Administration records schedules or destroyed when they have served their purpose or when the employee leaves the agency. They provide the basic source of factual data about a person's Federal employment while in the service and after his or her separation. Records in this system have various uses including: Screening qualifications of employees; determining status, eligibility, and employee's rights and benefits under pertinent laws and regulations governing Federal employment; computing length of service; and for other information needed in providing personnel services. These records and their automated or microformed equivalents may also be used to locate individuals for personnel research.

Temporary documents on the left side of the OPF may lead (or have led) to a formal action, but do not constitute a record of it, nor make a substantial contribution to the employee's long term record.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Federal Trade Commission employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Each category of records may include identifying information such as name(s), date of birth, home residence, mailing address, Social Security number, and home telephone number. This system includes, but is not limited to, the contents of the Official Personnel Folder (OPF) maintained by the FTC's Human Capital Management Office (HCMO) and described in the United States Office of Personnel Management (OPM) Guide to Personnel Recordkeeping and in OPM's Government-wide system of records notice for this system, OPM/GOVT–1. (Nonduplicative personnel records maintained by FTC employee managers in other FTC offices are covered by FTC–II–2, Unofficial Personnel Records—FTC.) Records in this system (FTC–II–1) include copies of current employees' applications for employment, documentation supporting appointments and awards, benefits records (health insurance, life insurance, retirement information, and Thrift Savings Plan information), investigative process documents, personnel actions, other personnel documents, changes in filing requirements, and training documents.

Other records include:

a. Records reflecting work experience, educational level achieved, specialized education or training obtained outside of Federal service.

b. Records reflecting Federal service and documenting work experience and specialized education or training received while employed. Such records contain information about past and present positions held; grades; salaries; and duty station locations; commendations, awards, or other data reflecting special recognition of an employee's performance; and notices of all personnel actions, such as appointments, transfers, reassignments, details, promotions, demotions, reductions in force, resignations, separations, suspensions, approval of disability retirement applications, retirement and removals.

c. Records relating to participation in the Federal Employees' Group Life

Insurance Program and Federal Employees Health Benefits Program.

d. Records relating to an Intergovernmental Personnel Act assignment or Federal-private exchange program.

e. Records relating to participation in an agency Federal Executive or SES Candidate Development Program.

f. Records relating to Government-sponsored training or participation in the agency's Upward Mobility Program or other personnel programs designed to broaden an employee's work experiences and for purposes of advancement (*e.g.,* an administrative intern program).

g. Records connected with the Senior Executive Service (SES), for use in making studies and analyses of the SES, preparing reports, and in making decisions affecting incumbents of these positions, *e.g.,* relating to sabbatical leave programs, training, reassignments, and details, that are perhaps unique to the SES and which may or may not be filed in the employee's OPF. These records may also serve as basis for reports submitted to OMB's Executive Personnel and Management Development Group for purposes of implementing the Office's oversight responsibilities concerning the SES.

h. Records on an employee's activities on behalf of the recognized labor organization representing agency employees, including accounting of official time spent and documentation in support of per diem and travel expenses.

i. To the extent that the records listed here are also maintained in the agency automated personnel or microform records system, those versions of the above records are considered to be covered by this system notice. Any additional copies of these records (excluding performance ratings of record and conduct-related documents maintained by first-line supervisors and managers covered by FTC–II–2) maintained by agencies at field or administrative offices remote from where the original records exist are considered part of this system.

j. Records relating to designations for lump sum death benefits.

k. Records relating to classified information nondisclosure agreements.

l. Records relating to the Thrift Savings Plan (TSP) concerning the starting, changing, or stopping of contributions to the TSP as well as the how the individual wants the investments to be made in the various TSP Funds.

m. Copies of records contained in the Enterprise Human Resources Integration (EHRI) data warehouse (including the Central Employee Record, the Business Intelligence file that provide resources to obtain career summaries, and the electronic Official Personnel Folder (eOPF)) maintained by OPM. These data elements include many of the above records along with additional human resources information such as training, payroll and performance information from other OPM and agency systems of records. A definitive list of EHRI data elements is contained in OPM's Guide to Human Resources Reporting and The Guide to Personnel Data Standards.

n. Emergency contact information for the employee (see, *e.g.,* FTC Form 75), which is kept on the left side of the OPF.

RECORD SOURCE CATEGORIES:

Individual to whom the record applies and agency employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Performance Related Uses

(a) To disclose information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and to identify the type of information requested), where necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit;

(b) To disclose to an agency in the executive, legislative, or judicial branch, or the District of Columbia Government in response to its request, or at the initiation of the agency maintaining the records, information in connection with the hiring of an employee; the issuance of a security clearance; the conducting of a security or suitability investigation of an individual; the classifying of jobs; the letting of a contract; the issuance of a license, grant, or other benefit by the requesting agency; or the lawful statutory, administrative, or investigative purpose of the agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

(c) By the agency or by OPM to locate individuals for personnel research or survey response, and in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference;

(d) To provide an official of another Federal agency information needed in the performance of official duties related to reconciling or reconstructing data files, in support of the functions for which the records were collected and maintained;

(e) To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of Office rules and regulations, investigations of alleged or prohibited personnel practices, and such other functions, promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law;

(f) To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission by the President's Reorganization Plan No. 1 of 1978;

(g) To disclose to prospective non-Federal employers, the following information about a specifically identified current or former Federal employee:

(i) Tenure of employment;

(ii) Civil service status;

(iii) Length of service in the agency and the Government; and

(iv) When separated, the date and nature of action as shown on the Notification of Personnel Action, Standard Form 50 (or authorized exception);

(h) To consider employees for recognition through quality step increases, and to publicize those granted. This may include disclosure to other public and private organizations, including news media, which grant or publicize employee recognition;

(i) To consider and select employees for incentive awards and other honors and to publicize those granted. This may include disclosure to other public and private organizations, including news media, which grant or publicize employee awards or honors;

(j) To disclose information to any member of the agency's Performance Review Board or other board or panel

(*e.g.,* one convened to select or review nominees for awards of merit pay increases), when the member is not an official of the employing agency; information would then be used for the purposes of approving or recommending selection of candidates for executive development of SES candidate programs, issuing a performance appraisal rating, issuing performance awards, nominating for Meritorious and Distinguished Executive ranks, and removal, reduction-in-grade, and other personnel actions based on performance;

(k) By agency officials for purposes of review in connection with appointments, transfers, promotions, reassignments, adverse actions, disciplinary actions, and determinations of the qualifications of an individual;

(l) By the Office of Personnel Management for purposes of making a decision when a Federal employee or former Federal employee is questioning the validity of a specific document in an individual's record; and

(m) As a data source for management information for promotion of summary descriptive statistics and analytical studies in support of the related personnel management functions of human resource studies; may also be utilized to locate specific individuals for personnel research or other personnel management functions;

(2) Training/Education Related Uses

(a) To disclose information to Government training facilities (Federal, State, and local) and to non-Government training facilities (private vendors of training courses or programs, private schools, etc.) for training purposes; and

(b) To disclose information to educational institutions on appointment of a recent graduate to a position in the Federal service, and to provide college and university officials with information about their students working under the Cooperative Education Volunteer Service, or other similar programs where necessary to a student's obtaining credit for the experience gained;

(3) Retirement/Insurance/Health Benefits Related Uses

(a) To disclose information to: The Department of Labor, Department of Veterans Affairs, Social Security Administration, Department of Defense, Federal agencies that have special civilian employee retirement programs; or a national, State, county, municipal, or other publicly recognized charitable or income security administration agency (*e.g.,* State unemployment compensation agencies) where necessary to adjudicate a claim under the retirement, insurance or health benefits programs of the Office of Personnel Management or an agency cited above, or to an agency to conduct an analytical study or audit of benefits being paid under such programs;

(b) To disclose to the Office of Federal Employees Group Life Insurance information necessary to verify election, declination, or waiver of regular and/or optional life insurance coverage or eligibility for payment of a claim for life insurance;

(c) To disclose to health insurance carriers contracting with the Office of Personnel Management to provide a health benefits plan under the Federal Employees Health Benefits Program, information necessary to identify enrollment in a plan, to verify eligibility for payment of a claim for health benefits, or to carry out the coordination or audit of benefit provisions of such contracts;

(d) When an individual to whom a record pertains is mentally incompetent or under other legal disability, information in the individual's record may be disclosed to any person who is responsible for the care of the individual, to the extent necessary to assure payment of benefits to which the individual is entitled;

(e) To disclose to the agency-appointed representative of an employee all notices, determinations, decisions, or other written communications issued to the employee, in connection with an examination ordered by the agency under:

(i) Fitness-for-duty examination procedures; or

(ii) Agency-filed disability retirement procedures;

(f) To disclose to a requesting agency, organization, or individual the home address and other relevant information concerning those individuals who, it is reasonably believed, might have contracted an illness, been exposed to, or suffered from a health hazard while employed in the Federal work force; and

(g) To disclose information to the Department of Defense, National Oceanic and Atmospheric Administration, and the United States Coast Guard needed to effect any adjustments in retired or retained pay required by the dual compensation provisions of 5 U.S.C. 5532;

(4) Labor Relations Related Uses

(a) To disclose information to the Federal Labor Relations Authority (including its General Counsel) when requested in connection with investigation and resolution of allegations of unfair labor practices, in connection with the resolution of exceptions to arbitrator's awards where a question of material fact is raised and matters before the Federal Service Impasses Panel; and

(b) To disclose information to officials of labor organizations recognized under 5 U.S.C. 71 *et seq.* when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions; and

(5) Miscellaneous Uses

(a) To provide data to OPM for inclusion in the automated Center Personnel Data File;

(b) To be disclosed for any other routine use set forth in the Government-wide system of records notice published for this system by OPM, see OPM/GOVT–1, or any successor OPM system notice that may be published for this system (visit *www.opm.gov* for more information);

(c) To disclose information to a Federal, state, or local agency for determination of an individual's entitlement to benefits in connection with Federal Housing Administration programs; and

(d) To locate individuals for personnel research or survey response, and in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances, the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

For other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency, see Appendix I (Authorized Disclosures and Routine Uses Applicable to All FTC Privacy Act Systems of Records), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 83 FR 55541, 55542–55543 (Nov. 6, 2018).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records may be maintained on standard legal-size and letter-size paper, and in electronic storage media such as personnel system databases and .pdf forms.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are indexed by employee name and social security number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The OPF is maintained for the period of the employee's service in the agency and is then, if in a paper format, transferred to the National Personnel Records Center for storage or, as appropriate, to the next employing Federal agency. If the OPF is maintained in an electronic format, the transfer and storage is in accordance with the OPM-approved electronic system according to the most current version of OPM's Guide to Personnel Recordkeeping. Destruction of the OPF is in accordance with General Records Schedule GRS–2.2, Items 40–41.

When the individual transfers to any Federal agency or to another appointing office, the OPF is sent to that agency or office. All personnel-related medical records are covered by a separate OPM Privacy Act system of records notice, OPM/GOVT–10.

Other records. These records are retained for varying periods of time as set out by GRS–2.2.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. (In addition, FTC HCMO offices are in a locked suite separate from other FTC offices not generally accessible to the public or other FTC staff.) Access to electronic records is controlled by ''user ID'' and password combinations and/or other appropriate electronic access or network controls (*e.g.,* firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RECORD ACCESS PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008). Current FTC employees may also request access to their records directly through their designated FTC HCMO contact or managers, as applicable, and may be required to complete a written request form and to show identification to obtain access to their records. Employees may also access their records directly by utilizing OPM's approved electronic Official Personnel Folder system, using their assigned user ID and password.

Former FTC employees subsequently employed by another Federal agency should contact the personnel office for their current Federal employer. Former employees who have left Federal service and want access to their official personnel records in storage should contact the National Personnel Records Center, 1411 Boulder Boulevard, Valmeyer, IL 62295.

CONTESTING RECORD PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008). Current FTC employees may also request access to their records directly through their designated FTC HCMO contact or managers, as applicable, and may be required to complete a written request form and to show identification to obtain access to their records. Employees may also access their records directly by utilizing OPM's approved electronic Official Personnel Folder system, using their assigned user ID and password.

Former FTC employees subsequently employed by another Federal agency should contact the personnel office for their current Federal employer. Former employees who have left Federal service and want access to their official personnel records in storage should contact the National Personnel Records Center, 1411 Boulder Boulevard, Valmeyer, IL 62295.

NOTIFICATION PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008). Current FTC employees may also request access to their records directly through their designated FTC HCMO contact or managers, as applicable, and may be required to complete a written request form and to show identification to obtain access to their records. Employees may also access their records directly by utilizing OPM's approved electronic Official Personnel Folder system, using their assigned user ID and password.

Former FTC employees subsequently employed by another Federal agency should contact the personnel office for their current Federal employer. Former employees who have left Federal service and want access to their official personnel records in storage should contact the National Personnel Records Center, 1411 Boulder Boulevard, Valmeyer, IL 62295.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

80 FR 9460–9465 (February 23, 2015).
74 FR 17863–17866 (April 17, 2009).
73 FR 33591–33634 (June 12, 2008).

SYSTEM NAME AND NUMBER:

Unofficial Personnel Records–FTC (FTC–II–2).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. For other locations where records may be maintained or accessed, see Appendix III (Locations of FTC Buildings and Regional Offices), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 80 FR 9460, 9465 (Feb. 23, 2015).

SYSTEM MANAGER(S):

Chief Human Capital Officer, Human Capital Management Office (HCMO), Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, email: *SORNs@ftc.gov.*

See OPM/GOVT–2 for information about the system manager and address for that system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 1104, 3321, 4301–4305; 4311–4315; 5405, 6101–6106; 6301–6326; 6331–6340; 6361–6373; 6381–6387; 6391; 7301–7353; 5 U.S.C. Chapter 75; Executive Order 12107; and 5 CFR 293.

PURPOSE(S) OF THE SYSTEM:

To assist Commission managers and supervisors in making work assignment, evaluation, and other types of decisions related to the employees of the Federal Trade Commission; to assist in evaluating performance, preparing promotion and award recommendations, preparing informal or formal disciplinary actions, approving leave, coordinating schedules, and preparing news releases; to assist supervisors in the interviewing, evaluation, and selection process when filling position vacancies; and to maintain records of those considerations and actions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Commission employees, consultants, and contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents about the educational background, employment, and work history of individuals. The types of records maintained vary with each supervisor and Commission unit. Each supervisor may maintain some or all of the following records: Written notes or memoranda on employee conduct and performance (*i.e.,* employee evaluation, employee forms, leave records, work assignments, or disciplinary problems), including performance-related records described in the Government-wide system of records notice published by the Office of Personnel Management (OPM) for this system of records, OPM/GOVT–2, or any successor OPM system notice that may be published for this system. There may be records relating to employee work schedules, consideration given to applicants for positions with the FTC, and ''emergency contact'' information collected by various offices informally.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; individual's supervisors; managers; Performance Review Boards; Executive Resource Boards; and other interested parties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records identifying the individual's work schedule may be disclosed to that extent and for that purpose to others within or outside the agency;

(2) Records may be referred to the Office of Personnel Management concerning pay benefits, retirement deductions, and other information necessary for OPM to carry out its government-wide personnel management functions; and

(3) Records may also be used or disclosed for any of the purposes or routine uses set forth in the Government-wide systems of records notice published by OPM for this system of records, OPM/GOVT–2, or any successor OPM system notice that may be published for this system. (Visit *www.opm.gov* for more information.)

For other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency, see Appendix I (Authorized Disclosures and Routine Uses Applicable to All FTC Privacy Act Systems of Records), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 83 FR 55541, 55542–55543 (Nov. 6, 2018).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Maintained in file folders, envelopes and in electronic formats.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Indexed by individual's name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are generally retained in accordance with National Archives and Records Administration (NARA) General Records Schedule (GRS) 2.2, items 80 (supervisory personnel files) and 70–73 (employee performance records). A detailed retention schedule for employee performance-related records, which include ratings of record, supporting documentation for those ratings, and any other performance-related material required by agency performance appraisal system, is also set forth in OPM/GOVT–2. In general, supervisory personnel files are destroyed within 1 year after the employee separates or transfers from the agency, and employee performance records that have not been destroyed as obsolete or superseded, or have not been placed in the employee's Official Personnel Folder (OPF), see FTC II–1, are destroyed when they are 4 years old for non-SES appointees, or 5 years old for SES appointments. Where any of these records are needed in connection with an administrative, quasi-judicial or judicial proceeding, they may be retained as authorized by GRS 2.2–2.3.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other appropriate electronic access or network controls (*e.g.,* firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RECORD ACCESS PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008). Current FTC employees may also request access to their records directly from the manager maintaining the documents. If these documents have become part of a case file, due to an official review or investigation, the employee may request access through the appropriate office conducting the review or investigation (*e.g.,* the Office of Inspector General, General Counsel, Equal Employment Opportunity and Workplace Inclusion, etc.).

CONTESTING RECORD PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008). Current FTC employees may also request access to their records directly from the manager maintaining the documents. If these documents have become part of a case file, due to an official review or investigation, the employee may request access through the appropriate office conducting the review or investigation (OIG, OGC, EEO, ER/LR, etc.).

NOTIFICATION PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008). Current FTC employees may also request access to their records directly from the manager maintaining the documents. If these documents have become part of a case file, due to an official review or investigation, the employee may request access through the appropriate office conducting the review or investigation (OIG, OGC, EEO, ER/LR, etc.).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

80 FR 9460–9465 (February 23, 2015).
74 FR 17863–17866 (April 17, 2009).
73 FR 33591–33634 (June 12, 2008).

SYSTEM NAME AND NUMBER:

Workers' Compensation—FTC (FTC–II–3).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington,

DC 20580. For other locations where records may be maintained or accessed, see Appendix III (Locations of FTC Buildings and Regional Offices), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 80 FR 9460, 9465 (Feb. 23, 2015).

SYSTEM MANAGER(S):

Chief Human Capital Officer, Human Capital Management Office (HCMO), Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, email: *SORNs@ftc.gov.*

See DOL/GOVT–1 for information about the system manager and address for that system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Employees Compensation Act (FECA), 5 U.S.C. 8101 *et seq.,* 20 CFR 1.1 *et seq.*

PURPOSE(S) OF THE SYSTEM:

To consider claims filed by employees and/or their survivors for compensation under FECA based on work-related injuries, and to maintain records concerning such claims. The FECA establishes the system for processing and adjudicating claims that the Commission employee and/or the Commission and other covered individuals file with DOL's Office of Workers' Compensation Programs, seeking monetary, medical and similar benefits for injuries or deaths sustained by the individual while in the performance of duty. The records maintained in this system are created as a result of and are necessary to this process. The records provide information and verification about the individual's employment-related injury and the resulting disabilities and/or impairments, if any, on which decisions awarding or denying benefits provided under the FECA must be based.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals (*i.e.,* FTC employees) and/or their survivors who file claims seeking benefits under the Federal Employees' Compensation Act (FECA) for injuries sustained by the individual while in the performance of duty. The FECA applies to all civilian Federal employees, including various classes of persons whom provide or have provided personal service to the government of the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system may contain the following kinds of records: Names; Social Security numbers; reports of injury by the employee and/or the Commission; claim forms filed by or on behalf of injured employees or their survivors seeking benefits under the FECA; forms authorizing medical care and treatment; other medical records and reports; bills and other payment records; compensation payment records; copies of formal orders for or against the payment of benefits; copies of transcripts of hearings conducted; and any other medical, employment, or personal information submitted or gathered in connection with the claim. The system may also contain information relating to dates of birth, marriage, divorce, and death; notes of telephone conversations conducted in connection with the claim; information relating to vocational and/or medical rehabilitation plans and progress reports; records relating to court proceedings, insurance, banking and employment; articles from newspapers and other publications; information relating to other benefits (financial and otherwise) the claimant may be entitled to; and information received from various investigative agencies concerning possible violations of Federal civil or criminal law. The system may also contain consumer credit reports on individuals indebted to the United States, information relating to the debtor's assets, liabilities, income and expenses, personal financial statements, correspondence to and from the debtor, information relating to the location of the debtor, and other records and reports relating to the implementation of the Federal Claims Collection Act (as amended), including investigative reports or administrative review matters. Individual records listed here are included in a claim file only insofar as they may be pertinent or applicable to the employee or beneficiary.

This system includes only claims-related records maintained by the FTC. Claims are transmitted the United States Department of Labor (DOL) for processing and adjudication. Data maintained by DOL by the Government-wide system of records notice published by DOL for its system of records, see DOL/GOVT–1 (Office of Workers' Compensation Programs, Federal Employees' Compensation Act File) or any successor DOL system notice that may be published for that system.

RECORD SOURCE CATEGORIES:

Employee claiming work-related injury; beneficiaries; witnesses; FTC supervisors, managers, and responsible FTC HCMO staff; DOL; suppliers of health care products and services and their agents and representatives, including physicians, hospitals, and clinics; consumer credit reports, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be:

(1) Disclosed in response to queries from Department of Labor, Office of Workers Compensation Programs, supervisors and employees about compensation claims; and

(2) Used or disclosed for any purpose or routine use set forth in the system of records notice published by DOL for this system of records, DOL/GOVT–1 (Office of Workers' Compensation Programs, Federal Employees' Compensation Act File), or any successor DOL system notice that may be published for this system.

For other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency, see Appendix I (Authorized Disclosures and Routine Uses Applicable to All FTC Privacy Act Systems of Records), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 83 FR 55541, 55542–55543 (Nov. 6, 2018).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Maintained in file folders or temporary electronic files.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Indexed by individual's name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained and disposed of under the National Archives and Records Administration's General Records Schedule 2.4, items 100–101.

See DOL/GOVT–1 for the retention and disposal schedules that apply to claims files maintained by that agency. In general, all case files and automated data in that system pertaining to a claim are destroyed 15 years after the case file has become inactive. Case files that have been scanned to create electronic copies are destroyed after the copies are verified. Automated data are retained in their most current form only, however, and as information is updated, outdated information is deleted.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other appropriate electronic access or network controls (*e.g.,* firewalls). FTC

buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RECORD ACCESS PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008). Current FTC employees may directly access their records via DOL's electronic system, ECOMP (Employees' Compensation Operations & Management Portal). Access to their specific records is controlled by ''user ID'' and password combination and/or other appropriate electronic access or network controls (*e.g.,* firewalls). See DOL/GOVT–1 for information about the notification, record access and contesting procedures for claims records maintained by DOL.

CONTESTING RECORD PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008). See DOL/GOVT–1 for information about the notification, record access and contesting procedures for claims records maintained by DOL.

NOTIFICATION PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008). See DOL/GOVT–1 for information about the notification, record access and contesting procedures for claims records maintained by DOL.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

As explained in DOL/GOVT–1, in accordance with 5 U.S.C. 552a(k)(2), investigative materials, if any, in this system of records compiled for law enforcement purposes are exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) of 5 U.S.C. 552a, provided, however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of the material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

HISTORY:

80 FR 9460–9465 (February 23, 2015).

73 FR 33591–33634 (June 12, 2008).

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SYSTEM NAME AND NUMBER:

Employment Application-Related Records–FTC (FTC–II–4).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. For other locations where records may be maintained or accessed, see Appendix III (Locations of FTC Buildings and Regional Offices), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 80 FR 9460, 9465 (Feb. 23, 2015).

SYSTEM MANAGER(S):

Chief Human Capital Officer, Human Capital Management Office, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

See OPM/GOVT–5 for information about the system manager and address for OPM's system of records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.;* 5 U.S.C. ch. 33, subch. I; 5 U.S.C. 4103; Executive Order 9397.

PURPOSE(S) OF THE SYSTEM:

To consider individuals who have applied for FTC employment by evaluating and making determinations of their qualifications or ineligibility; to rate and rank applicants for purposes of selecting candidates for employment. As noted in OPM/GOVT–5, records are also maintained and used to help identify training needs and for referral or research purposes.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for employment at the FTC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for employment, correspondence, and other records submitted, generated, or otherwise compiled and maintained by the FTC as part of the recruitment, examination, or placement of individuals seeking FTC employment. Records covered by this system are fully described in the Government-wide system of records notice published by the Office of Personnel Management (OPM) for this system of records, OPM/GOVT–5 (Recruiting, Examining, and Placement Records).

RECORD SOURCE CATEGORIES:

Applicants; OPM; applicants' personal references; FTC contractor's website.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See OPM/GOVT–5 for a list of routine uses authorized by OPM for records in this system. Those uses include, for example:

(1) To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, when the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

(2) To disclose information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purposes of the request, and to identify the type of information requested), when necessary to obtain information relevant to an agency decision concerning hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, classifying positions, letting a contract, or issuing a license, grant or other benefit.

(3) To disclose information to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, classifying positions, letting a contract, or issuing a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

For other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency, see Appendix I (Authorized Disclosures and Routine Uses Applicable to All FTC Privacy Act Systems of Records), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-*

reading-rooms/privacy-act-systems and at 83 FR 55541, 55542–55543 (Nov. 6, 2018).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Electronic, paper, or other non-electronic records. The FTC (through an FTC contractor and in conjunction with OPM) uses websites to collect personal data from applicants for electronic management, processing, and storage. These data can also be downloaded and printed out.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

By name only.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system are retained for varying lengths of time pursuant to the National Archives and Records Administration's General Records Schedule 2.1. Job vacancy records in this system are retained for two years after selection certificate is closed or final settlement of any associated litigation, whichever is later, and job applications in this system are retained for one year after date of submission. Interview records related to filling job vacancies are retained two years after case is closed by hire or non-selection, expiration of right to appeal a non-selection, or final settlement of any associated litigation, whichever is later.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access is restricted to FTC personnel and contractors whose job duties require such access. Paper records are maintained in lockable cabinets or offices. Burn bags or shredding is used to destroy printouts, correspondence, or other records containing sensitive data. Access to electronic records is protected by ''user ID'' and password combination and/or other access or network controls (*e.g.,* firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RECORD ACCESS PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

CONTESTING RECORD PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

NOTIFICATION PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

See OPM/GOVT–5 and 5 CFR 297.501. Investigatory materials, if any, relating to eligibility determinations, where disclosure may reveal confidential sources, in this system are exempted under 5 U.S.C. 552a(k)(5).

HISTORY:

80 FR 9460–9465 (February 23, 2015).
73 FR 33591–33634 (June 12, 2008).

* * * * *

SYSTEM NAME AND NUMBER:

Equal Employment Opportunity Statistical Reporting System–FTC (FTC–II–5).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. For other locations where records may be maintained or accessed, see Appendix III (Locations of FTC Buildings and Regional Offices), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 80 FR 9460, 9465 (Feb. 23, 2015).

SYSTEM MANAGER(S):

Director, Equal Employment Opportunity Office, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, email: *SORNs@ftc.gov*.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1301, 3301, 7201, 7204; Executive Order 10577; 42 U.S.C. 2000e–16; Public Law 93–112.

PURPOSE(S) OF THE SYSTEM:

To maintain EEO-related data about the FTC workforce; to protect and limit access to such workforce data by collecting and maintaining such data separately from certain other human resources records about employees; to provide the FTC's EEO Office with data necessary to create general statistical analyses and reports.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FTC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Coded minority group designations and other data relevant to equal employment opportunity (EEO) at the FTC; other employee identification data (*e.g.,* position, grade, office or duty station).

RECORD SOURCE CATEGORIES:

Self-identification by employee (*e.g.,* on information collection forms completed by the employee); visual identification of employees or other personal information or knowledge used by FTC Human Resources or other staff for coding EEO-related data into the system; employee identification data from other human resources record systems (*e.g.,* FTC–II–I, General Personnel Records–FTC).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data from system records are disclosed only in aggregate, non-individually identifiable form in analyses and reports generated for use within the FTC and for reporting to Congress, the Office of Management and Budget, the Equal Employment Opportunity Commission, and the Office of Personnel Management, as required by law. For other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency, see Appendix I (Authorized Disclosures and Routine Uses Applicable to All FTC Privacy Act Systems of Records), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 83 FR 55541, 55542–55543 (Nov. 6, 2018).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Data from information collection forms completed by FTC employees are entered into and stored in a structured electronic database maintained on agency servers, with restricted access (see ''Safeguards'' below). Paper forms are compiled and kept in the FTC's EEO Office.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Indexed by name of individual, name of group, or by cross-reference to title and grade or other human resources data fields or codes.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained and destroyed in accordance with schedules and

guidance issued or approved by the National Archives and Records Administration. See, *e.g.,* General Records Schedule 2.3, item 35 (EEO-related employment statistics), which authorizes disposal after five years.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access is restricted to FTC personnel or contractors whose job duties require such access. Initial receipt and handling of information collection forms, as well as entry of data into computerized databases, is limited to authorized FTC individuals. Information collection forms are forwarded to and stored in lockable cabinets and offices within the FTC's EEO Office. Completed forms and system data are stored and maintained separately from other human resources records to prevent access or use by unauthorized individuals. Access to electronic records is controlled by ''user ID'' and password combination, and may be obtained only by written authorization of the FTC's EEO Director. System database is further protected by other network controls (*e.g.,* firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RECORD ACCESS PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

CONTESTING RECORD PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

NOTIFICATION PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

73 FR 33591–33634 (June 12, 2008).

* * * * *

SYSTEM NAME AND NUMBER:

Discrimination Complaint System–FTC (FTC–II–6).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. For other locations where records may be maintained or accessed, see Appendix III (Locations of FTC Buildings and Regional Offices), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 80 FR 9460, 9465 (Feb. 23, 2015).

SYSTEM MANAGER(S):

Director, Equal Employment Opportunity Office, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, email: *SORNs@ftc.gov*.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 717 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–16; 29 CFR part 1614.

PURPOSE(S) OF THE SYSTEM:

To assist in the consideration given to reviews of potential or alleged violations of equal employment opportunity (EEO) statutes and regulations and to maintain records on pre-complaint and complaint matters relating to those issues; for the purpose of counseling, investigating, and adjudicating such complaints; to resolve issues related to alleged discrimination because of race, color, religion, sex, national origin, age, physical or mental disability, sexual orientation, or status as a parent in connection with EEO matters; to make reports to Office of Management and Budget, Merit Systems Protection Board, and Equal Employment Opportunity Commission. (This system corresponds to EEOC/GOVT–1, Equal Employment Opportunity in the Federal Government Complaint and Appeal Records.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past or present Federal Trade Commission employees and applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaints, affidavits, supporting documents, memoranda, correspondence, and notes relevant to and compiled during precomplaint and complaint investigations and matters at the FTC; investigatory files and reports incorporating copies of such records.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained, affiants, and EEO staff, other personnel records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system of records notice published for this system by the EEOC (EEO/GOVT–1) sets forth the routine uses (disclosures) of records in this system outside the agency. (For further information, the EEOC's website is *www.eeoc.gov*.)

In addition, records in this system may be routinely used and/or disclosed:

(1) To the complainant's lawyer or other formally designated representative of the individual, to the extent required by applicable Federal sector equal employment law and regulations. Portions of the investigatory file may be redacted to protect against disclosure outside the agency of information about individuals other than the complainant.

(2) As relevant and necessary in administrative hearings and appeals to which the complainant and the FTC are parties before the EEOC, including any related court litigation or appeals.

For other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency, see Appendix I (Authorized Disclosures and Routine Uses Applicable to All FTC Privacy Act Systems of Records), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 83 FR 55541, 55542–55543 (Nov. 6, 2018).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Documents consist mainly of paper records; certain records (*e.g.,* draft memoranda, letters, emails) may be generated or maintained electronically.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Indexed by name of the complainant.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained pursuant to General Records Schedule 2.3 for varying periods of time after resolution of a case; including cases that did not result in an official formal or informal EEO complaint (2 years), cases resolved within the agency that did not go to the formal process stage (3 years), and cases resolved by formal process within the agency, by the Equal Employment Opportunity Commission, or by a U.S. Court (7 years).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access is restricted to FTC personnel and contractors whose responsibilities require access. Paper records are maintained in lockable cabinets in the FTC's EEO Office, and access is restricted to FTC's EEO staff and parties concerned in any related proceeding. Access to electronic records is controlled by ''user ID'' and password combination, and/or other appropriate electronic access and network controls (*e.g.,* firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RECORD ACCESS PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

CONTESTING RECORD PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

NOTIFICATION PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

As provided in EEOC/GOVT–1, pursuant to subsection (k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), investigatory materials, if any, compiled for law enforcement purposes in this system of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of the Act.

HISTORY:

73 FR 33591–33634 (June 12, 2008).

* * * * *

SYSTEM NAME AND NUMBER:

Employee Adverse Action and Disciplinary Records–FTC. (FTC–II–8).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. For other locations where records may be maintained or accessed, see Appendix III (Locations of FTC Buildings and Regional Offices), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 80 FR 9460, 9465 (Feb. 23, 2015).

SYSTEM MANAGER(S):

Chief Human Capital Officer, Human Capital Management Office, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4301 *et seq.*; 5 U.S.C. 4311 *et seq.*; 5 U.S.C. 7101 *et seq.*; 5 U.S.C. 7501 *et seq.*; 5 U.S.C. 7511 *et seq.*; 5 U.S.C. 7541 *et seq.*; and 5 CFR parts 293, 315, 432 & 752.

PURPOSE(S) OF THE SYSTEM:

To document proposed and final agency decisions on disciplinary actions, adverse actions, and performance-based actions in order for them to be defensible before third-party review.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former FTC employees who have been disciplined or had a performance- based action taken against them, or who have a proposed disciplinary or performance-based action against them.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files and records related to adverse actions and performance-based actions (removal, suspension, reduction-in-grade) against employees. The file can include a copy of the proposed adverse action with supporting documents, statements of witnesses, employee's reply, hearing notices, reports, agency decisions, reversal of action, and appeal records. Other types of records are set out in the Office of Personnel Management (OPM) Privacy Act system of records notice applicable to this system, OPM/GOVT–3 (Records of Adverse Actions, Performance Based Reduction in Grade and Removal Actions, and Termination of Probationers), or any successor system notice for this system.

RECORD SOURCE CATEGORIES:

Individual about whom the records pertain, witnesses, supervisors, program managers, counselors, related correspondence from organizations or persons.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be disclosed for any of the routine uses set forth in OPM/GOVT–3.

In addition, records in this system:

(1) Including records of disciplinary actions, adverse actions and performance-based actions, may be disclosed to and used by employee relations specialists or others whose official duties require such information;

(2) Including records of official time used and travel and per diem money spent while attending to union business, may be disclosed to and used by labor relations specialists and others whose official duties require such information. Information in system records may also be disclosed to officials of labor organizations recognized under 5 U.S.C. 7101 *et seq.* when relevant and necessary to their duties as exclusive representative; and

(3) May be disclosed to the Federal Labor Relations Authority (including its General Counsel) when requested in connection with investigation and resolution of allegations of unfair labor practices, in connection with the resolution of exceptions to arbitrator's awards where a question of material fact is raised and matters before the Federal Service Impasses Panel.

For other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency, see Appendix I (Authorized Disclosures and Routine Uses Applicable to All FTC Privacy Act Systems of Records), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 83 FR 55541, 55542–55543 (Nov. 6, 2018).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records stored in file folders; temporary electronic files.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Indexed by individual's name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records related to adverse actions, performance-based reduction-in-grade and removal actions, and termination of probationers are destroyed seven years after case is closed in accordance with General Records Schedule 2.3, items 60–62, issued by the National Archives and Records Administration. Actions related to labor management relations arbitration are destroyed 5 years after final resolution in accordance with General Records Schedule 2.3, item 52.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to any electronic records is controlled by ''user ID'' and password combination and/or other appropriate access or network controls (*e.g.,* firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RECORD ACCESS PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

CONTESTING RECORD PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

NOTIFICATION PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

80 FR 9460–9465 (February 23, 2015).
73 FR 33591–33634 (June 12, 2008).

SYSTEM NAME AND NUMBER:

Claimants Under Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act–FTC. (FTC–II–9).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. For other locations where records may be maintained or accessed, see Appendix III (Locations of FTC Buildings and Regional Offices), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 80 FR 9460, 9465 (Feb. 23, 2015).

SYSTEM MANAGER(S):

Deputy General Counsel for Legal Counsel, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

Assistant Chief Financial Officer for Financial Systems, Internal Control and Policy, Financial Management Office, Federal Trade Commission, 600 Pennsylvania Avenue NW, 20580.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act, 28 U.S.C. 1346(b), 28 U.S.C. 2671–2680; Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. 3721.

PURPOSE(S) OF THE SYSTEM:

To consider claims made under the above-cited statutes; to investigate those claims; to determine appropriate responses to those claims; and to maintain records outlining all considerations and actions related to those claims.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have claimed reimbursement from FTC under Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information relating to incidents in which the FTC may be liable for property damage, loss, or personal injuries; reimbursement applications; internal memoranda; and witness statements.

RECORD SOURCE CATEGORIES:

Individual about whom the record pertains (claimant); FTC employee involved in incident; other FTC employees or other persons having knowledge of the circumstances; official police report (if any); and insurance company representing claimant (if any).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system:

(1) May be referred to Department of Justice, General Services Administration, or other federal agency when the matter comes within the jurisdiction of such agency; and

(2) May be used in discussions and correspondence with insurance companies, with other persons or entities that may be liable, with potential witnesses or others having knowledge of the matter.

For other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency, see Appendix I (Authorized Disclosures and Routine Uses Applicable to All FTC Privacy Act Systems of Records), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 83 FR 55541, 55542–55543 (Nov. 6, 2018).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records stored in file folders; temporary electronic files.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Indexed by individual's name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained for 7 years after the matter has been resolved, and then destroyed, as provided in General Records Schedule 1.1, item 80, issued by the National Archives and Records Administration, except any claims files that are affected by court order or subject to litigation proceedings, which are destroyed when the court order is lifted or the litigation is concluded, or when the files are 7 years, whichever is later.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other appropriate access or network controls (*e.g.,* firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RECORD ACCESS PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

CONTESTING RECORD PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

NOTIFICATION PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

80 FR 9460–9465 (February 23, 2015).
74 FR 17863–17866 (April 17, 2009).
73 FR 33591–33634 (June 12, 2008).

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SYSTEM NAME AND NUMBER:

e-Train Learning Management System–FTC (FTC–II–12).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. For other locations where records may be maintained or accessed, see Appendix III (Locations of FTC Buildings and Regional Offices), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 80 FR 9460, 9465 (Feb. 23, 2015).

SYSTEM MANAGER(S):

Chief Human Capital Officer, Human Capital Management Office (HCMO), Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, email: *SORNs@ftc.gov*.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.;* 5 U.S.C. ch. 41; 5 CFR 410.701.

PURPOSE(S) OF THE SYSTEM:

To provide information to agency managers necessary to indicate the training that has been requested and provided to individual employees; to determine course offerings and frequency; and to manage the training program administered by the Human Capital Management Office. Since this system is legally part of the OPM's Government-wide system of records notice for this system, OPM/GOVT–1, it is subject to the same purposes set forth for that system by OPM, see OPM/GOVT–1, or any successor OPM system notice that may be published for this system (visit *www.opm.gov* for more information).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, at the time the records are added to the system, are FTC employees who registered to attend training courses offered by the Human Capital Management Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee social security number, position title, pay plan, series, grade, organizational code, work address, work phone number, supervisor, date of birth, work email address, course number, course title, course date and time, attendance indicator, separation date, etc.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained, supervisors, managers, and Human Capital Management Office staff responsible for the training program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Since this system is legally part of the OPM's Government-wide system of records notice for this system, OPM/GOVT–1, it is subject to the same routine uses set forth for that system by OPM, see OPM/GOVT–1, or any successor OPM system notice that may be published for this system (visit *www.opm.gov* for more information).

For other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency, see Appendix I (Authorized Disclosures and Routine Uses Applicable to All FTC Privacy Act Systems of Records), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 83 FR 55541, 55542–55543 (Nov. 6, 2018).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are stored in electronic record systems and temporary paper printouts.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Indexed by employee social security number and name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Employee training records are generally retained according to General Records Schedule (GRS) 2.6, issued by the National Archives and Records Administration.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other appropriate electronic access and network controls (*e.g.,* firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RECORD ACCESS PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

CONTESTING RECORD PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

NOTIFICATION PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

75 FR 52749–52751 (August 27, 2010).
73 FR 33591–33634 (June 12, 2008).

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III. Federal Trade Commission Financial Systems of Records

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SYSTEM NAME AND NUMBER:

Personnel Payroll System–FTC. (FTC–III–1).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Personnel Payroll System (FPPS) Management Division, U.S. Department of Interior, Interior Business Center, 7301 West Mansfield Avenue, Denver, CO 80227.

Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. For other locations where

records may be maintained or accessed, see Appendix III (Locations of FTC Buildings and Regional Offices), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 80 FR 9460, 9465 (Feb. 23, 2015).

SYSTEM MANAGER(S):

Chief Human Capital Officer, Human Capital Management Office, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, email: *SORNs@ftc.gov*.

See DOI–85 for the FPPS system manager and address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 of the United States Code, Part III, Subparts A–G; 31 U.S.C. 3512; 5 U.S.C. 5101 *et seq.*; Public Law 81–784, 64 Stat. 832; Office of Management and Budget Circular A–123, ''Management's Responsibility for Enterprise Risk Management and Internal Control'' (Revised 07/15/2016) and Attachment D, ''Compliance with the Federal Financial Management Improvement Act'' (09/20/2013).

PURPOSE(S) OF THE SYSTEM:

To maintain, process and/or provide complete, accurate, and prompt: (a) Payment of salary and deductions; (b) payroll information relating to retirement contributions, including the calculation of retirement benefits; (c) generation and maintenance of human resources and payroll records and transactions; (d) interaction of human resources and payroll systems with core financial systems; (e) adequate internal controls to ensure that human resources and payroll systems are operating in accordance with applicable laws and regulations; and (f) information, without extraneous material, to those internal and external to the agency who require the information, including the answering of employees' inquiries regarding their retirement contributions while they are with the agency.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Federal Trade Commission employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name, Social Security number, and organizational code; pay rate and grade, retirement, and location data; length of service; pay, leave, time and attendance, allowances, and cost distribution records; deductions for Medicare or FICA, FEGLI, union dues, taxes, allotments, quarters, charities, health benefits, Thrift Savings Fund contributions, awards, shift schedules, pay differentials, IRS tax lien data, commercial garnishments, child support and/or alimony wage assignments; and related payroll and personnel data. Also included is information on debts owed to the government as a result of overpayment, refunds owed, or a debt referred for collection on a transferred employee.

These records are also covered by the applicable system notice published by the Department of Interior (DOI), DOI–85 (Payroll, Attendance, Retirement, and Leave Records—Interior), and any successor system notice that may be published by DOI for this system.

RECORD SOURCE CATEGORIES:

Individuals on whom the records are maintained, official personnel records of individuals on whom the records are maintained, supervisors, timekeepers, previous employer, and the Internal Revenue Service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system:

(1) That identify the individual's work schedule may be disclosed to that extent, and for that purpose, to others within or outside the agency;

(2) To the extent they contain information about an individual's unemployment compensation, may be referred to state and local unemployment compensation boards;

(3) To the extent they contain information about employment pay, benefits, retirement deductions, and other information necessary for the Office of Personnel Management (OPM) to carry out its Government-wide personnel management functions, may be referred to OPM for such purposes;

(4) May be referred to OPM upon the individual's retirement, transfer to another Federal agency, or resignation from Federal service; and

(5) May be disclosed for any routine use noted in the Department of Interior (DOI) Privacy Act system of records notice applicable to this system, DOI–85 (Payroll, Attendance, Retirement, and Leave Records—Interior), or any successor system notice for this system.

For other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency, see Appendix I (Authorized Disclosures and Routine Uses Applicable to All FTC Privacy Act Systems of Records), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 83 FR 55541, 55542–55543 (Nov. 6, 2018).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Stored on computer tape at the U.S. Department of Interior, Interior Business Center, which processes employee payroll for the FTC under an interagency agreement. Paper printouts or original input documents may be stored at the FTC in locked file cabinets or as imaged documents on magnetic media at all locations that prepare and input documents and information for data processing.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Indexed by name, Social Security number, and organizational code.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The records in this system have varying retention periods as described in the National Archives and Records Administration's General Records Schedule 2.4 (items 010–050) for agency payroll records. Records are held for length of the service of the employee while he or she is at FTC. Information is forwarded to (a) gaining agency when employee transfers to another Federal agency; or (b) National Archives and Records Administration, National Personnel Records Center when employee separates or retires from the Federal government.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other appropriate electronic access controls. FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RECORD ACCESS PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

CONTESTING RECORD PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-*

rooms/privacy-act-systems and at 73 FR 33592, 33634 (June 12, 2008).

NOTIFICATION PROCEDURES:

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems* and at 73 FR 33592, 33634 (June 12, 2008).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

80 FR 9460–9465 (February 23, 2015).
74 FR 17863–17866 (April 17, 2009).
73 FR 33591–33634 (June 12, 2008).

* * * * *

Heather Hippsley,

Deputy General Counsel.

[FR Doc. 2019–07842 Filed 4–18–19; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–MG–2019–01; Docket No. 2019–0002; Sequence No. 6]

Office of Federal High-Performance Buildings; Green Building Advisory Committee; Notification of Meeting and Upcoming Teleconference

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Meeting notice.

SUMMARY: Notice of an in-person meeting, and teleconference/web meetings, is being provided according to the requirements of the Federal Advisory Committee Act. This notice provides the schedule for a new teleconference/web meeting of the Green Building Advisory Committee (the Committee), the extended schedule for previously announced and ongoing biweekly Task Group teleconference/web meetings, and the updated schedule for a previously announced full advisory Committee meeting. All of these meetings are open for the public to either listen to or observe. Individuals interested in attending some or all of these meetings must register to attend as instructed below under **SUPPLEMENTARY INFORMATION**.

DATES: The Committee will hold a newly announced full teleconference/web meeting on Tuesday May 28, 2019, from 3:00 p.m., Eastern Standard Time (EDT), to 4:00 p.m., EDT.

The Committee's two active Task Groups currently have alternate weekly teleconference/web meetings (one call every other week), which will be extended as follows:

- The *Building and Grid Integration Task Group, Phase II,* will extend currently recurring, biweekly, teleconference/web meetings on Wednesdays, through September 4, 2019, from 3:00 p.m. to 4:00 p.m., EDT.
- The *Data-Integrated Building Systems Task Group* will extend currently recurring, weekly, teleconference/web meetings on Wednesdays, through August 28, 2019, from 3:00 p.m. to 4:00 p.m., EDT.
- The Committee has rescheduled its spring 2019 in-person meeting to Thursday, September 12, 2019, from May 16, 2019. The meeting will start at 10:00 a.m. Eastern Daylight Time (EDT), and will end no later than 4:00 p.m., EDT.

ADDRESSES: The rescheduled spring 2019 meeting will be held at GSA's Central Office, located at 1800 F Street NW, Washington, DC 20405, Room 1425. The meeting is open to the public and the site is accessible to individuals with disabilities.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Bloom, Group Federal Officer, Office of Federal High-Performance Buildings, OGP, GSA, 1800 F Street NW, Washington, DC 20405, at email address *michael.bloom@gsa.gov,* or telephone number 312–805–6799. Additional information about the Committee is available on-line at *http://www.gsa.gov/gbac.*

SUPPLEMENTARY INFORMATION:

Background

The Administrator of GSA established the Committee on June 20, 2011 (**Federal Register**/Vol. 76, No. 118) pursuant to Section 494 of the Energy Independence and Security Act of 2007 (EISA, 42 U.S.C. 17123). Under this authority, the Committee provides independent policy advice and recommendations to GSA to improve federal buildings (assets, operations, use, and resilience) to enhance human health and performance, and safeguard social, economic, and environmental security. Completed Committee recommendations are posted at: *https://www.gsa.gov/about-us/organization/office-of-governmentwide-policy/office-of-federal-highperformance-buildings/policy/green-building-advisory-committee/advice-letters-and-resolutions.*

Purpose

The purpose of all the Committee meetings is to convene experts in buildings—including architects, material suppliers, construction contractors, environment, health, security and transportation—to accelerate the successful transformation of the Federal building portfolio to sustainable technologies and practices.

Procedures for Attendance and Public Comment

Contact Mr. Michael Bloom at *michael.bloom@gsa.gov* to register to attend the in-person meeting on September 12, 2019 or listen to any of these teleconference/web meetings. To attend any of these events, submit your full name, organization, email address, and phone number, and which ones you would like to attend. Requests to attend the teleconference/web meetings must be received by 5:00 p.m. EDT, on Wednesday, May 23, 2019. (GSA will be unable to provide technical assistance to any listener experiencing technical difficulties. Testing access to the Web meeting site before the calls is recommended.) Requests to attend the in-person meeting must be received by 5:00 p.m., EDT, on Friday, July 12, 2019.

Contact Mr. Bloom to register to comment during the in-person meeting. Registered speakers/organizations will be allowed a maximum of five minutes each, and will need to provide written copies of their presentations. Requests to comment at the meeting must be received by 5:00 p.m., EDT, on Friday, July 12, 2019. Written comments may be provided to Mr. Bloom by the same deadline.

May 28, 2019 Committee Teleconference/Web Meeting

This teleconference/web meeting will discuss the topic of GSA's high-performance building certification systems review. This review is required every five years by the Energy Independence and Security Act (EISA) of 2007. Under this review, GSA must identify a system(s) that ''will be most likely to encourage a comprehensive and environmentally sound approach'' to the certification of high-performance federal buildings.

GSA will present the findings from its evaluation and a draft set of recommendations to seek the Committee's input as part of a public review period. Relevant background information and updates for the teleconference will be posted on GSA's website at *http://www.gsa.gov/gbac.*

Committee Teleconference/Web Meeting Agenda

- Introductions
- Purpose of GSA's review
- Review methods and findings and GSA draft recommendations

- Committee comments
- Next steps

Biweekly Task Group Conference Calls

These meetings allow the Task Groups to develop consensus recommendations to the Committee, which will, in turn, decide whether to proceed with formal advice to GSA based upon these recommendations.

The *Building and Grid Integration Task Group,* Phase II continues to build on the recommendations of the first phase of this Task Group, posted at *https://www.gsa.gov/cdnstatic/Bldg%20Grid%20Integration%20Advice%20Letter%202-21-19%20-%20508.pdf,* to prioritize federal building and grid integration strategies and develop implementation plans and scenarios with future rate structures, including consideration of electronic vehicles (EVs) and energy storage.

The *Data-Integrated Building Systems Task Group* continues to document and recognize data-integrated building system (*e.g.,* smart building system) use cases that demonstrate the business case and quantify the multiple benefits of integrating building technologies and systems.

In-Person Meeting

The Committee meeting will convene experts in buildings, including architects, material suppliers, construction contractors, environment, health, security and transportation to accelerate the successful transformation of the Federal building portfolio to sustainable technologies and practices. The Meeting provides the venue for the Building-grid integration and Data-integrated building systems Task Groups to present their findings and recommendations.

This full Committee meeting is being rescheduled from May 16, 2019 (**Federal Register**/Vol. 83, No. 65166).

In-Person Meeting Agenda

- Updates and introductions
- Building-grid integration task group findings & recommendations
- Lunchtime speaker (TBD)
- Data-integrated building systems task group findings & recommendations
- Additional topics proposed by Committee members
- Public comment
- Next steps and closing comments

Kevin Kampschroer,

Federal Director, Office of Federal High-Performance Buildings, General Services Administration.

[FR Doc. 2019–07865 Filed 4–18–19; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[Docket No. ATSDR–2019–0005]

Proposed Substances To Be Evaluated for Toxicological Profile Development

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Request for comments on proposed substances to be evaluated for Toxicological Profile development.

SUMMARY: The Agency for Toxic Substances and Disease Registry (ATSDR) within the Department of Health and Human Services is initiating the development of another set of Toxicological Profiles. This notice solicits public nominations of substances for ATSDR to evaluate for Toxicological Profile development. ATSDR will consider nominations from the Substance Priority List (available at *https://www.atsdr.cdc.gov/SPL/*). ATSDR also accepts nominations for non-Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERLA) substances that may have public health implications, on the basis of ATSDR's authority to prepare Toxicological Profiles for substances not found at sites on the CERCLA National Priorities List. For more information on the CERCLA National Priorities List, visit *https://www.epa.gov/superfund/superfund-national-priorities-list-npl.* The agency will do so in order to establish and maintain an inventory of literature, research, and studies on the health effects of toxic substances, to respond to requests for consultation, and to support the site-specific response actions conducted by ATSDR, as otherwise necessary.

DATES: Nominations from the Substance Priority List and/or additional substances must be received by May 20, 2019.

ADDRESSES: You may submit nominations, identified by Docket No. ATSDR–2019–0005, by any of the following methods:

- *Internet:* Access the Federal eRulemaking portal at *www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Division of Toxicology and Human Health Sciences, Agency for Toxic Substances and Disease Registry, 1600 Clifton Rd. NE, Mail Stop S102–1, Atlanta, GA, 30329–4027. Attn: Docket No. ATSDR–201x–xxxx.

Instructions: All submissions must include the agency name and docket number for this notice. All relevant comments will be posted without change. This means that no confidential business information or other confidential information should be submitted in response to this notice. Refer to the section *Submission of Nominations* (below) for the specific information required.

FOR FURTHER INFORMATION CONTACT: For further information, please contact Susan Ingber, Agency for Toxic Substances and Disease Registry, Division of Toxicology and Human Health Sciences, 1600 Clifton Rd. NE, Mail Stop S102–1, Atlanta, GA, 30329–4027, Email: *ATSDRToxProfileFRNs@cdc.gov*; Phone: 1–800–232–4636.

SUPPLEMENTARY INFORMATION: The Superfund Amendments and Reauthorization Act of 1986 (SARA) [42 U.S.C. 9601 *et seq.*] amended the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund) [42 U.S.C. 9601 *et seq.*] by establishing certain requirements for ATSDR and the U.S. Environmental Protection Agency (EPA) with regard to hazardous substances most commonly found at facilities on the CERCLA National Priorities List (NPL) (for more information, visit *https://www.epa.gov/superfund/superfund-national-priorities-list-npl*). Among these statutory requirements is a mandate for the Administrator of ATSDR to prepare Toxicological Profiles for each substance included on the Priority List of Hazardous Substances (also known as the Substance Priority list (SPL)). This list identifies 275 hazardous substances found at NPL sites that ATSDR and EPA have determined pose the most significant current potential threat to human health.

Substances To Be Evaluated for Toxicological Profile Development

Each year, ATSDR develops a list of substances to be considered for Toxicological Profile development. The nomination process includes consideration of all substances on ATSDR's SPL, as well as other substances nominated by the public. For more information on ATSDR's SPL, visit *https://www.atsdr.cdc.gov/SPL/.*

Submission of nominations for Toxicological Profile development: Today's notice invites voluntary public nominations for substances included on the SPL and for substances not listed on the SPL. All nominations should include the full name of the nominator, affiliation, and email address. When

nominating a non-SPL substance, please include the rationale for the nomination. Please note that email addresses will not be posted on *regulations.gov*. ATSDR will evaluate data and information associated with nominated substances and will determine the final list of substances to be chosen for Toxicological Profile development. Substances will be chosen according to ATSDR's specific guidelines for selection. These guidelines can be found in the *Selection Criteria,* which may be accessed at *www.atsdr.cdc.gov/toxprofiles/guidance/ATSDR_TP_Selection%20Criteria.pdf.*

Pamela I. Protzel Berman,

Director, Office of Policy, Partnerships and Planning, Agency for Toxic Substances and Disease Registry.

[FR Doc. 2019–07916 Filed 4–18–19; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–D–0621]

Bispecific Antibody Development Programs; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Bispecific Antibody Development Programs.'' This draft guidance provides recommendations to assist industry and other parties involved in the bispecific antibody drug development process. The draft guidance focuses on general regulatory and scientific considerations for bispecific antibodies, but not on development of a particular bispecific antibody. Industry and other stakeholders are encouraged to engage FDA to discuss their individual bispecific antibody under development.

DATES: Submit either electronic or written comments on the draft guidance by June 18, 2019 to ensure that the Agency considers your comment on this 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–0621 for ''Bispecific Antibody Development Programs.'' 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.'' 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.

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 Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Ebla Ali-Ibrahim, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6302, Silver Spring, MD 20993, 301–796–3691; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Bispecific Antibody Development Programs.'' This draft guidance provides recommendations to assist those involved in the bispecific antibody drug development process. This draft guidance discusses general considerations and recommendations, as well as regulatory, quality, nonclinical, and clinical considerations in the context of bispecific antibody development programs. This draft guidance does not discuss development considerations for other multitarget therapies that are combinations of monoclonal antibodies, antibody cocktails, or polyclonal antibodies.

Since the first therapeutic monoclonal antibody was commercialized in 1986, monoclonal antibodies have become a vital component of therapy for various diseases and conditions including cancer, autoimmune and infectious diseases, and inflammatory conditions. The regulatory pathway for evaluation of monoclonal antibodies is well established, but additional draft guidance is needed about antibody-based products that target more than one antigen. Advances in technology and an interest in novel therapies that combine targets have led to the development of bispecific antibodies, which are genetically engineered, recombinant antibodies that consist of two distinct binding domains capable of binding two different antigens or two different epitopes of the same antigen.

There are a number of challenges in developing bispecific antibodies, one of which may be significant immunogenicity caused by novel epitopes. This draft guidance addresses these considerations and provides recommendations regarding the type of data necessary to support the approval of bispecific antibodies.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Bispecific Antibody Development Programs.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 312 have been approved under 0910–0014.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm,* or *https://www.regulations.gov.*

Dated: April 16, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–07930 Filed 4–18–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–1265]

Agency Information Collection Activities; Proposed Collection; Comment Request; Food Labeling: Nutrition Facts Label and Supplement Facts Label

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 collection of information for the nutrition facts label and supplement facts label, which the Agency believes will serve to promote and protect public health.

DATES: Submit either electronic or written comments on the collection of information by June 18, 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 18, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of June 18, 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–1265 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Food Labeling: Nutrition Facts Label and Supplement Facts Label.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential

Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *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.

Food Labeling: The Nutrition Facts Label and Supplement Facts Label—21 CFR 101.9 OMB Control Number 0910–0813—Extension

This information collection supports requirements for the Nutrition Facts and Supplemental Facts labels. Section 403(q) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 343(q)) specifies certain nutrients to be declared in nutrition labeling and authorizes the Secretary of Health and Human Services (Secretary) to require other nutrients to be declared if the Secretary determines that a nutrient will provide information regarding the nutritional value of such food that will assist consumers in maintaining healthy dietary practices. The Secretary also has discretion under section 403(q) of the FD&C Act to remove, by regulation and under certain circumstances, nutrient information that is otherwise explicitly required in food labeling under this section. Accordingly, we promulgated regulations in § 101.9 (21 CFR 101.9) setting forth how nutrition information is presented to consumers. The regulations also establish standards to define serving size and require that certain products provide additional information within the Nutrition Facts label that conveys that information to consumers.

Specifically, §§ 101.9 and 101.36 list nutrients that are required or permitted to be declared; provide Daily Reference Values and Reference Daily Intake values that are based on current dietary recommendations from consensus reports; provide requirements for foods represented or purported to be specifically for children under the age of 4 years and pregnant and lactating women and establish nutrient reference values specifically for these population subgroups; and provide the format and appearance of the Nutrition Facts label. Section 101.12 (21 CFR 101.12) defines a single-serving container; requires dual-column labeling for certain containers; updates, modifies, and provides several reference amounts customarily consumed (RACCs); provides the label serving size for breath mints; and provides various aspects of the serving size regulations.

The regulations also require that, under certain circumstances, manufacturers make and keep certain records to verify the amount of added sugars when a food product contains both naturally occurring sugars and added sugars, isolated or synthetic non-digestible carbohydrates that do not meet the definition of dietary fiber, different forms of vitamin E, and folate/folic acid declared on the Nutrition Facts or Supplement Facts label, which is the amount in the finished food product.

Firms make and keep certain records necessary to verify the amount of the nutrients in the finished food product. This collection of information does not specify what records are to be used to verify the amounts of these nutrients but does specify the information that the records must contain. The collection requires manufacturers to provide FDA, upon request during an inspection, with the records that contain the required information for each of these nutrients to verify the amount of the nutrient declared on the label. These records may include analyses of nutrient databases, recipes or formulations, information from recipes or formulations, batch records, or any other records that contain the required information to verify the nutrient content in the final product.

Description of Respondents: Respondents to this collection of information are manufacturers of food products sold in the United States. Respondents are from the private sector (for-profit businesses).

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Type of declaration; 21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Added Sugars; 101.9(c)(6)(iii) [2]	31,283	1	31,283	1	31,283
Dietary Fiber; 101.9(c)(6)(i) [2]	31,283	1	31,283	1	31,283
Soluble Fiber; 101.9(c)(6)(i)(A) [2]	31,283	1	31,283	1	31,283
Insoluble Fiber; 101.9(c)(6)(i)(B) [2]	31,283	1	31,283	1	31,283
Vitamin E; 101.9(c)(8) [3]	31,283	1	31,283	1	31,283
Folate/Folic Acid; 101.9(c)(8) [3]	31,283	1	31,283	1	31,283
New Products	216	1	216	1	216
Total					187,914

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

[2] These estimates are likely to be large overestimates, as not all manufacturers will need to keep records for added sugars, dietary fiber, and soluble and insoluble fiber. Manufacturers will only need to keep records for products with both added and naturally occurring sugars, added sugars that undergo fermentation in certain fermented foods, and products with non-digestible carbohydrates (soluble or insoluble) that do and do not meet the definition of dietary fiber.

[3] These estimates are likely to be large overestimates, as not all manufacturers will need to keep records for vitamin E and folate/folic acid. The declaration of vitamin E and folate/folic acid is not mandatory unless a health or nutrient content claim is being made or these nutrients are directly added to the food for enrichment purposes.

Based on our experience with food labeling regulations, records that are required to be retained are records that a prudent and responsible manufacturer uses and retains as a normal part of doing business, *e.g.,* analyses of nutrient databases, recipes or formulations, batch records, or other records. Thus, the recordkeeping burden of this collection of information consists of the time required to identify and assemble the records for copying and retention. Based on our previous experience with similar information collections, we estimate the recordkeeping burden to be 1 hour per product as estimated in table 1.

The declarations for added sugars, dietary fiber, soluble fiber, and insoluble fiber are mandatory, and we conservatively estimate all of the roughly 31,283 food manufacturers would incur this recordkeeping burden and the required recordkeeping would be 1 hour per manufacturer. These calculations are reflected in table 1, rows 1 to 4. The declaration of vitamin E and folate/folic acid is not mandatory unless a health or nutrient content claim is being made or these nutrients are directly added to the food for enrichment purposes. However, we conservatively estimate that all 31,283 respondents would incur this recordkeeping burden and that the required recordkeeping would be 1 hour per manufacturer. These calculations are reflected in table 1, rows 5 and 6.

We estimate that the number of newly introduced products that are covered under this collection of information is 216. We assume the required recordkeeping is 1 hour per product, for an annual recurring recordkeeping burden of 216 hours, as reflected in table 1, row 7. Adding the burden from new products to the burden for existing products results in a total of 187,914 annual recordkeeping burden hours.

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN [1]

Filing of citizen petition regarding a particular isolated or synthetic non-digestible carbohydrate	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Dietary Fiber; 101.9(c)(6)(i)	28	1	28	1	28

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Manufacturers of food products that contain an isolated or synthetic non-digestible carbohydrate that is not listed in the definition of dietary fiber have the option of submitting a citizen petition to FDA requesting us to amend the definition of ''dietary fiber'' to include the carbohydrate as a listed dietary fiber, by demonstrating the physiological benefits of the isolated or synthetic non-digestible carbohydrate to human health.

We estimate that there are approximately 28 isolated or synthetic non-digestible carbohydrates that do not meet the definition of dietary fiber. Once a citizen petition filed by a manufacturer related to a particular isolated or synthetic non-digestible carbohydrate is granted or denied, or the carbohydrate is the subject of an authorized health claim, and the dietary fiber is listed in the definition of dietary fiber, the use of the dietary fiber as an ingredient in any food product must be included in the total amount of dietary fiber declared in nutrition labeling for such product.

Thus, we estimate that 28 manufacturers would incur burden associated with filing a citizen petition to amend the listing of dietary fiber related to an isolated and synthetic non-digestible carbohydrate that is not currently listed in the definition of dietary fiber and that the required recordkeeping would be 1 hour per manufacturer. This calculation is shown in table 2.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN

21 CFR 101.9	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Nutritional labeling for new products	500	1	500	2	1,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Under §§ 101.9 and 101.12, some manufacturers of retail food products make labeling changes to modify the serving sizes and other nutrition information based on changes to what products may be or are required to be labeled as a single serving, or based on updated, modified, or established RACCs. We estimate that about 500 new products will be affected by these requirements each year and that the associated disclosure burden is 2 hours per product, for an annual burden of 1,000 hours.

Dated: April 15, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–07929 Filed 4–18–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–D–1261]

Technical Considerations for Non-Clinical Assessment of Medical Devices Containing Nitinol; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of the draft guidance entitled ''Technical Considerations for Non-Clinical Assessment of Medical Devices containing Nitinol.'' Due to the unique properties of nitinol, the Agency has developed this draft guidance to provide FDA's current thinking on technical considerations specific to devices using nitinol. This draft guidance document is intended to provide clarity and consistency in recommended non-clinical assessments across a variety of medical devices that contain nitinol. This draft guidance is not final nor is it in effect at this time.

DATES: Submit either electronic or written comments on the draft guidance by June 18, 2019 to ensure that the Agency considers your comment on this 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–1261 for ''Technical Considerations for Non-Clinical Assessment of Medical Devices containing Nitinol.'' 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.'' 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.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled ''Technical Considerations for Non-Clinical Assessment of Medical Devices containing Nitinol'' to the Office of Policy, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Matthew Di Prima, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 62, Rm. 2214, Silver Spring, MD 20993–0002, 301–796–2507.

SUPPLEMENTARY INFORMATION:

I. Background

The use of nitinol in medical devices began over 3 decades ago in product areas such as orthodontic archwires, cardiovascular guidewires, and surgical instruments. Its use has increased over the past 2 decades into different device areas such as orthopedic fracture fixation, cardiovascular stents, and transcatheter heart valves. With an increasing trend to treat patients using minimally invasive procedures, nitinol has become a popular choice of material due to its ability to return to its original shape after being deformed or after heat is applied. Given the complex thermomechanical behavior of nitinol, there are unique considerations when assessing the safety and performance of nitinol-containing devices.

The Agency has developed this draft guidance to provide FDA's current thinking on technical considerations specific to devices using nitinol. These recommendations are intended to be general and not product-specific, and apply to medical devices that have at least one patient contacting component comprised of nitinol.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Technical Considerations for Non-Clinical Assessment of Medical Devices containing Nitinol''. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* This guidance document is also available at *https://www.regulations.gov.* Persons unable to download an electronic copy of ''Technical Considerations for Non-Clinical Assessment of Medical Devices containing Nitinol'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 17013 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

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

21 CFR part or guidance	Topic	OMB control No.
807, subpart E	Premarket notification	0910–0120
814, subparts A through E	Premarket approval	0910–0231
814, subpart H	Humanitarian Device Exemption	0910–0332
812	Investigational Device Exemption	0910–0078
''De Novo Classification Process (Evaluation of Automatic Class III Designation)''.	De Novo classification process	0910–0844
''Requests for Feedback on Medical Device Submissions: The Pre-Submission Program and Meetings with Food and Drug Administration Staff''.	Q-submissions	0910–0756
801	Medical Device Labeling Regulations	0910–0485

Dated: April 16, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–07931 Filed 4–18–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–D–1470]

Technical Performance Assessment of Quantitative Imaging in Premarket Device Submissions; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of the draft guidance entitled ''Technical Performance Assessment of Quantitative Imaging in Premarket Device Submissions.'' This draft guidance document provides recommendations on the information that should be included in premarket submissions for devices that include quantitative imaging functions. This draft guidance is not final nor is it in effect at this time.

DATES: Submit either electronic or written comments on the draft guidance by June 18, 2019 to ensure that the

Agency considers your comment on this 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–1470 for ''Technical Performance Assessment of Quantitative Imaging in Premarket Device Submissions.'' 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.'' 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.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled ''Technical Performance Assessment of Quantitative Imaging in Premarket Device Submissions'' to the Office of Policy, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Dina Jerebitski, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4550, Silver Spring, MD 20993–0002, 301–796–2411.

SUPPLEMENTARY INFORMATION:

I. Background

This draft guidance document provides recommendations on the information that should be included in premarket submissions for devices that include quantitative imaging functions. Medical imaging is used routinely in hospitals and clinics to assist with the diagnosis and management of patients with a variety of diseases and conditions, by providing visual representations of the internal structures of the body. Most medical images are acquired with the intention of qualitative interpretation by a trained physician to identify the presence or absence of a structure or feature. Quantitative imaging extracts additional information from medical images in the form of numerical values.

This draft guidance document is applicable to all devices that generate quantitative imaging values across a wide range of imaging modalities, intended uses, levels of automation, and complexity of algorithm. For the purpose of this document, FDA considers quantitative imaging values to be objective characteristics measured on a ratio or interval scale; that is, measured parameters derived from medical images that have physical meaning.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Technical Performance Assessment of Quantitative Imaging in Premarket Device Submissions.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* This guidance document is also available at *https://www.regulations.gov.* Persons

unable to download an electronic copy of ''Technical Performance Assessment of Quantitative Imaging in Premarket Device Submissions'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 18017 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

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

21 CFR Part; guidance; or FDA form	Topic	OMB Control No.
807, subpart E	Premarket notification	0910–0120
814, subparts A through E	Premarket approval	0910–0231
814, subpart H	Humanitarian Device Exemption	0910–0332
812	Investigational Device Exemption	0910–0078
''De Novo Classification Process (Evaluation of Automatic Class III Designation)''.	De Novo classification process	0910–0844
''Requests for Feedback on Medical Device Submissions: The Pre-Submission Program and Meetings with Food and Drug Administration Staff''.	Q-submissions	0910–0756
800, 801, and 809	Medical Device Labeling Regulations	0910–0485

Dated: April 16, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–07936 Filed 4–18–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0065]

Agency Information Collection Activities; Proposed Collection; Comment Request; Registration of Food Facilities

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of the Agency's regulations that require registration for domestic and foreign facilities that manufacture, process, pack, or hold food for human or animal consumption in the United States.

DATES: Submit either electronic or written comments on the collection of information by June 18, 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 18, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of June 18, 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–2013–N–0065 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The

second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

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

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *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.

Registration of Food Facilities

OMB Control Number 0910–0502—Extension

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Bioterrorism Act) amended the Federal Food, Drug, and Cosmetic Act (the FD&C Act), which, among other things, requires domestic and foreign facilities that manufacture, process, pack, or hold food for human or animal consumption in the United States to register with FDA. Sections 1.230 to 1.235 of our regulations (21 CFR 1.230 to 1.235) set forth the requirements for the registration of food facilities. Information provided to us under these regulations helps us to notify quickly the facilities that might be affected by a deliberate or accidental contamination of the food supply. In addition, data collected through registration is used to support FDA enforcement activities and to screen imported food shipments.

Advance notice of imported food allows FDA, with the support of the Bureau of Customs and Border Protection, to target import inspections more effectively and help protect the nation's food supply against terrorist acts and other public health emergencies. If a facility is not registered or the registration for a facility is not updated when necessary, we may not be able to contact the facility and may not be able to target import inspections effectively in case of a known or potential threat to the food supply or other food-related emergency, putting consumers at risk of consuming hazardous food products that could cause serious adverse health consequences or death.

To assist respondents of the information collection we developed the following forms. Each facility that manufactures, processes, packs, or holds food for human or animal consumption in the United States must register with FDA using Form FDA 3537 entitled ''Food Facility Registration'' (§ 1.231), unless exempt under 21 CFR 1.226 from the requirement to register. To cancel a registration, respondents must use Form FDA 3537a entitled ''Cancellation of Food Facility Registration'' (§ 1.235). The terms ''Form FDA 3537'' and ''Form FDA 3537a'' refer to both the paper version of each form and the electronic system known as the Food Facility Registration Module, which is available at *https://www.access.fda.gov.* Beginning in January 2020, registrations, updates, and cancellations will be required to be submitted electronically. Domestic facilities are required to register whether or not food from the facility enters interstate commerce. Foreign facilities that manufacture, process, pack, or hold food also are required to register unless food from that facility undergoes further processing (including packaging) by another foreign facility outside the United States. However, if the further manufacturing/processing conducted by the subsequent facility consists of adding labeling or any similar activity of a de minimis nature, the former facility is required to register.

In addition to the initial registration requirements, a facility is required to submit timely updates within 60 days of a change to any required information on its registration form, using Form FDA 3537 (§ 1.234), and to cancel its registration when the facility ceases to operate or is sold to new owners or ceases to manufacture, process, pack, or hold food for consumption in the United States, using Form FDA 3537a (§ 1.235).

Registration is one of several tools under the Bioterrorism Act that enables us to act quickly in responding to a threatened or actual bioterrorist attack on the U.S. food supply or other food-related emergency. Further, in the event of an outbreak of foodborne illness, the information provided helps us determine the source and cause of the event and enables us to quickly notify food facilities that might be affected by an outbreak, terrorist attack, or other emergency. Finally, the registration requirements enable us to quickly identify and remove from commerce an article of food for which there is a reasonable probability that the use of, or exposure to, such article of food will cause serious adverse health consequences or death to humans or animals.

Description of Respondents: Respondents to this collection of information are owners, operators, or agents in charge of domestic or foreign facilities that manufacture, process,

pack, or hold food for human or animal consumption in the United States.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity; 21 CFR section	FDA Form No.[2]	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
New domestic facility registration; 1.230–1.233.	3537	9,795	1	9,795	2.7	26,447
New foreign facility registration; 1.230–1.233.	3537	13,697	1	13,697	8.7	119,164
Updates; 1.234	3537	53,836	1	53,836	1.2	64,603
Cancellations; 1.235	3537a	6,390	1	6,390	1	6,390
Biennial renewals; 1.235	3537	97,883	1	97,883	0.38 (23 minutes)	37,196
3rd party registration verification	3537	41,256	1	41,256	0.25 (15 minutes)	10,314
U.S. Agent verification	3537	57,070	1	57,070	0.25 (15 minutes)	14,268
Total						278,382

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Forms FDA 3537 and FDA 3537a refer to both the paper version of the form and the electronic system known as the Food Facility Registration Module, which is available at *https://www.access.fda.gov.*

These burden figures are based on currently available data and reflect an overall decrease to the information collection by 174,395 and 31,370 hours. The decrease results from the realization of burden associated with implementing measures on newly established electronic registration requirements.

Dated: April 15, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–07839 Filed 4–18–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0023]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application To Register Permanent Residence or Adjust Status

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until May 20, 2019.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *dhsdeskofficer@omb.eop.gov.* All submissions received must include the agency name and the OMB Control Number 1615–0023 in the subject line.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on February 1, 2019, at 84 FR 1193, allowing for a 60-day public comment period. USCIS did receive two comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2009–0020 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(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 submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application to Register Permanent Residence or Adjust Status.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–485; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The information on Form I–485 is used to request and determine eligibility for adjustment of permanent residence status. Supplement A is used to adjust status under section 245(i) of the Immigration and Nationality Act (Act).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–485 is 577,000 and the estimated hour burden per response is 3,606,250 hours. The estimated total number of respondents for the information collection I–485, Supplement A is 29,213 and the estimated hour burden per response is 36,516 hours. The estimated total number of respondents for the information collection I–485, Supplement J is 37,358 and the estimated hour burden per response is 37,358 hours. The estimated total number of respondents for the information collection of Biometrics is 577,000 and the estimated hour burden per response is 675,090 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 4,355,214 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $197,911,000.

Dated: April 15, 2019.

Jerry L. Rigdon,

Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2019–07860 Filed 4–18–19; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0106]

Agency Information Collection Activities; Extension, Without Change of a Currently Approved Collection: Petition for Qualifying Family Member of a U–1 Nonimmigrant

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until May 20, 2019.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *dhsdeskofficer@omb.eop.gov.* All submissions received must include the agency name and the OMB Control Number 1615–0106 in the subject line.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on November 27, 2018, at 83 FR 60887, allowing for a 60-day public comment period. USCIS did receive 2 comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2009–0010 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(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 submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for Qualifying Family Member of a U–1 Nonimmigrant.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–929; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Section 245(m) of the Immigration and Nationality Act (Act) allows certain qualifying family members who have never held U nonimmigrant status to seek lawful permanent residence or apply for immigrant visas. Before such family

members may apply for adjustment of status or seek immigrant visas, the U–1 nonimmigrant who has been granted adjustment of status must file an immigrant petition on behalf of the qualifying family member using Form I–929. Form I–929 is necessary for USCIS to make a determination that the eligibility requirements and conditions are met regarding the qualifying family member.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–929 is 1,500 and the estimated hour burden per response is 1 hour.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 1,500 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $183,750.

Dated: April 15, 2019.

Jerry L. Rigdon,

Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2019–07861 Filed 4–18–19; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0113]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: InfoPass

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until May 20, 2019.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *dhsdeskofficer@omb.eop.gov.* All submissions received must include the agency name and the OMB Control Number 1615–0113 in the subject line.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on November 5, 2018, at 83 FR 55390, allowing for a 60-day public comment period. USCIS received three comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2009–0024 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(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 submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* InfoPass.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* No Form Number; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The InfoPass system allows an applicant or petitioner to schedule an interview appointment with USCIS through USCIS's website.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection InfoPass is 1,043,319 and the estimated hour burden per response is .1 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 104,332 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* There is no estimated total cost burden associated with this collection of information, all costs are captured in the information collections that require an appointment.

Dated: April 15, 2019.

Jerry L. Rigdon,

Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2019–07862 Filed 4–18–19; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2019–N042; FXES11140200000–190–FF02ENEH00]

Incidental Take Permit Application To Participate in American Burying Beetle Amended Oil and Gas Industry Conservation Plan in Oklahoma

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for public comments.

SUMMARY: Under the Endangered Species Act, we, the U.S. Fish and Wildlife Service, invite the public to comment on federally listed American burying beetle incidental take permit (ITP) applications. The applicant anticipates American burying beetle take as a result of impacts to Oklahoma habitat the species uses for breeding, feeding, and sheltering. The take would be incidental to the applicant's activities associated with oil and gas well field and pipeline infrastructure (gathering, transmission, and distribution), including geophysical exploration (seismic), construction, maintenance, operation, repair, decommissioning, and reclamation. If approved, the permit would be issued under the approved *American Burying Beetle Amended Oil and Gas Industry Conservation Plan (ICP) Endangered Species Act Section 10(a)(1)(B) Permit Issuance in Oklahoma.*

DATES: To ensure consideration, we must receive written comments on or before May 20, 2019.

ADDRESSES: You may obtain copies of all documents and submit comments on the applicant's ITP application by one of the following methods. Please refer to the proposed permit number when requesting documents or submitting comments.

- *Email: fw2_hcp_permits@fws.gov.*
- *U.S. Mail:* U.S. Fish and Wildlife Service, Endangered Species—HCP Permits, P.O. Box 1306, Room 6093, Albuquerque, NM 87103.

FOR FURTHER INFORMATION CONTACT: Marty Tuegel, Branch Chief, by U.S. mail at U.S. Fish and Wildlife Service, Environmental Review Division, P.O. Box 1306, Room 6078, Albuquerque, NM 87103; by telephone at 505–248–6651; or via the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Introduction

Under the Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 *et seq.*), we, the U.S. Fish and Wildlife Service, invite the public to comment on an incidental take permit (ITP) application to take the federally listed American burying beetle (*Nicrophorus americanus*) during oil and gas well field infrastructure geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning, as well as oil and gas gathering, transmission, and distribution pipeline infrastructure construction, maintenance, operation, repair, decommissioning, and reclamation in Oklahoma.

If approved, the permit would be issued to the applicant under the *American Burying Beetle Amended Oil and Gas Industry Conservation Plan (ICP) Endangered Species Act Section 10(a)(1)(B) Permit Issuance in Oklahoma.* The original ICP was approved on May 21, 2014, and the ''no significant impact'' finding notice was published in the **Federal Register** on July 25, 2014 (79 FR 43504). The draft amended ICP was made available for comment on March 8, 2016 (81 FR 12113), and approved on April 13, 2016. The original ICP of 2014 and the associated environmental assessment/finding of no significant impact and the amended ICP of 2016 are available on our website at *http://www.fws.gov/southwest/es/oklahoma/ABBICP.* However, we are no longer taking comments on these finalized, approved documents.

The second draft amendment to the ICP was made available for public comment via publication in the **Federal Register** on March 14, 2019 (84 FR 9371), with a comment period end of April 15, 2019.

Application Available for Review and Comment

We invite local, state, Tribal, and Federal agencies, and the public to comment on the following application under the ICP for incidentally taking the federally listed American burying beetle. Please refer to the proposed permit number (TEXXXXXX–X) when requesting application documents and when submitting comments. Documents and other information the applicant submitted are available for review, subject to Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552) requirements.

Permit No. TE33765D

Applicant: Valero Partners Wynnewood, LLC, San Antonio, TX.

Applicant requests a permit for oil and gas upstream and midstream production, including oil and gas well field infrastructure geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning, as well as oil and gas gathering, transmission, and distribution pipeline infrastructure construction, maintenance, operation, repair, decommissioning, and reclamation in Oklahoma.

Permit No. TE33772D

Applicant: Silver Creek Oil & Gas, LLC, Irving, TX.

Applicant requests a permit for oil and gas upstream and midstream production, including oil and gas well field infrastructure geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning, as well as oil and gas gathering, transmission, and distribution pipeline infrastructure construction, maintenance, operation, repair, decommissioning, and reclamation in Oklahoma.

Public Availability of Comments

Written comments we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*), its implementing regulations (50 CFR 17.22), and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Amy Lueders,

Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2019–07878 Filed 4–18–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2019–N035; FXES11130800000–178–FF08E00000]

Endangered and Threatened Species; Receipt of Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive your written comments on or before May 20, 2019.

ADDRESSES: *Document availability and comment submission:* Submit requests for copies of the applications and related documents and submit any comments by one of the following methods. All requests and comments should specify the applicant name(s) and application number(s) (*e.g.,* TEXXXXXX).

- *Email: permitsr8es@fws.gov.*
- *U.S. Mail:* Daniel Marquez, Endangered Species Program Manager, U.S. Fish and Wildlife Service, Region 8, 2800 Cottage Way, Room W–2606, Sacramento, CA 95825.

FOR FURTHER INFORMATION CONTACT: Daniel Marquez, via phone at 760–431–9440, via email at *permitsr8es@fws.gov,* or via the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications for permits under section 10(a)(1)(A) of the Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested permits would allow the applicants to conduct activities intended to promote recovery of species that are listed as endangered or threatened under the ESA.

Background

With some exceptions, the ESA prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of ''take'' includes such activities as pursuing, harassing, trapping, capturing, or collecting in addition to hunting, shooting, harming, wounding, or killing.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. These activities often include such prohibited actions as capture and collection. Our regulations implementing section 10(a)(1)(A) for these permits are found in the Code of Federal Regulations (CFR) at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild. The ESA requires that we invite public comment before issuing these permits. Accordingly, we invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies.

Application No.	Applicant, city, state	Species	Location	Activity	Type of take	Permit action
TE–62868B	The Klamath Tribes, Chiloquin, Oregon.	• Lost River sucker (*Deltistes luxatus*) ..... • Shortnose sucker (*Chasmistes brevirostris*).	OR	Capture, mark, collect tissue samples, captive rear, sacrifice, and release.	Collect, rear, and release.	Renew and amend.
TE–032713	California Department of Transportation, Fresno, California.	• Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*), • Giant kangaroo rat (*Dipodomys ingens*), • Conservancy fairy shrimp (*Branchinecta conservatio*), • Longhorn fairy shrimp (*Branchinecta longiantenna*), • San Diego fairy shrimp (*Branchinecta sandiegonensis*), • Riverside fairy shrimp (*Streptocephalus woottoni*), • Vernal pool tadpole shrimp (*Lepidurus packardi*), • California tiger salamander (Santa Barbara County and Sonoma County Distinct Population Segments (DPSs)) (*Ambystoma californiense*).	CA	Survey	Capture, handle, release, and collect vouchers.	Renew.
TE–218630	Irena Mendez, Santa Monica, California.	• El Segundo blue butterfly (*Euphilotes battoides allyni*).	CA	Survey	Survey	Renew.
TE–190300	Debra DeLaTorre, Phelan, California.	• Stephens' kangaroo rat (*Dipodomys stephensi*).	CA	Survey	Capture, handle, and release.	Renew.
TE–788133	Vincent Scheidt, San Diego, California.	• Quino checkerspot butterfly (*Euphydryas editha quino*).	CA	Survey	Survey	Renew.
TE–28560D	Southern Nevada Water Authority, Las Vegas, Nevada.	• Moapa dace (*Moapa coriacea*)	NV	Enhance habitat, control invasive species, mark and recapture, survey.	Survey, capture, handle, and release.	New.
TE–844030	Eda Eggeman, Redding, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*), • Vernal pool tadpole shrimp (*Lepidurus packardi*).	CA	Survey	Survey, capture, handle, release, and collect vouchers.	Renew.

Application No.	Applicant, city, state	Species	Location	Activity	Type of take	Permit action
TE–63422B	Spring Mountains National Recreation Area, U.S. Forest Service, Las Vegas, Nevada.	• Mount Charleston blue butterfly (*Icaricia* (*Plebejus*) *shasta charlestonensis*).	NV	Survey	Survey	Renew.
TE–88748B	Erika Walther, Oakland, California.	• Salt marsh harvest mouse (*Reithrodontomys raviventris*).	CA	Survey	Survey, capture, handle, collect hair for genetic analysis, and release.	Amend.
TE–778195	Helix Environmental Planning, La Mesa, California.	• California tiger salamander (Santa Barbara County and Sonoma County Distinct Population Segments (DPSs)) (*Ambystoma californiense*).	CA	Survey	Capture, handle, and release.	Amend.
TE–031848	Ryan Henry, Oakland, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*), • Longhorn fairy shrimp (*Branchinecta longiantenna*), • San Diego fairy shrimp (*Branchinecta sandiegonensis*), • Riverside fairy shrimp (*Streptocephalus woottoni*), • Vernal pool tadpole shrimp (*Lepidurus packardi*).	CA	Survey	Survey, capture, handle, release, and collect vouchers.	Renew.
TE–42850A	California Department of Water Resources, Fresno, California.	• California tiger salamander (Santa Barbara County and Sonoma County Distinct Population Segments (DPSs)) (*Ambystoma californiense*).	CA	Survey	Capture, handle, and release.	Renew.
TE–28754D	Jill Grant, El Granada, California.	• California tiger salamander (Santa Barbara County and Sonoma County Distinct Population Segments (DPSs)) (*Ambystoma californiense*), • San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), • Mission blue butterfly (*Icaricia icarioides missionensis*).	CA	Survey	Capture, handle, and release.	New.
TE–039466	U.S. Geological Survey, Idaho Cooperative Fish and Wildlife Research Unit, Moscow, Idaho.	• California clapper rail *(Rallus longirostris obsoletus*), • Light-footed clapper rail (light-footed Ridgway's r.) (*Rallus longirostris levipes*) (*R. obsoletus l.*), • Yuma clapper rail (Yuma Ridgway's r.) (*Rallus longirostris yumanensis*) (*R. obsoletus y.*).	CA, NV, AZ	Survey, perform educational workshops, collect feathers, conduct genetic analysis, band, attach satellite transmitters.	Capture, handle, collect feathers, band, release, and track.	Renew and Amend.
TE–060175	Teresa Gonzales, San Jacinto, California.	• Southwestern willow flycatcher (*Empidonax traillii extimus*).	CA	Survey	Survey	Renew.
TE–31349D	Briggs Lab, Santa Barbara, California.	• Arroyo toad (arroyo southwestern) (*Anaxyrus californicus*), • Sierra Nevada yellow-legged frog (*Rana sierrae*), • Mountain yellow-legged frog ((northern California DPS) (*Rana muscosa*)).	CA	Capture, swab, toe clip, and release.	Capture, swab, toe clip, and release.	New.
TE–31350D	Timothy Salamunovich, Arcata, California.	• Tidewater goby (*Eucyclogobius newberryi*)	CA	Survey	Capture, handle, and release.	New.
TE–118641	Jodi McGraw, Watsonville, California.	• Zayante band-winged grasshopper (*Trimerotropis infantilis*), • Mount Hermon June beetle (*Polyphylla barbata*).	CA	Survey, restore habitat.	Survey, capture, handle, relocate, release.	Renew and Amend.
TE–027422	Brian Pittman, Petaluma, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*), • Longhorn fairy shrimp (*Branchinecta longiantenna*), • San Diego fairy shrimp (*Branchinecta sandiegonensis*), • Riverside fairy shrimp (*Streptocephalus woottoni*), • Vernal pool tadpole shrimp (*Lepidurus packardi*), • California tiger salamander (Santa Barbara County and Sonoma County Distinct Population Segments (DPSs)) (*Ambystoma californiense*).	CA	Survey	Capture, handle, release, and collect vouchers.	Renew.
TE–110382	Ava Edens, Mission Viejo, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*), • Longhorn fairy shrimp (*Branchinecta longiantenna*), • San Diego fairy shrimp (*Branchinecta sandiegonensis*), • Riverside fairy shrimp (*Streptocephalus woottoni*), • Vernal pool tadpole shrimp (*Lepidurus packardi*).	CA	Survey	Capture, handle, release, and collect vouchers.	Renew.

Application No.	Applicant, city, state	Species	Location	Activity	Type of take	Permit action
TE–101151	Eric (Rick) Bailey, San Marcos, California.	• San Diego fairy shrimp (*Branchinecta sandiegonensis*), • Riverside fairy shrimp (*Streptocephalus woottoni*), • Vernal pool tadpole shrimp (*Lepidurus packardi*).	CA	Survey	Capture, handle, release, and collect vouchers.	Renew.
TE–32232D	Sara Snyder, Grover Beach, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*), • Longhorn fairy shrimp (*Branchinecta longiantenna*), • San Diego fairy shrimp (*Branchinecta sandiegonensis*), • Riverside fairy shrimp (*Streptocephalus woottoni*), • Vernal pool tadpole shrimp (*Lepidurus packardi*).	CA	Survey	Capture, handle, release, and collect vouchers.	New.
TE–67390A	Benjamin Smith, Mission Viejo, California.	• Southwestern willow flycatcher (*Empidonax traillii extimus*).	CA, NV	Survey	Survey	Renew.
TE–43937B	Robert Sloan, San Luis Obispo, California.	• Morro shoulderband (=Banded dune) snail (*Helminthoglypta walkeriana*).	CA	Survey and enhance habitat.	Survey, capture, handle, relocate, and release.	Renew.
TE–09389A	Michelle Giolli, El Cerrito, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*), • Longhorn fairy shrimp (*Branchinecta longiantenna*), • San Diego fairy shrimp (*Branchinecta sandiegonensis*), • Riverside fairy shrimp (*Streptocephalus woottoni*), • Vernal pool tadpole shrimp (*Lepidurus packardi*).	CA	Survey	Capture, handle, release, and collect vouchers.	Renew.
TE–32290D	Michael Scaffidi, Davis, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*), • Longhorn fairy shrimp (*Branchinecta longiantenna*), • San Diego fairy shrimp (*Branchinecta sandiegonensis*), • Riverside fairy shrimp (*Streptocephalus woottoni*), • Vernal pool tadpole shrimp (*Lepidurus packardi*).	CA	Survey	Capture, handle, release, and collect vouchers.	New.
TE–062125	U.S. Bureau of Land Management, El Dorado Hills, California.	• Stebbins' morning-glory (*Calystegia stebbinsii*), • Pine Hill ceanothus (*Ceanothus roderickii*), • Ione (incl. Irish Hill) buckwheat (*Eriogonum apricum* (incl. var. *prostratum*)), • Pine Hill flannelbush (*Fremontodendron californicum* ssp. *decumbens*), • El Dorado bedstraw (*Galium californicum* ssp. *sierrae*).	CA	Collect plants and plant parts.	Remove/reduce to possession from lands under Federal jurisdiction.	Renew.
TE–827493	Brian Leatherman, Yorba Linda, California.	• Southwestern willow flycatcher (*Empidonax traillii extimus*), • Least Bell's vireo (*Vireo belli pusillus*)	CA, NV	Survey and nest monitor.	Survey and nest monitor.	Renew.
TE–053085	U.S. Bureau of Reclamation, Boulder City, Nevada.	• Yuma clapper rail (Yuma Ridgway's r.) (*Rallus longirostris yumanensis*) (*R. obsoletus y.*), • Southwestern willow flycatcher (*Empidonax traillii extimus*), • Bonytail chub (*Gila elegans*), • Razorback sucker (*Xyrauchen texanus*).	CA, NV, AZ	Survey, monitor, mark, collect, transport, and mark.	Survey, monitor, collect, transport, mark, PIT tag, and electrofish.	Renew.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Next Steps

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Angela Picco,

Acting Chief of Ecological Services, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2019–07928 Filed 4–18–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–FAC–2019–N017; FXFR13360900000–FF09F14000–189]

Aquatic Nuisance Species Task Force Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The Aquatic Nuisance Species (ANS) Task Force will hold a public meeting in accordance with the Federal Advisory Committee Act. The ANS Task Force's purpose is to develop and implement a program for U.S. waters to prevent introduction and dispersal of aquatic invasive species; to monitor, control, and study such species; and to disseminate related information.

DATES: The ANS Task Force will meet Wednesday and Thursday, May 8–9, 2019, from 8 a.m. to 5 p.m. each day. The meeting is open to the public; however, for security purposes, registration is required. For more information, contact the ANS Task Force Executive Secretary (see **FOR FURTHER INFORMATION CONTACT**).

ADDRESSES: *Meeting location:* The ANS Task Force meeting will take place at the Tahoe Resort Hotel, 4130 Lake Tahoe Boulevard, South Lake Tahoe, CA 96150 (telephone 530–544–5400).

Comment submission: You may submit written comments in advance of the meeting by emailing them to the ANS Task Force Executive Secretary (see **FOR FURTHER INFORMATION CONTACT**), by close of business on May 1, 2019.

FOR FURTHER INFORMATION CONTACT: Susan Pasko, ANS Task Force Executive Secretary, by telephone at 703–358–2466, or by email at *Susan_Pasko@fws.gov.*

Accessibility: The U.S. Fish and Wildlife Service is committed to providing access to this meeting for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to the ANS Task Force Executive Secretary, by using the contact information above or via TTY at 800–877–8339, by close of business on April 29, 2019.

SUPPLEMENTARY INFORMATION: The ANS Task Force was established by the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended (NANPCA; 16 U.S.C. 4701 *et seq.*). The ANS Task Force is composed of 13 Federal and 15 ex-officio members, and is co-chaired by the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration. The ANS Task Force's purpose is to develop and implement a program for U.S. waters to prevent introduction and dispersal of aquatic invasive species; to monitor, control, and study such species; and to disseminate related information.

Meeting Agenda

- Presentations on innovative measures for ANS management and control, highlighting the severity of invasive mussel population in the West.
- Presentations on ballast water and biofouling treatment and management programs.
- Update on new species occurrences in the United States.
- Response to recommendations from the ANS Task Force regional panels.
- Discussion on priority outputs to advance the goals identified in the ANS Task Force Strategic Plan for 2019–2024.
- Public Comment

The final agenda and other related meeting information will be posted on the ANS Task Force website at *http://anstaskforce.gov.* Summary minutes of the meeting will be maintained by the Executive Secretary and will be available for public inspection within 90 days after the meeting at *http://anstaskforce.gov.*

Lake Tahoe Site Visit

On Tuesday, May 7, 2019, the day before the meeting begins, there will be a site visit from 1 p.m. to 5 p.m. to Lake Tahoe. The site visit will include presentations on, and viewing of, aquatic invasive species control projects within the area. To register for the site visit, contact the ANS Task Force Executive Secretary (see **FOR FURTHER INFORMATION CONTACT**) by close of business on April 29, 2019.

Public Input

There will be an opportunity for public comment during the meeting. Depending on the number of people interested in addressing the Task Force, a time limit on comments may be imposed. If you provide a written comment, before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

5 U.S.C. Appendix 2.

Dated: April 16, 2019.

David Miko,

Division Chief, Fish and Aquatic Conservation.

[FR Doc. 2019–07890 Filed 4–18–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX19EE000101100]

Public Meeting of the National Geospatial Advisory Committee

AGENCY: U.S. Geological Survey (USGS), Department of the Interior.

ACTION: Notice of public webinar meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972, the USGS is publishing this notice to announce that a Federal Advisory Committee meeting of the National Geospatial Advisory Committee (NGAC) will take place.

DATES: The meeting will be held on Wednesday, May 8, 2019 from 1:00 p.m. to 4:30 p.m., (Eastern Standard Time).

ADDRESSES: The meeting will be held via web conference and teleconference. Send your comments to Group Federal Officer by email to *gs-faca-mail@usgs.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. John Mahoney, Federal Geographic Data Committee (FGDC), USGS, 909 First Avenue, Suite 800, Seattle, WA 98104; by email at *jmahoney@usgs.gov;* or by telephone at (206) 220–4621.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552B, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The NGAC provides advice and recommendations related to the management of Federal and national geospatial programs, the development of the National Spatial Data Infrastructure (NSDI), and implementation of the Geospatial Data Act (GDA) of 2018. The NGAC reviews and comments on geospatial policy and management issues and provides a forum to convey views representative of non-federal stakeholders in the geospatial community. The NGAC

meeting is one of the primary ways that the FGDC collaborates with its broad network of partners. Additional information about the NGAC meeting is available at: *www.fgdc.gov/ngac.*

Agenda Topics

—FGDC Update
—GDA Implementation
—Landsat Advisory Group
—Cultural and Historical Geospatial Resources
—Geospatial Infrastructure
—NSDI Strategic Plan

Meeting Accessibility/Special Accommodations: The webinar meeting is open to the public from 1:00 p.m. to 4:30 p.m. on May 8, 2019. Members of the public wishing to attend the meeting should contact Ms. Lucia Foulkes by email at *lfoulkes@usgs.gov* to register no later than five (5) business days prior to the meeting. Webinar/conference line instructions will be provided to registered attendees prior to the meeting. Individuals requiring special accommodations to access the public meeting should contact Ms. Lucia Foulkes at the email stated above or by telephone at 703–648–4142 at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Public Disclosure of Comments: Time will be allowed at the meeting for any individual or organization wishing to make formal oral comments. To allow for full consideration of information by the committee members at the meeting, written comments must be provided to Ms. Lucia Foulkes, FGDC, USGS, 12201 Sunrise Valley Drive, MS–590, Reston, VA 20192; by email at *lfoulkes@usgs.gov*; or by telephone at 703–648–4142, at least five (5) business days prior to the meeting. Any written comments received will be provided to the committee members.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 5 U.S.C. Appendix 2.

Kenneth M. Shaffer,

Deputy Executive Director, Federal Geographic Data Committee.

[FR Doc. 2019–07857 Filed 4–18–19; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[190A2100DD/AAKC001030/A0A501010.999900 253G; OMB Control Number 1076–0155]

Agency Information Collection Activities; Leases and Permits

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before June 18, 2019.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Ms. Sharlene Round Face, Bureau of Indian Affairs, Division of Real Estate Services, 1001 Indian School Road, Northwest, Mailbox #44, Albuquerque, NM 87104; or by email to *Sharlene.RoundFace@bia.gov.* Please reference OMB Control Number 1076–0155 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Ms. Sharlene Round Face by email at *Sharlene.RoundFace@bia.gov,* or by telephone at (505) 563–5258.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Generally trust and restricted land may be leased by Indian land owners, with the approval of the Secretary of the Interior, except when specified by statute. Submission of this information allows BIA to review applications for obtaining, modifying, and assigning leases and permits of land that the United States holds in trust or restricted status for individual Indians and Indian Tribes. The information is used to determine approval of a lease, amendment, assignment, sublease, mortgage, or related document. A response is required to obtain or retain a benefit.

Title of Collection: Leases and Permits.

OMB Control Number: 1076–0155.

Form Number: Leasing Application (no permits).

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Tribes, Indian landowners and the public.

Total Estimated Number of Annual Respondents: 5,878.

Total Estimated Number of Annual Responses: 5,878.

Estimated Completion Time per Response: Varies from 1 to 80 hours, with an average of 40 hours.

Total Estimated Number of Annual Burden Hours: 235,120.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: In general, once per approval per lease. Some collections occur upon request for modification or assignment or upon a trespass violation, which occur, on average, fewer than once per lease. Additionally, rent payments occur, on average, once per month.

Total Estimated Annual Nonhour Burden Cost: $1,813,000.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information

unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2019–07906 Filed 4–18–19; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[190A2100DD/AAKC001030/ A0A501010.999900 253G; OMB Control Number 1076–0143]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Tribal Self-Governance Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before May 20, 2019.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to Ms. Sharee M. Freeman, Director, Office of Self-Governance, 1849 C Street NW, MS–2071, Washington, DC 20240; telephone: (202) 219–0240. Please reference OMB Control Number 1076–0143 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Ms. Sharee M. Freeman by email at *Sharee.Freeman@bia.gov,* or by telephone at (202) 219–0240. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on February 13, 2019 (84 FR 3812). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Self-Governance program is authorized by the Tribal Self-Governance Act of 1994, Public Law 103–413 (the Act), as amended. Indian Tribes interested in entering into Self-Governance must submit certain information as required by the Act. In addition, those Tribes and Tribal consortia that have entered into Self-Governance funding agreements will be requested to submit certain information as described in 25 CFR 1000. This information will be used to justify a budget request submission on their behalf and to comport with section 405 of the Act that calls for the Secretary to submit an annual report to the Congress.

Title of Collection: Tribal Self-Governance Program.

OMB Control Number: 1076–0143.

Form Number: Annual Self-Governance Report Form.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Federally recognized Indian Tribes and Tribal consortia participating in or wishing to enter into Tribal Self-Governance.

Total Estimated Number of Annual Respondents: 75.

Total Estimated Number of Annual Responses: 84.

Estimated Completion Time per Response: Completion times vary from 15 minutes to 400 hours, with an average of approximately 43 hours.

Total Estimated Number of Annual Burden Hours: 4,443 hours.

Respondent's Obligation: Required to obtain a benefit.

Frequency of Collection: On occasion or annually.

Total Estimated Annual Nonhour Burden Cost: $10,500.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2019–07905 Filed 4–18–19; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[190A2100DD/AAKC001030/ A0A501010.999900 253G; OMB Control Number 1076–0021]

Agency Information Collection Activities; Electric Power Service Application

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, Bureau of Indian Affairs (BIA) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before June 18, 2019.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Ms. Yulan Jin, Division of Water and Power, Office of Trust Services, Bureau of Indian Affairs, 1849 C Street NW, MS–4655, Washington, DC 20240; or by email at *yulan.jin@bia.gov.* Please reference OMB Control Number

1076–0021 the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Ms. Yulan Jin by email at *yulan.jin@bia.gov,* or by telephone at (202) 219–0941.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The BIA owns, operates, and maintains three electric power utilities that provide a service to the end user, pursuant to 25 CFR 175 (Indian Electric Power Utilities). The BIA must collect customer information to identify the individual responsible for repaying the government its costs for delivering the service and bill for those costs. The BIA must also collect information to identify the location of the service delivery (*i.e.,* electrical hook-up). In addition, the Debt Collection Improvement Act of 1996 (DCIA), 31 U.S.C. 3701–3733, requires that certain information be collected from individuals and businesses doing business with the government. This information includes the taxpayer identification number for possible future use to recover delinquent debt.

Title of Collection: Electric Power Service Application.

OMB Control Number: 1076–0021.

Form Number: Electric Service Application.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individual Indians and Indian Tribes.

Total Estimated Number of Annual Respondents: 1,300.

Total Estimated Number of Annual Responses: 1,300.

Estimated Completion Time per Response: 30 minutes.

Total Estimated Number of Annual Burden Hours: 650.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: $0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2019–07904 Filed 4–18–19; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNM954000 L14400000.BX0000 19XL1109AF]

Notice of Filing of Plats of Survey, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plats of survey.

SUMMARY: The plats of survey described below are scheduled to be officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, thirty (30) calendar days from the date of this publication.

FOR FURTHER INFORMATION CONTACT: These plats will be available for inspection in the New Mexico State Office, Bureau of Land Management, 301 Dinosaur Trail, Santa Fe, New Mexico. Copies may be obtained from this office upon payment. Contact Carlos Martinez at 505–954–2096, or by email at *cjjmarti@blm.gov,* for assistance. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours.

SUPPLEMENTARY INFORMATION:

New Mexico Principal Meridian, New Mexico (NM)

The plat, representing the dependent resurvey and survey in Township 21 North, Range 2 East, of the New Mexico Principal Meridian, accepted November 13, 2018, for Group 1144 NM.

The plat, representing the dependent resurvey and subdivision in Township 7 North, Range 6 East, of the New Mexico Principal Meridian, accepted April 4, 2019, for Group 1190 NM.

The plat, representing the dependent resurvey and survey in Township 4 South, Range 7 West, of the New Mexico Principal Meridian, accepted April 4, 2019, for Group 1193 NM.

The Indian Meridian, Oklahoma (OK)

The plat, representing the dependent resurvey and survey in Township 16 North, Range 15 West, of the Indian Meridian, accepted October 9, 2018, for Group 231 OK.

The plat, representing the dependent resurvey and survey in Township 7 North, Range 15 West, of the Indian Meridian, accepted April 9, 2019, for Group 230 OK.

Polk County, Texas (TX)

TheSupplemental plat, representing the Alabama-Coushatta Reservation, Polk County, TX, accepted September 19, 2018, for Group 14, TX.

These plats are scheduled for official filing 30 days from the notice of publication in the **Federal Register**, as provided for in the BLM Manual Section 2097—Opening Orders. Notice from this office will be provided as to the date of said publication. If a protest against a survey, in accordance with 43 CFR 4.450–2, of the above plats is received prior to the date of official filing, the filing will be stayed pending consideration of the protest.

A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

A person or party who wishes to protest against any of these surveys must file a written protest with the Bureau of Land Management New Mexico State Director stating that they wish to protest.

A statement of reasons for a protest may be filed with the Notice of Protest to the State Director or the statement of reasons must be filed with the State Director within thirty (30) days after the protest is filed.

Thomas A. Maestas,

Acting, Branch Chief, Cadastral Survey.

[FR Doc. 2019–07881 Filed 4–18–19; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNML03110 L14400000.ER0000 19XL1109AF]

Notice of Availability of the Copper Flat Copper Mine Final Environmental Impact Statement, Sierra County, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) has prepared a Final Environmental Impact Statement (Final EIS) for the Copper Flat Copper Mine, and by this notice is announcing its availability.

DATES: The BLM will not issue a final decision on the proposal for a minimum of 30 days after the date that the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**.

ADDRESSES: Copies of the Copper Flat Copper Mine Final EIS are available for public inspection at the BLM Las Cruces District Office at 1800 Marquess Street, Las Cruces, NM 88005; the public library in Hillsboro, New Mexico, at 158 Elenora Street; and the public library in Truth or Consequences, New Mexico, at 325 Library Lane. Interested persons may also review the Final EIS at *https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=75353&dctmId=0b0003e880e8ce0d.*

FOR FURTHER INFORMATION CONTACT: Leighandra Keeven, BLM geologist, at 575–525–4337; 1800 Marquess Street, Las Cruces, NM 88005; or *lkeeven@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual 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 Copper Flat Copper Mine is the proposed reestablishment of a poly-metallic mine and processing facility located near Hillsboro, New Mexico. The Proposed Action would consist of an open pit mine, flotation mill, tailings impoundment, waste rock disposal areas, a low-grade ore stockpile, and ancillary facilities. In most respects, the facilities, disturbance, and operations would be similar to the former operation. The project is owned and operated by the New Mexico Copper Corporation (Copper Corporation), a wholly-owned subsidiary of THEMAC Resources Group Limited. The Copper Flat Project (Project) is composed of 963 acres of private land and 1,227 acres of public land, for a total of 2,190 acres.

The Proposed Action was submitted by the Copper Corporation to the BLM in June 2011 in the form of a Mine Plan of Operations that was based upon the plan of development that Quintana Mineral Corporation used in the previous operation of Copper Flat mining activities in 1982. The Proposed Action included upgrades and modifications based on current engineering designs and regulations and was intentionally developed to re-use the existing foundations, production wells, and water pipeline that were employed by the previous Quintana operation. Four alternatives are analyzed: No Action, Proposed Action, Alternative 1, and Alternative 2. The Preferred Alternative (Alternative 2) is different than the Proposed Action, as it proposes processing more ore at a faster rate, therefore, shortening the mine life of the Project.

The Proposed Action for the Project would process 17,500 tons per day of copper ore over a mine operations period of 16 years, resulting in 100 million tons of ore processed over the mine life. Alternative 1 would process 25,000 tons per day of copper ore over a mine operations period of 11 years, resulting in 103 million tons of ore processed over the mine life. Alternative 2 would process 30,000 tons per day of copper ore over a mine operations period of 12 years, resulting in 125 million tons of ore processed over the mine life.

The BLM prepared the Draft EIS in conjunction with its four cooperating agencies: The New Mexico Department of Game and Fish; New Mexico Environment Department; New Mexico Energy, Minerals and Natural Resources Department; and New Mexico Office of the State Engineer.

Authority: 40 CFR 1506.6, 40 CFR 1506.10.

Timothy R. Spisak,

BLM New Mexico State Director.

[FR Doc. 2019–07887 Filed 4–18–19; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWYR05000 L13140000.NB0000 19X]

Notice of Availability of the Draft Environmental Impact Statement for the Moneta Divide Natural Gas and Oil Development Project and Draft Casper Resource Management Plan Amendment, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) has prepared a Draft Environmental Impact Statement (EIS) and Draft Resource Management Plan (RMP) Amendment for the proposed Moneta Divide Natural Gas and Oil Development Project within the BLM Lander, Casper and Rawlins field offices, and by this notice is announcing the opening of a 90-day public comment period.

DATES: To ensure that comments will be considered, the BLM must receive written comments on the Draft EIS and Draft RMP Amendment within 90 days following the date the Environmental Protection Agency publishes the notice of availability of the Draft EIS in the **Federal Register**. The BLM will announce future meetings or any other public participation activities at least 15 days in advance through public notices, media releases, and/or mailings.

ADDRESSES: You may submit comments related to the Draft EIS by either of the following methods:

- *Email: BLM_WY_LD_Moneta_Divide_EIS@blm.gov*
- *Mail:* Kristin Yannone, Moneta Divide EIS Project Manager, BLM Lander Field Office, 1335 Main Street, Lander, WY 82520

Copies of the Draft EIS are available on the project website at: *https://go.usa.gov/xnU9z* or at the following locations:

- BLM Lander Field Office, 1335 Main Street, Lander, Wyoming

- BLM Casper Field Office, 2987 Prospect Drive, Casper, Wyoming
- BLM Rawlins Field Office, 1300 North Third Rawlins, Wyoming

FOR FURTHER INFORMATION CONTACT: Kristin Yannone, Moneta Divide EIS Project Manager, BLM Lander Field Office, 1335 Main Street, Lander, WY 82520, 307–332–8448, *kyannone@blm.gov*. Persons who use telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual 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 Moneta Divide project is principally located along U.S. Route 20/26 near the town of Lysite in Fremont and Natrona counties, Wyoming. A proposed product pipeline extends south from the oil and gas production area through Fremont and Sweetwater counties to Wamsutter, Wyoming. The project spans the BLM Wind River/Bighorn Basin, High Plains and High Desert districts. The project area encompasses approximately 327,645 acres of public, state and private lands. Approximately 67 percent of the project area is located on BLM-administered public lands.

Aethon Energy Operating, LLC and Burlington Resources Oil & Gas Company, LP are proposing to develop up to 4,250 wells and associated facilities over a 15-year period. Under the Plan of Development, Aethon would drill up to 4,100 wells, of which approximately two-thirds would be drilled vertically from single-well pads and one-third would be drilled directionally from multi-well pads, consisting of four wells per pad. Burlington would drill up to 150 wells from single-well pads. The proponents would utilize disposal wells, water treatment plants, evaporation ponds, surface discharge and other approaches to produced-water management. Water pipelines delivering treated produced water to Boysen Reservoir could also be built. Associated access roads, pipelines, compressor stations and other ancillary facilities would be co-located where possible to further minimize surface disturbance.

The BLM analyzed four alternatives: Alternative 1, the No Action Alternative, includes existing standard stipulations and oil and gas well development authorized during the preparation of the EIS in accordance with the Interim Drilling Plan.

Alternative 2, the Proposed Action, is the proponents' Plan of Development.

Alternative 3 emphasizes resource production, analyzing development using only single-well pads and other measures that facilitate oil and gas development within the project area.

Alternative 4 addresses a range of resource issues identified during scoping and provides the proponents greater flexibility to treat and dispose of produced water. Specifically, Alternative 4 analyzes reduced surface disturbance through more directionally drilled wells placed on multi-well pads, wildlife and cultural resources protection measures, and a water management strategy that would involve greater surface discharge of produced water and more disposal wells.

All action alternatives (Alternatives 2, 3 and 4) analyzed the same rate of development although Alternative 4 would allow a slower pace of development, if needed, for managing produced water in accordance with federal and state requirements.

The Draft EIS also evaluates amendments to the Casper RMP, which are analyzed under Alternatives 3 and 4. Under Alternative 3, the Casper RMP would be amended to establish a Designated Development Area in the portion of the Moneta Divide oil and gas well production area in the Casper Field Office to facilitate intensive mineral production. Under Alternative 4, the Casper RMP would be amended to increase the protections of the Cedar Ridge Traditional Cultural Property. The proposed amendments are not required in order to authorize the Moneta Divide project, which as proposed, is in conformance with the Casper RMP. Depending upon the alternative selected, the BLM would issue its decision to amend the Casper RMP in a separate Record of Decision from the Moneta Divide project.

All alternatives conform to the provisions of the Lander RMP Record of Decision (2014), Casper RMP Record of Decision (2007) and Rawlins RMP Record of Decision (2008), as amended.

Treatment and disposal of produced water would be in compliance with State of Wyoming permit(s) including all protections against degradation of public lands. All alternatives require that interim and final reclamation activities would be implemented to return the landscape to proper biological and ecological function in conformance with the Moneta Divide Reclamation Plan and the relevant Resource Management Plans.

Formal public scoping for the Moneta Divide project began on January 17, 2013, with the publication in the **Federal Register** of the Notice of Intent to prepare an EIS and a possible land use plan amendment to the Casper RMP (78 FR 3911). Public scoping comments were used to identify issues that informed the formulation of alternatives and framed the scope of analysis for the Draft EIS.

Before including your address, phone number, email address or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2.

Mary Jo Rugwell,

BLM Wyoming State Director.

[FR Doc. 2019–07701 Filed 4–18–19; 8:45 am]

BILLING CODE 4310–22–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–595–596 and 731–TA–1401, 1403, and 1405–1406 (Final)]

Large Diameter Welded Pipe From Canada, Greece, Korea, and Turkey

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines,[2] [3] pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of carbon and alloy (other than stainless) steel large diameter welded line pipe from Canada, Korea, and Turkey provided for in subheadings 7305.11.10, 7305.11.50, 7305.12.10, 7305.12.50, 7305.19.10, and 7305.19.50

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Meredith M. Broadbent did not participate in the determinations regarding imports of large diameter welded pipe from Canada, Greece, Korea, and Turkey.

[3] Commissioner Jason E. Kearns determines that an industry in the United States is materially injured by reason of LTFV imports of carbon and alloy (other than stainless) steel large diameter welded pipe from Canada, Korea, and Turkey, as well as imports of such merchandise subsidized by the government of Korea, and is threatened with material injury by reason of LTFV imports of carbon and alloy (other than stainless) steel large diameter welded pipe from Greece; and terminates the countervailing duty investigation on carbon and alloy (other than stainless) steel large diameter welded pipe from Turkey.

of the Harmonized Tariff Schedule of the United States (''HTSUS'') that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV'') and subsidized by the government of Korea. The Commission also determines that an industry in the United States is threatened with material injury by reason of LTFV imports of carbon and alloy (other than stainless) steel large diameter welded line pipe from Greece. Further, the Commission terminates the countervailing duty investigation on carbon and alloy (other than stainless) steel large diameter welded line pipe from Turkey.

The Commission also determines that an industry in the United States is materially injured by reason of imports of carbon and alloy (other than stainless) steel large diameter welded structural pipe from Canada, Korea, and Turkey provided for in subheadings 7305.31.40, 7305.31.60, 7305.39.10, and 7305.39.50 of the HTSUS that have been found by Commerce to be sold in the United States at LTFV and subsidized by the governments of Korea and Turkey. In addition, the Commission terminates the antidumping duty investigation on carbon and alloy (other than stainless) steel large diameter welded structural pipe from Greece.

Finally, the Commission determines that an industry in the United States is not materially injured or threatened with material injury by reason of imports of stainless steel large diameter welded pipe from Canada and Korea provided for in subheading 7305.31.60 of the HTSUS, that have been found by Commerce to be sold in the United States at LTFV, and to be subsidized by the government of Korea. Further, the Commission terminates the antidumping duty investigation on stainless steel large diameter welded pipe from Greece and the antidumping and countervailing duty investigations on stainless steel large diameter welded pipe from Turkey.

Background

The Commission, pursuant to sections 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)), instituted these investigations effective January 17, 2018, following receipt of a petition filed with the Commission and Commerce by American Cast Iron Pipe Company (Birmingham, Alabama), Berg Steel Pipe Corp. (Panama City, Florida), Berg Spiral Pipe Corp. (Mobile, Alabama), Dura-Bond Industries, Inc. (Export, Pennsylvania), Skyline Steel (Newington, Virginia), and Stupp Corporation (Baton Rouge, Louisiana). Effective August 27, 2018, the Commission established a general schedule for the conduct of the final phase of its investigations on large diameter welded pipe, following notification of preliminary determinations by Commerce that imports of large diameter welded pipe from China, India, Korea, and Turkey were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and that imports of large diameter welded pipe from Canada, China, Greece, India, Korea, and Turkey were being sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on September 6, 2018 (83 FR 45279). The hearing was held in Washington, DC, on November 6, 2018, and all persons who requested the opportunity were permitted to appear in person or by counsel. On January 30, 2019, the Commission issued final affirmative determinations in its antidumping and countervailing duty investigations of carbon and alloy (other than stainless) steel welded large diameter line pipe from India, its antidumping investigation of carbon and alloy (other than stainless) steel welded large diameter line pipe from China, and its antidumping and countervailing duty investigations of carbon and alloy (other than stainless) steel welded large diameter structural pipe from China; final negative determinations in its antidumping and countervailing duty investigations of stainless steel welded large diameter pipe from China and India; and terminated its countervailing duty investigation of carbon and alloy (other than stainless) steel welded large diameter line pipe from China, and its antidumping and countervailing duty investigations of carbon and alloy (other than stainless) steel welded large diameter structural pipe from India (84 FR 1785, February 5, 2019).[4] Following notification of final determinations by Commerce that imports of large diameter welded pipe from Canada, Greece, Korea, and Turkey were being sold at LTFV within the meaning of section 735(a) of the Act (19 U.S.C. 1673d(a)),[5] and subsidized by the governments of Korea and Turkey within the meaning of section 705(a) of the Act (19 U.S.C. 1671d(a)),[6] notice of the supplemental scheduling of the final phase of the Commission's antidumping and countervailing duty investigations with respect to Canada, Greece, Korea, and Turkey was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of March 12, 2019 (84 FR 8892).

The Commission made these determinations pursuant to sections 705(b) and 735(b) of the Act (19 U.S.C. 1671d (b) and 19 U.S.C. 1673d (b)). It completed and filed its determinations in these investigations on April 15, 2019. The views of the Commission are contained in USITC Publication 4883 (April 2019), entitled *Large Diameter Welded Pipe from Canada, Greece, Korea, and Turkey, Investigation Nos. 701–TA–595–596 and 731–TA–1401, 1403, and 1405–1406 (Final).*

By order of the Commission.

Issued: April 16, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–07898 Filed 4–18–19; 8:45 am]

BILLING CODE 7020–02–P

[4] Due to the lapse in appropriations and ensuing cessation of government operations, all import injury investigations conducted under authority of Title VII of the Tariff Act of 1930 accordingly have been tolled pursuant to 19 U.S.C. 1671d(b)(2), 1673d(b)(2).

[5] *Large Diameter Welded Pipe From Canada: Final Affirmative Determination of Sales at Less Than Fair Value,* 84 FR 6378, February 27, 2019; *Large Diameter Welded Pipe From Greece: Final Determination of Sales at Less Than Fair Value,* 84 FR 6364, February 27, 2019; *Large Diameter Welded Pipe From the Republic of Korea: Final Determination of Sales at Less Than Fair Value,* 84 FR 6374, February 27, 2019; *Large Diameter Welded Pipe From the Republic of Turkey: Final Determination of Sales at Less Than Fair Value,* 84 FR 6362, February 27, 2019.

[6] *Countervailing Duty Investigation of Large Diameter Welded Pipe From the Republic of Korea: Final Affirmative Countervailing Duty Determination,* 84 FR 6369, February 27, 2019; and *Large Diameter Welded Pipe From the Republic of Turkey: Final Affirmative Countervailing Duty Determination,* 84 FR 6367, February 27, 2019.

INTERNATIONAL TRADE COMMISSION

[USITC SE–19–012]

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: April 24, 2019 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote on Inv. Nos. 701–TA–602 and 731–TA–1412 (Final) (Steel Wheels from China). The Commission is currently scheduled to complete and file its determinations and views of the Commission by May 6, 2019.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: April 17, 2019.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2019–08072 Filed 4–17–19; 4:15 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0026]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Federal Firearms Licensee (FFL) Enrollment/ National Instant Criminal Background Check System (NICS) E-Check Enrollment Form, Federal Firearms Licensee (FFL) Officer/Employee Acknowledgment of Responsibilities Under the NICS Form, Responsibilities of a Federal Firearms Licensee (FFL) Under the National Instant Criminal Background Check System (NICS) Form

AGENCY: Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until June 18, 2019.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact the Federal Bureau of Investigation, Criminal Justice Information Services Division, National Instant Criminal Background Check System Section, Module A–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, or email *NICS@fbi.gov. Attention:* OMB PRA 1110–0026. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted via email to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Federal Firearms Licensee (FFL) Enrollment/National Instant Criminal Background Check System (NICS) E-Check Enrollment Form, Federal Firearms Licensee (FFL) Officer/ Employee Acknowledgment of Responsibilities under the NICS Form, Responsibilities of a Federal Firearms Licensee (FFL) under the National Instant Criminal Background Check System (NICS) Form.

(3) *Agency form number:* 1110–0026.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Any Federal Firearms Licensee (FFL) or State Point of Contact (POC) requesting access to conduct National Instant Criminal Background Check System (NICS) checks telephonically or by the internet through the NICS E-Check.

Brief Abstract: The Brady Handgun Violence Prevention Act of 1993 required the United States Attorney General to establish a national instant criminal background check system that any FFL may contact, by telephone or by other electronic means, for information to be supplied immediately, on whether receipt of a firearm to a prospective purchaser would violate state or federal law. Information pertaining to licensees who may contact the NICS is being collected to manage and control access to the NICS and to the NICS E-Check, to ensure appropriate resources are available to support the NICS, and also to ensure the privacy and security of NICS information. More information can be obtained at *https://www.fbi.gov/services/cjis/nics.*

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

It is estimated that 250 FFLs enroll with the NICSper month for a total of 3,000 enrollments per year.The average response time for reading the directionsfor the National Instant Criminal Background CheckSystem (NICS) Federal Firearms Licensee (FFL)Enrollment/NICS E-Check Enrollment Form is estimatedto be two minutes; time to complete the form isestimated to be three minutes; and the time it takesto assemble, mail, or fax the form to the FBI isestimated to be three minutes, for a total of eightminutes. The average hour burden for this specificform is $3,000 \times 8$ minutes/60 = 400 hours.

The FFL Officer/Employee Acknowledgment of Responsibilities Form under the NICS takes approximately three minutes to read the responsibilities and two minutes to complete the form, for a total of five minutes. The average hour burden for this specific form is $3,000 \times 5$ minutes/60 = 250 hours.

The Responsibilities of an FFL under the NICS Form takes an additional two minutes to read which would be $3,000 \times 2$ minutes/60 = 100 hours.

The entire process of reading the material and completing both forms

would take 15 minutes per respondent. The average hour burden for completing both forms and reading the material would be 3,000 × 15/60 = 750 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The entire process of reading the material and completing both forms would take 15 minutes per respondent. The average hour burden would be 3,000 × 15/60 = 750 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: April 16, 2019.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2019–07872 Filed 4–18–19; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0054]

Agency Information Collection Activities; Proposed eCollection; eComments Requested Monthly Return of Human Trafficking Offenses Known to Law Enforcement: Extension of a Currently Approved Collection

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: Department of Justice (DOJ), Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until May 20, 2019.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Mrs. Amy C. Blasher, Unit Chief, Federal Bureau of Investigation, CJIS Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Monthly Return of Human Trafficking Offenses Known to Law Enforcement.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* *Form Number:* 1110–0054.

Sponsor: Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* City, county, state, federal and tribal law enforcement agencies.

Abstract: This collection is needed to collect information on human trafficking incidents committed throughout the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* There are approximately 18,482 law enforcement agencies within the universe of potential respondents. Based on current reporting patterns, 10,675 law enforcement agencies would submit monthly resulting in 128,100 responses with an estimated response time of 14 minutes per response on this form. The remaining 7,807 agencies would provide responses through the National Incident-Based Reporting System covered under a different data collection.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are approximately 29,890 hours annual burden associated with this information collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: April 16, 2019.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2019–07870 Filed 4–18–19; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–0092]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change of a Previously Approved Collection September 11th Victim Compensation Fund Claim Form

AGENCY: September 11th Victim Compensation Fund, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Civil Division, September 11th Victim Compensation Fund (''VCF'' or ''Fund''), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until June 18, 2019.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jordana H. Feldman, Deputy Special Master, September 11th Victim Compensation Fund, P.O. Box 34500, Washington, DC 20043 (phone: 1–855–885–1555).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the

public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Fund, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and, if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* VCF Claim Form.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* N/A. Civil Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

The September 11th Victim Compensation Fund provides compensation to any individual (or beneficiary of a deceased individual) who was physically injured or killed as a result of the terrorist-related aircraft crashes of September 11, 2001. The information collected from the VCF Claim Form will be used to determine whether claimants are eligible for compensation from the Fund, and if so, the amount of compensation they will be awarded. The Form consists primarily of two main sections: Eligibility and Compensation.

The Eligibility section seeks the information required by the James Zadroga 9/11 Health and Compensation Act of 2010 (''Zadroga Act''), Public Law 111–347 (January 2, 2011), as amended by James Zadroga 9/11 Victim Compensation Fund Reauthorization Act, Public Law 114–113 (December 18, 2015) (''Reauthorization Act'') to determine whether a claimant is eligible for the Fund, including information related to: Participation in lawsuits related to September 11, 2001; presence at a 9/11 crash site between September 11, 2001 and May 30, 2002; and physical harm suffered as a result of the air crashes and/or debris removal.

The Compensation section seeks the information required by the Zadroga Act, as reauthorized, to determine the amount of compensation for which the claimant is eligible. Specifically, the section seeks information regarding the out-of-pocket losses (including medical expenses) incurred by the claimant that are attributable to the 9/11 air crashes or debris removal; the claimant's loss of earnings or replacement services that are attributable to the 9/11 air crashes or debris removal; and any collateral source payments (such as insurance payments) that the claimant received and are attributable to the 9/11 air crashes or debris removal efforts.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 65,000 respondents will complete the form in an average of 10 hours, including the time needed to gather the required supporting documentation.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 650,000 hours.

If additional information is required, contact Melody Braswell, Department Clearance Office, United States Department of Justice, Justice Management Division, Policy and Planning staff, Two Constitution Square, 145 N Street NE, 3E, 405A, Washington, DC 20530.

Dated: April 16, 2019.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2019–07867 Filed 4–18–19; 8:45 am]

BILLING CODE 4410–12–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On April 15, 2019, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of Ohio in the lawsuit entitled *United States* v. *Dayton Industrial Drum, Inc. et al.,* Civil Action No. 3:16–cv–232–WHR.

In August 2017, the United States filed suit against Dayton Industrial Drum, Inc. (''DID'') and Sunoco, Inc. under the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA'') for the recovery of response costs incurred at the Lammers Barrel Superfund Site in Beavercreek, Ohio. The Consent Decree resolves DID's CERCLA liability on specified terms and conditions in exchange for DID's payment of $825,000.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Dayton Industrial Drum, Inc.,* D.J. Ref. No. 90–11–3–07706/3. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.*

We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $5.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Randall M. Stone,

Acting Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2019–07892 Filed 4–18–19; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Program Year (PY) 2019 Workforce Innovation and Opportunity Act (WIOA) Allotments; PY 2019 Wagner-Peyser Act Final Allotments and PY 2019 Workforce Information Grants

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces allotments for PY 2019 for WIOA Title I Youth, Adult and Dislocated Worker Activities programs; final allotments for Employment Service (ES) activities under the Wagner-Peyser Act for PY 2019 and the allotments of Workforce Information Grants to States for PY 2019.

WIOA allotments for states and the state final allotments for the Wagner-Peyser Act are based on formulas defined in their respective statutes. WIOA requires allotments for the Outlying Areas to be competitively awarded rather than based on a formula determined by the Secretary of Labor (Secretary) as occurred under the Workforce Investment Act (WIA). However, for PY 2019, the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019 waives the competition requirement, and the Secretary is using the discretionary formula rationale and methodology for allocating PY 2019 funds for the Outlying Areas (American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, and the United States Virgin Islands) that was published in the **Federal Register** on February 17, 2000. WIOA specifically included the Republic of Palau as an Outlying Area, except during any period for which the Secretary of Labor and the Secretary of Education determine that a Compact of Free Association is in effect and contains provisions for training and education assistance prohibiting the assistance provided under WIOA; no such determinations prohibiting assistance have been made. The formula that the Department of Labor (Department) used for PY 2019 is the same formula used in PY 2018 and is described in the section on Youth Activities program allotments. The Department invites comments only on the formula used to allot funds to the Outlying Areas.

DATES: The Department must receive comments on the formula used to allot funds to the Outlying Areas by May 20, 2019.

ADDRESSES: Submit written comments to the Employment and Training Administration (ETA), Office of Financial Administration, 200 Constitution Avenue NW, Room N–4702, Washington, DC 20210, Attention: Ms. Anita Harvey, email: *harvey.anita@dol.gov.*

Commenters are advised that mail delivery in the Washington area may be delayed due to security concerns. The Department will receive hand-delivered comments at the above address. All overnight mail will be considered hand-delivered and must be received at the designated place by the date specified above.

Please submit your comments by only one method. The Department will not review comments received by means other than those listed above or that it receives after the comment period has closed.

Comments: The Department will retain all comments on this notice and will release them upon request via email to any member of the public. The Department also will make all the comments it receives available for public inspection by appointment during normal business hours at the above address. If you need assistance to review the comments, the Department will provide you with appropriate aids such as readers or print magnifiers. The Department will make copies of this notice available, upon request, in large print, Braille, and electronic file. The Department also will consider providing the notice in other formats upon request. To schedule an appointment to review the comments and/or obtain the notice in an alternative format, contact Ms. Harvey using the information provided above. The Department will retain all comments received without making any changes to the comments, including any personal information provided. The Department therefore cautions commenters not to include their personal information such as Social Security Numbers, personal addresses, telephone numbers, and email addresses in their comments; this information would be released with the comment if the comments are requested. It is the commenter's responsibility to safeguard his or her information.

FOR FURTHER INFORMATION CONTACT: WIOA Youth Activities allotments—Evan Rosenberg at (202) 693–3593 or LaSharn Youngblood at (202) 693–3606; WIOA Adult and Dislocated Worker Activities and ES final allotments—Andrew Ridgeway at (202) 693–3536; Workforce Information Grant allotments—Donald Haughton at (202) 693–2784. Individuals with hearing or speech impairments may access the telephone numbers above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD).

SUPPLEMENTARY INFORMATION: The Department is announcing WIOA allotments for PY 2019 for Youth Activities, Adults and Dislocated Worker Activities, Wagner-Peyser Act PY 2019 final allotments, and PY 2019 Workforce Information Grant allotments. This notice provides information on the amount of funds available during PY 2019 to states with an approved WIOA Combined or Unified State Plan, and information regarding allotments to the Outlying Areas.

On September 28, 2018, the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019, Public Law 115–245 was signed into law (''the Act''). The Act, Division B, Title I, Sections 106(b) and 107 of the Act allows the Secretary of Labor (Secretary) to set aside up to 0.5 percent of each discretionary appropriation for activities related to program integrity and 0.75 percent of most operating funds for evaluations. For 2019, as authorized by the Act, the Department has set aside $7,774,000 of the Training and Employment Services (TES) and $1,950,000 of the State Unemployment Insurance and Employment Services Operations (SUIESO) appropriations for these activities. ETA reserved these funds from the WIOA Adult, Youth, Dislocated Worker, Wagner-Peyser Act Employment Service, and Workforce Information Grant program budgets. Any funds not utilized for these reserve activities will be provided to the states. We also have attached tables listing the PY 2019 allotments for programs under WIOA Title I Youth Activities (Table A), Adult and Dislocated Workers Employment and Training Activities (Tables B and C, respectively), and the PY 2019 Wagner-Peyser Act final allotments (Table D). We also have attached the PY 2019 Workforce Information Grant table (Table E).

Youth Activities Allotments. The appropriated level for PY 2019 for WIOA Youth Activities totals $903,416,000. After reducing the appropriation by $2,625,000 for set asides authorized by the Act, $900,791,000, is available for Youth Activities. Table A includes a

breakdown of the Youth Activities program allotments for PY 2019 and provides a comparison of these allotments to PY 2018 Youth Activities allotments for all States and Outlying Areas. For the Native American Youth program, the total amount available is 1.5 percent of the total amount for Youth Activities (after the evaluations and program integrity set-asides), in accordance with WIOA section 127. The total funding available for the Outlying Areas was reserved at 0.25 percent of the amount appropriated for Youth Activities (after the evaluations and program integrity set asides) after the amount reserved for Native American Youth (in accordance with WIOA section 127(b)(1)(B)(i)). On December 17, 2003, Public Law 108–188, the Compact of Free Association Amendments Act of 2003 (''the Compact''), was signed into law. The Compact specified that the Republic of Palau remained eligible for WIA Title I funding. See 48 U.S.C 1921d(f)(1)(B)(ix). WIOA sec. 512(g)(1) updated the Compact to refer to WIOA funding. The Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019 (Division B, Title III, Section 303 of Pub. L. 115–245) authorized WIOA Title I funding to Palau through FY 2019.

Under WIA, the Secretary had discretion for determining the methodology for distributing funds to all Outlying Areas. Under WIOA the Secretary must award the funds through a competitive process. However, for PY 2019, the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019 waives the competition requirement regarding funding to Outlying Areas (*e.g.,* American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, and the United States Virgin Islands). For PY 2019, the Department used the same methodology used since PY 2000 (*i.e.,* we distribute funds among the Outlying Areas by formula based on relative share of the number of unemployed, a minimum of 90 percent of the prior year allotment percentage, a $75,000 minimum, and a 130 percent stop gain of the prior year share). For the relative share calculation in PY 2019, the Department continued to use the data obtained from the 2010 Census for American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands. For the Republic of Palau, the Department used data from Palau's 2015 Census. The Department will accept comments on this methodology.

After the Department calculated the amount for the Outlying Areas and the Native American program, the amount available for PY 2019 allotments to the states is $885,060,937. This total amount is below the required $1 billion threshold specified in WIOA sec. 127(b)(1)(C)(iv)(IV); therefore, the Department did not apply the WIOA additional minimum provisions. Instead, as required by WIOA, the minimums of 90 percent of the prior year allotment percentage and 0.25 percent state minimum floor apply. The Department used this same methodology to set a floor on the annual variation in allotments almost continuously for more than two decades. *See* sec. 262(b)(2) of the Job Training Partnership Act (JTPA) (Pub. L. 97–300), (as amended by sec. 207 of the Job Training Reform Amendments of 1992, Pub. L. 102–367); sec. 127(b)(1)(C)(iv)(IV) of the Workforce Investment Act of 1998 (Pub. L. 105–220). WIOA also provides that no state may receive an allotment that is more than 130 percent of the allotment percentage for the state for the previous year. The three data factors required by WIOA sec. 127(b)(1)(C)(ii) for the PY 2019 Youth Activities state formula allotments are, summarized slightly, as follows:

(1) The average number of unemployed individuals in Areas of Substantial Unemployment (ASUs) for the 12-month period, July 2017–June 2018 in each state compared to the total number of unemployed individuals in ASUs for all states;

(2) Number of excess unemployed individuals or excess unemployed individuals in ASUs (depending on which is higher) averages for the same 12-month period used for ASU unemployed data compared to the total excess number in all states; and

(3) Number of disadvantaged youth (age 16 to 21, excluding college students not in the workforce and military) from special tabulations of data from the American Community Survey (ACS), which the Department obtained from the Census Bureau in each state compared to the total number of disadvantaged youth in all states. ETA obtained updated data for use in PY 2018 and the same data must be used in PY 2019. The Census Bureau collected the data used in the special tabulations for disadvantaged youth between January 1, 2011–December 31, 2015.

For purposes of identifying ASUs for the Youth Activities allotment formula, the Department continued to use the data made available by BLS (as described in the Local Area Unemployment Statistics (LAUS) Technical Memorandum No. S–18–15). For purposes of determining the number of disadvantaged youth, the Department used the special tabulations of ACS data available at *http://www.doleta.gov/budget/disadvantagedYouthAdults.cfm.*

See TEGL No. 14–17 for further information.

Adult Employment and Training Activities Allotments. The total appropriated funds for Adult Activities in PY 2019 is $845,556,000. After reducing the appropriated amount by $2,069,000 for set asides authorized by the Act, $843,487,000 remains for Adult Activities, of which $841,378,282 is for states and $2,108,718 is for Outlying Areas. Table B shows the PY 2019 Adult Employment and Training Activities allotments and a state-by-state comparison of the PY 2019 allotments to PY 2018 allotments.

In accordance with WIOA, the Department reserved the total available for the Outlying Areas at 0.25 percent of the full amount appropriated for Adult Activities (after the evaluations and program integrity set-asides). As discussed in the Youth Activities section above, in PY 2019 the Department will distribute the Adult Activities funding for the Outlying Areas, using the same principles, formula, and data as used for outlying areas for Youth Activities. The Department will accept comments on this methodology. After determining the amount for the Outlying Areas, the Department used the statutory formula to distribute the remaining amount available for allotments to the states. The Department did not apply the WIOA minimum provisions for the PY 2019 allotments because the total amount available for the states was below the $960 million threshold required for Adult Activities in WIOA sec. 132(b)(1)(B)(iv)(IV). Instead, as required by WIOA, the minimums of 90 percent of the prior year allotment percentage and 0.25 percent state minimum floor apply. As noted above, the Department applied this same methodology to set a floor on the annual variation in allotments almost continuously for more than two decades. WIOA also provides that no state may receive an allotment that is more than 130 percent of the allotment percentage for the state for the previous year. The three formula data factors for the Adult Activities program are the same as those used for the Youth Activities formula, except the Department used data for the number of disadvantaged adults (age 22 to 72, excluding college students not in the workforce and military).

Dislocated Worker Employment and Training Activities Allotments. The amount appropriated for Dislocated

Worker activities in PY 2019 totals $1,261,719,000. The total appropriation includes formula funds for the states, while the National Reserve is used for National Dislocated Worker Grants, technical assistance and training, demonstration projects, and the Outlying Areas' Dislocated Worker allotments. After reducing the appropriated amount by $3,080,000 for set asides authorized by the Act, a total of $1,258,639,000 remains available for Dislocated Worker activities. The amount available for Outlying Areas is $3,146,598, leaving $217,131,402 for the National Reserve and a total of $1,038,361,000 available for states. Table C shows the PY 2019 Dislocated Worker activities allotments and a state-by-state comparison of the PY 2019 allotments to PY 2018 allotments.

Similar to the Adult Activities program, the Department reserved the total available for the Outlying Areas at 0.25 percent of the full amount appropriated for Dislocated Worker Activities (after the evaluations and program integrity set-asides). Similar to Youth and Adult funds, instead of competition, in PY 2019 the Department will use the same *pro rata* share as the areas received for the PY 2019 WIOA Adult Activities program to distribute the Outlying Areas' Dislocated Worker funds, the same methodology used in PY 2018. The Department will accept comments on this methodology.

The three data factors required in WIOA sec. 132(b)(2)(B)(ii) for the PY 2019 Dislocated Worker state formula allotments are, summarized slightly, as follows:

(1) Relative number of unemployed, averages for the 12-month period, October 2017–September 2018;

(2) Relative number of excess unemployed individuals, averages for the 12-month period, October 2017–September 2018; and

(3) Relative number of long-term unemployed, averages for the 12-month period, October 2017–September 2018.

In PY 2019, under WIOA the Dislocated Worker formula uses minimum and maximum provisions. No state may receive an allotment that is less than 90 percent of the state's prior year allotment percentage (stop loss) or more than 130 percent of the state's prior year allotment percentage (stop gain).

Low unemployment rates in the states have impacted the excess unemployment data factor in the WIOA Dislocated Worker formula. The excess unemployment rate of 4.5 percent and low unemployment result in all states triggering either their statutorily required stop loss or stop gain provision, with some PY 2019 funding undistributed. WIOA specifically prohibits distributing an amount to a state that is more than its stop gain limit. Based on this statutory limitation, the Department distributed the remaining balance of funds according to the formula driven relative share of all states triggering the stop loss provision.

Wagner-Peyser Act ES Final Allotments. The appropriated level for PY 2019 for ES grants totals $663,052,000. After reducing the appropriated amount by $1,865,000 for set asides authorized by the Act, a total of $661,187,000 remains available for ES programs. After determining the funding for Guam and the United States Virgin Islands, the Department calculated allotments to states using the formula set forth at section 6 of the Wagner-Peyser Act (29 U.S.C. 49e). The Department based PY 2019 formula allotments on each state's share of calendar year 2018 monthly averages of the civilian labor force (CLF) and unemployment. Section 6(b)(4) of the Wagner-Peyser Act requires the Secretary to set aside up to three percent of the total funds available for ES to ensure that each state will have sufficient resources to maintain statewide ES activities. In accordance with this provision, the Department included the three percent set aside funds in this total allotment. The Department distributed the set-aside funds in two steps to states that have experienced a reduction in their relative share of the total resources available this year from their relative share of the total resources available the previous year. In Step 1, states that have a CLF below one million and are also below the median CLF density were maintained at 100 percent of their relative share of prior year resources. ETA calculated the median CLF density based on CLF data provided by the BLS for calendar year 2018. The Department distributed all remaining set-aside funds on a *pro-rata* basis in Step 2 to all other states experiencing reductions in relative share from the prior year but not meeting the size and density criteria for Step 1. The distribution of ES funds (Table D) includes $659,575,256 for states, as well as $1,611,744 for Outlying Areas.

Section 7(a) of the Wagner-Peyser Act (49 U.S.C. 49f(a)) authorizes states to use 90 percent of funds allotted to a state for labor exchange services and other career services such as job search and placement services to job seekers; appropriate recruitment services for employers; program evaluations; developing and providing labor market and occupational information; developing management information systems; and administering the work test for unemployment insurance claimants. Section 7(b) of the Wagner-Peyser Act states that 10 percent of the total sums allotted to each state must be reserved for use by the Governor to provide performance incentives for public ES offices and programs, provide services for groups with special needs, and to provide for the extra costs of exemplary models for delivering services of the type described in section 7(a) and models for enhancing professional development and career advancement opportunities of state agency staff.

Beginning in PY 2019, ETA will begin conducting a pilot to collect information about administrative costs at the State and local levels under the Wagner-Peyser Act, in accordance with the directive established in the FY 2019 Joint Explanatory Statement. This pilot will inform ETA and Congressional stakeholders about the services and costs of the Wagner-Peyser Act going forward. States can indicate their interest in the pilot by contacting their Regional Office.

Workforce Information Grants Allotments. Total PY 2019 funding for Workforce Information Grants allotments to states is $32,000,000. After reducing the total by $85,000 for program integrity, $31,915,000 is available for Workforce Information Grants. Table E contains the allotment figures for each state and Outlying Area. The Department distributes the funds by administrative formula, with a reserve of $176,596 for Guam and the United States Virgin Islands. Guam and the United States Virgin Islands allotment amounts are partially based on CLF data. The Department distributes the remaining funds to the states with 40 percent distributed equally to all states and 60 percent distributed based on each state's share of CLF for the 12 months ending September 2018.

TABLE A—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION WIOA YOUTH ACTIVITIES STATE ALLOTMENTS

[Comparison of PY 2019 Allotments vs PY 2018 Allotments]

State	PY 2018	PY 2019	Difference	% Difference
Total Appropriated	$903,416,000	$903,416,000	$0	0.00
Total (WIOA Youth Activities)	899,577,000	900,791,000	1,214,000	0.13
Alabama	16,810,423	15,149,798	(1,660,625)	−9.88
Alaska	3,248,821	4,229,167	980,346	30.18
Arizona	22,132,740	25,610,047	3,477,307	15.71
Arkansas	6,559,046	5,911,108	(647,938)	−9.88
California	122,420,854	119,017,698	(3,403,156)	−2.78
Colorado	9,356,087	8,431,842	(924,245)	−9.88
Connecticut	10,136,991	10,709,715	572,724	5.65
Delaware	2,209,670	2,212,652	2,982	0.13
District of Columbia	3,369,642	4,331,649	962,007	28.55
Florida	50,918,130	45,888,161	(5,029,969)	−9.88
Georgia	25,691,083	23,153,178	(2,537,905)	−9.88
Hawaii	2,209,670	2,212,652	2,982	0.13
Idaho	2,463,432	2,220,081	(243,351)	−9.88
Illinois	42,733,627	41,773,340	(960,287)	−2.25
Indiana	14,277,065	12,866,699	(1,410,366)	−9.88
Iowa	4,779,676	4,307,514	(472,162)	−9.88
Kansas	5,170,980	4,660,163	(510,817)	−9.88
Kentucky	13,770,245	13,375,729	(394,516)	−2.86
Louisiana	17,165,657	15,924,333	(1,241,324)	−7.23
Maine	2,684,527	2,419,335	(265,192)	−9.88
Maryland	12,474,601	14,546,358	2,071,757	16.61
Massachusetts	13,047,645	12,354,890	(692,755)	−5.31
Michigan	28,612,013	34,878,283	6,266,270	21.90
Minnesota	10,094,772	9,097,556	(997,216)	−9.88
Mississippi	10,053,302	10,396,417	343,115	3.41
Missouri	14,066,190	12,676,655	(1,389,535)	−9.88
Montana	2,209,670	2,280,623	70,953	3.21
Nebraska	2,656,124	2,862,935	206,811	7.79
Nevada	9,261,869	9,921,829	659,960	7.13
New Hampshire	2,209,670	2,212,652	2,982	0.13
New Jersey	20,831,255	24,036,015	3,204,760	15.38
New Mexico	9,176,874	9,124,699	(52,175)	−0.57
New York	50,223,205	62,137,502	11,914,297	23.72
North Carolina	27,731,837	27,582,642	(149,195)	−0.54
North Dakota	2,209,670	2,212,652	2,982	0.13
Ohio	36,354,942	41,626,582	5,271,640	14.50
Oklahoma	9,577,406	8,631,298	(946,108)	−9.88
Oregon	9,572,222	8,626,626	(945,596)	−9.88
Pennsylvania	39,419,602	36,515,461	(2,904,141)	−7.37
Puerto Rico	26,554,369	29,825,410	3,271,041	12.32
Rhode Island	3,347,101	3,395,462	48,361	1.44
South Carolina	13,017,374	11,731,447	(1,285,927)	−9.88
South Dakota	2,209,670	2,212,652	2,982	0.13
Tennessee	17,503,950	15,774,815	(1,729,135)	−9.88
Texas	75,959,298	68,455,626	(7,503,672)	−9.88
Utah	3,656,938	3,538,726	(118,212)	−3.23
Vermont	2,209,670	2,212,652	2,982	0.13
Virginia	13,158,915	11,859,006	(1,299,909)	−9.88
Washington	19,115,058	21,151,649	2,036,591	10.65
West Virginia	5,837,010	6,472,612	635,602	10.89
Wisconsin	11,197,879	10,091,692	(1,106,187)	−9.88
Wyoming	2,209,670	2,212,652	2,982	0.13
State Total	883,868,137	885,060,937	1,192,800	0.13
American Samoa	236,754	237,085	331	0.14
Guam	803,615	804,738	1,123	0.14
Northern Marianas	439,064	439,677	613	0.14
Palau	75,000	75,000	0	0.00
Virgin Islands	660,775	661,698	923	0.14
Outlying Areas Total	2,215,208	2,218,198	2,990	0.13
Native Americans	13,493,655	13,511,865	18,210	0.13
Set asides	3,839,000	2,625,000	(1,214,000)	−31.62

TABLE B—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION WIOA ADULT ACTIVITIES STATE ALLOTMENTS

[Comparison of PY 2019 Allotments vs PY 2018 Allotments]

State	PY 2018	PY 2019	Difference	% Difference
Total Appropriated	$845,556,000	$845,556,000	$0	0.00
Total (WIOA Adult Activities)	842,530,000	843,487,000	957,000	0.11
Alabama	16,327,908	14,711,809	(1,616,099)	−9.90
Alaska	3,040,398	3,957,007	916,609	30.15
Arizona	20,986,794	24,282,345	3,295,551	15.70
Arkansas	6,270,928	5,650,246	(620,682)	−9.90
California	117,884,993	114,617,248	(3,267,745)	−2.77
Colorado	8,702,463	7,841,113	(861,350)	−9.90
Connecticut	9,369,933	9,742,854	372,921	3.98
Delaware	2,101,059	2,103,446	2,387	0.11
District of Columbia	2,986,342	3,886,654	900,312	30.15
Florida	51,443,034	46,351,320	(5,091,714)	−9.90
Georgia	24,685,866	22,242,515	(2,443,351)	−9.90
Hawaii	2,101,059	2,103,446	2,387	0.11
Idaho	2,294,967	2,103,446	(191,521)	−8.35
Illinois	40,226,996	39,309,891	(917,105)	−2.28
Indiana	12,986,088	11,700,755	(1,285,333)	−9.90
Iowa	3,393,197	3,057,346	(335,851)	−9.90
Kansas	4,357,065	3,925,813	(431,252)	−9.90
Kentucky	13,740,037	13,357,433	(382,604)	−2.78
Louisiana	16,647,287	15,462,994	(1,184,293)	−7.11
Maine	2,445,449	2,203,404	(242,045)	−9.90
Maryland	11,611,741	13,998,991	2,387,250	20.56
Massachusetts	11,674,227	10,518,739	(1,155,488)	−9.90
Michigan	26,127,450	32,076,546	5,949,096	22.77
Minnesota	8,472,215	7,633,654	(838,561)	−9.90
Mississippi	9,681,200	10,003,654	322,454	3.33
Missouri	13,103,150	11,806,230	(1,296,920)	−9.90
Montana	2,101,059	2,103,446	2,387	0.11
Nebraska	2,101,059	2,135,850	34,791	1.66
Nevada	9,036,927	9,719,349	682,422	7.55
New Hampshire	2,101,059	2,103,446	2,387	0.11
New Jersey	20,187,420	23,630,205	3,442,785	17.05
New Mexico	8,901,122	8,848,216	(52,906)	−0.59
New York	49,370,737	60,652,953	11,282,216	22.85
North Carolina	26,346,674	26,199,337	(147,337)	−0.56
North Dakota	2,101,059	2,103,446	2,387	0.11
Ohio	33,780,803	38,782,006	5,001,203	14.80
Oklahoma	9,074,610	8,176,426	(898,184)	−9.90
Oregon	9,188,900	8,279,404	(909,496)	−9.90
Pennsylvania	36,348,863	33,593,768	(2,755,095)	−7.58
Puerto Rico	27,814,371	30,891,828	3,077,457	11.06
Rhode Island	2,873,156	2,907,668	34,512	1.20
South Carolina	12,570,393	11,326,204	(1,244,189)	−9.90
South Dakota	2,101,059	2,103,446	2,387	0.11
Tennessee	17,019,935	15,335,341	(1,684,594)	−9.90
Texas	71,907,136	64,789,931	(7,117,205)	−9.90
Utah	2,867,024	2,759,043	(107,981)	−3.77
Vermont	2,101,059	2,103,446	2,387	0.11
Virginia	12,272,091	11,057,427	(1,214,664)	−9.90
Washington	18,013,252	19,943,123	1,929,871	10.71
West Virginia	5,809,726	6,366,593	556,867	9.59
Wisconsin	9,671,276	8,714,035	(957,241)	−9.90
Wyoming	2,101,059	2,103,446	2,387	0.11
State Total	840,423,675	841,378,282	954,607	0.11
American Samoa	224,709	224,974	265	0.12
Guam	762,731	763,630	899	0.12
Northern Marianas	416,727	417,217	490	0.12
Palau	75,000	75,000	0	0.00
Virgin Islands	627,158	627,897	739	0.12
Outlying Areas Total	2,106,325	2,108,718	2,393	0.11
Set asides	3,026,000	2,069,000	(957,000)	−31.63

TABLE C—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION WIOA DISLOCATED WORKER ACTIVITIES STATE ALLOTMENTS

[Comparison of PY 2019 Allotments vs PY 2018 Allotments]

State	PY 2018	PY 2019	Difference	% Difference
Total Appropriated	$1,261,719,000	$1,261,719,000	$0	0.00
Total (WIOA Dislocated Worker Activities)	1,257,214,000	1,258,639,000	1,425,000	0.11
Alabama	19,335,341	18,299,000	(1,036,341)	−5.36
Alaska	4,914,486	6,395,952	1,481,466	30.14
Arizona	23,243,426	30,250,131	7,006,705	30.14
Arkansas	6,402,024	6,217,966	(184,058)	−2.87
California	154,748,352	147,573,118	(7,175,234)	−4.64
Colorado	10,170,702	10,043,592	(127,110)	−1.25
Connecticut	14,663,263	14,161,792	(501,471)	−3.42
Delaware	2,460,357	2,402,111	(58,246)	−2.37
District of Columbia	6,483,476	8,437,913	1,954,437	30.14
Florida	53,690,026	52,121,208	(1,568,818)	−2.92
Georgia	40,436,884	38,491,175	(1,945,709)	−4.81
Hawaii	1,620,164	1,604,310	(15,854)	−0.98
Idaho	1,968,746	1,956,691	(12,055)	−0.61
Illinois	62,900,780	59,425,694	(3,475,086)	−5.52
Indiana	14,082,228	13,659,352	(422,876)	−3.00
Iowa	4,142,800	4,116,302	(26,498)	−0.64
Kansas	4,670,889	4,618,755	(52,134)	−1.12
Kentucky	17,761,938	16,788,605	(973,333)	−5.48
Louisiana	20,736,157	21,209,720	473,563	2.28
Maine	2,682,153	2,598,431	(83,722)	−3.12
Maryland	15,334,717	15,260,868	(73,849)	−0.48
Massachusetts	15,877,010	15,766,252	(110,758)	−0.70
Michigan	29,925,227	28,882,600	(1,042,627)	−3.48
Minnesota	8,704,633	8,618,483	(86,150)	−0.99
Mississippi	12,774,770	12,818,139	43,369	0.34
Missouri	14,147,654	13,726,081	(421,573)	−2.98
Montana	1,561,056	1,585,502	24,446	1.57
Nebraska	2,397,862	2,404,721	6,859	0.29
Nevada	13,919,978	14,008,800	88,822	0.64
New Hampshire	1,758,303	1,775,681	17,378	0.99
New Jersey	32,030,331	31,152,114	(878,217)	−2.74
New Mexico	13,667,703	17,787,817	4,120,114	30.14
New York	51,523,652	50,806,192	(717,460)	−1.39
North Carolina	30,181,355	29,098,556	(1,082,799)	−3.59
North Dakota	812,015	825,249	13,234	1.63
Ohio	39,677,597	38,603,870	(1,073,727)	−2.71
Oklahoma	7,724,855	7,577,124	(147,731)	−1.91
Oregon	11,670,127	11,249,816	(420,311)	−3.60
Pennsylvania	53,520,091	51,039,332	(2,480,759)	−4.64
Puerto Rico	44,468,015	57,872,849	13,404,834	30.14
Rhode Island	4,131,237	3,963,193	(168,044)	−4.07
South Carolina	15,513,622	14,897,573	(616,049)	−3.97
South Dakota	1,163,056	1,177,194	14,138	1.22
Tennessee	19,103,308	18,162,357	(940,951)	−4.93
Texas	62,116,365	61,014,319	(1,102,046)	−1.77
Utah	4,395,205	4,316,698	(78,507)	−1.79
Vermont	859,693	865,748	6,055	0.70
Virginia	13,985,434	13,818,609	(166,825)	−1.19
Washington	26,777,856	26,634,849	(143,007)	−0.53
West Virginia	7,499,981	9,760,842	2,260,861	30.14
Wisconsin	11,769,133	11,431,285	(337,848)	−2.87
Wyoming	1,098,967	1,086,469	(12,498)	−1.14
State Total	1,037,205,000	1,038,361,000	1,156,000	0.11
American Samoa	335,308	335,703	395	0.12
Guam	1,138,139	1,139,477	1,338	0.12
Northern Marianas	621,836	622,565	729	0.12
Palau	111,914	111,914	0	0.00
Virgin Islands	935,838	936,939	1,101	0.12
Outlying Areas Total	3,143,035	3,146,598	3,563	0.11
National Reserve*	216,865,965	217,131,402	265,437	0.12
Set asides	4,505,000	3,080,000	(1,425,000)	−31.63

**The PY 2018 Dislocated Worker National Reserve amount reflects the initial appropriation; however, the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019 (Pub. L. 115–245) contained a $53M rescission to the Dislocated Worker National Reserve, decreasing funding in that category to $163,865,965.*

TABLE D—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION EMPLOYMENT SERVICE (WAGNER-PEYSER)

[PY 2019 vs PY 2018 Final Allotments]

State	Final PY 2018	Final PY 2019	Difference	% Difference
Total Appropriated	$666,413,000	$663,052,000	($3,361,000)	−0.50
Total (WIOA ES Activities)	663,581,000	661,187,000	(2,394,000)	−0.36
Alabama	8,908,780	8,774,005	(134,775)	−1.51
Alaska	7,213,442	7,187,418	(26,024)	−0.36
Arizona	13,165,903	13,793,435	627,532	4.77
Arkansas	5,162,355	5,116,418	(45,937)	−0.89
California	78,345,199	77,508,834	(836,365)	−1.07
Colorado	10,389,581	10,914,395	524,814	5.05
Connecticut	7,574,461	7,518,868	(55,593)	−0.73
Delaware	1,858,689	1,850,977	(7,712)	−0.41
District of Columbia	1,988,531	1,955,175	(33,356)	−1.68
Florida	38,144,961	37,920,561	(224,400)	−0.59
Georgia	19,921,213	19,757,815	(163,398)	−0.82
Hawaii	2,352,566	2,320,867	(31,699)	−1.35
Idaho	6,010,081	5,988,398	(21,683)	−0.36
Illinois	27,275,919	26,812,565	(463,354)	−1.70
Indiana	12,602,609	12,501,804	(100,805)	−0.80
Iowa	6,113,562	6,002,803	(110,759)	−1.81
Kansas	5,469,981	5,426,648	(43,333)	−0.79
Kentucky	8,204,609	8,154,547	(50,062)	−0.61
Louisiana	8,977,219	8,888,286	(88,933)	−0.99
Maine	3,574,138	3,561,244	(12,894)	−0.36
Maryland	12,141,754	12,406,916	265,162	2.18
Massachusetts	13,412,552	13,762,091	349,539	2.61
Michigan	20,064,262	19,803,803	(260,459)	−1.30
Minnesota	10,913,401	10,851,240	(62,161)	−0.57
Mississippi	5,475,041	5,398,062	(76,979)	−1.41
Missouri	11,926,706	11,705,550	(221,156)	−1.85
Montana	4,911,468	4,893,749	(17,719)	−0.36
Nebraska	5,167,751	5,021,790	(145,961)	−2.82
Nevada	6,016,403	6,023,666	7,263	0.12
New Hampshire	2,587,728	2,571,759	(15,969)	−0.62
New Jersey	18,492,789	18,217,995	(274,794)	−1.49
New Mexico	5,511,533	5,491,649	(19,884)	−0.36
New York	38,073,357	37,872,846	(200,511)	−0.53
North Carolina	19,246,083	19,119,367	(126,716)	−0.66
North Dakota	5,001,345	4,983,302	(18,043)	−0.36
Ohio	23,186,548	23,078,213	(108,335)	−0.47
Oklahoma	7,052,012	6,983,784	(68,228)	−0.97
Oregon	8,017,942	8,080,992	63,050	0.79
Pennsylvania	25,958,852	25,709,054	(249,798)	−0.96
Puerto Rico	6,637,872	6,488,984	(148,888)	−2.24
Rhode Island	2,334,313	2,292,037	(42,276)	−1.81
South Carolina	9,156,790	9,007,952	(148,838)	−1.63
South Dakota	4,622,393	4,605,717	(16,676)	−0.36
Tennessee	12,319,202	12,200,903	(118,299)	−0.96
Texas	51,437,423	52,111,078	673,655	1.31
Utah	5,925,522	5,842,022	(83,500)	−1.41
Vermont	2,165,391	2,157,579	(7,812)	−0.36
Virginia	15,736,130	15,583,311	(152,819)	−0.97
Washington	14,707,432	15,040,605	333,173	2.27
West Virginia	5,290,785	5,271,697	(19,088)	−0.36
Wisconsin	11,632,564	11,469,141	(163,423)	−1.40
Wyoming	3,586,277	3,573,339	(12,938)	−0.36
State Total	661,963,420	659,575,256	(2,388,164)	−0.36
Guam	310,505	309,385	(1,120)	−0.36
Virgin Islands	1,307,075	1,302,359	(4,716)	−0.36
Outlying Areas Total	1,617,580	1,611,744	(5,836)	−0.36
Set asides	2,832,000	1,865,000	(967,000)	−34.15

TABLE E—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION WORKFORCE INFORMATION GRANTS TO STATES

[PY 2019 vs PY 2018 Allotments]

State	PY 2018	PY 2019	Difference	% Difference
Total with Program Integrity	$32,000,000	$32,000,000	$0	0.00
Total	31,904,000	31,915,000	11,000	0.03
Alabama	501,509	499,846	(1,663)	−0.33
Alaska	287,026	286,283	(743)	−0.26
Arizona	633,995	638,657	4,662	0.74
Arkansas	404,109	402,114	(1,995)	−0.49
California	2,510,570	2,511,591	1,021	0.04
Colorado	592,880	603,421	10,541	1.78
Connecticut	469,696	466,938	(2,758)	−0.59
Delaware	300,167	300,696	529	0.18
District of Columbia	291,143	291,586	443	0.15
Florida	1,432,999	1,438,980	5,981	0.42
Georgia	837,522	845,383	7,861	0.94
Hawaii	325,866	324,383	(1,483)	−0.46
Idaho	341,187	343,625	2,438	0.71
Illinois	1,009,506	1,003,089	(6,417)	−0.64
Indiana	637,470	637,315	(155)	−0.02
Iowa	443,793	440,689	(3,104)	−0.70
Kansas	419,199	417,133	(2,066)	−0.49
Kentucky	486,277	485,469	(808)	−0.17
Louisiana	492,418	493,089	671	0.14
Maine	326,794	326,438	(356)	−0.11
Maryland	624,125	621,902	(2,223)	−0.36
Massachusetts	675,725	682,901	7,176	1.06
Michigan	819,622	817,191	(2,431)	−0.30
Minnesota	602,174	606,323	4,149	0.69
Mississippi	396,428	394,080	(2,348)	−0.59
Missouri	607,825	601,213	(6,612)	−1.09
Montana	306,190	305,519	(671)	−0.22
Nebraska	363,280	362,694	(586)	−0.16
Nevada	414,233	419,001	4,768	1.15
New Hampshire	332,832	332,496	(336)	−0.10
New Jersey	777,919	769,792	(8,127)	−1.04
New Mexico	354,069	353,927	(142)	−0.04
New York	1,380,696	1,378,366	(2,330)	−0.17
North Carolina	825,773	827,448	1,675	0.20
North Dakota	293,506	292,004	(1,502)	−0.51
Ohio	923,124	920,161	(2,963)	−0.32
Oklahoma	459,868	461,245	1,377	0.30
Oregon	491,524	492,174	650	0.13
Pennsylvania	1,005,428	992,172	(13,256)	−1.32
Puerto Rico	375,763	372,142	(3,621)	−0.96
Rhode Island	309,498	309,656	158	0.05
South Carolina	517,937	514,950	(2,987)	−0.58
South Dakota	297,999	297,815	(184)	−0.06
Tennessee	619,474	623,186	3,712	0.60
Texas	1,831,157	1,853,513	22,356	1.22
Utah	427,852	429,719	1,867	0.44
Vermont	284,871	284,761	(110)	−0.04
Virginia	752,203	751,857	(346)	−0.05
Washington	681,301	684,703	3,402	0.50
West Virginia	336,297	335,764	(533)	−0.16
Wisconsin	615,232	615,121	(111)	−0.02
Wyoming	279,379	277,883	(1,496)	−0.54
State Total	31,727,430	31,738,404	10,974	0.03
Guam	92,961	92,976	15	0.02
Virgin Islands	83,609	83,620	11	0.01
Outlying Areas Total	176,570	176,596	26	0.01
Program Integrity set aside	96,000	85,000	(11,000)	−11.46

Molly E. Conway,

Acting Assistant Secretary for Employment and Training.

[FR Doc. 2019–07729 Filed 4–18–19; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standard

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before May 20, 2019.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Email: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202–693–9441.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452, *Attention:* Sheila McConnell, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect a copy of the petitions and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations, and Variances at 202–693–9447 (voice), *barron.barbara@dol.gov* (email), or 202–693–9441 (fax). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations Part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor (Secretary) determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2019–001–M.

Petitioner: Genesis Alkali, LLC, 1801 Wewatta St., Suite 1000, Denver, Colorado 80202.

Mine: Genesis Alkali @WESTVACO, MSHA I.D. No. 48–00152, located in Sweetwater County, Wyoming.

Regulation Affected: 30 CFR 57.22305 (Approved equipment (III mines)).

Modification Request: Petitioner seeks to allow for the installation of one or more submersible pumps at Westvaco mine. The first pump would be installed at Westvaco's Extraction Well #5 (EW#5).

The petitioner states that:

(1) Westvaco is an underground trona mine. Since 1988, underground tailings disposal and secondary resource recovery have been part of the mining operation. Sections of mine workings have been abandoned and flooded with water/tailings. There is no access to these areas by miners due to the topography of the mine. As the tailings dewater in the mine, the water becomes a solution that recovers trona left by the room and pillar mining techniques employed in these abandoned areas.

(2) Petitioner plans to install submersible pumps through wells from the surface to access this impounded trona-bearing liquor. The pumps will be strategically placed in the topographically lowest developments to ensure a flooded condition. Westvaco currently has monitor wells near these areas which indicate the areas are flooded with water completely. As further assurance of flooded conditions, the wells will be drilled through the mine floor to countersink the pumps an additional depth to ensure the pumps' intakes and motors remain below the mine floor. The pump motors, by design, are positioned below the pump intake to prevent the pump from drying the hole out. Specifically, the pump system's design ensures that the electrical components will be submerged, preventing their exposure to the mine's ambient air.

(3) The proposed pump system at Westvaco will be installed from the surface. The pump system(s) will be lowered underground via EW#5, into the northwest area of Westvaco that is permanently abandoned and has been inactive for more than twenty years. EW#5 is approximately 10,200 feet away from the nearest hoist and travelway. The distance between EW#5 and the areas of Westvaco where miners will be working and traveling is at least 15,000 feet, if not more.

(4) After the bore mining and longwall operations in the northwest corner of Westvaco had finished, petitioner intentionally flooded that area in the mid 1980s. By flooding that area, petitioner can engage in liquid/solution mining to recover trona from the gob. The topography of the mine area allows water levels in the flooded area to be deep enough to ''top out'' against the roof, effectively filling the entire region of the abandoned mine area. Along with this water barrier, petitioner installed barricades (stoppings) on the flooded area's perimeter. The barricades are comprised of 6″ x 8″ x 24″ wood blocks, installed rib-to-rib and floor-to-roof. Petitioner uses foam sealant around the edges of each barricade. Therefore, there are two physical designs—the wooden blocks and the impoundment—to prevent miners from accidentally or intentionally accessing the permanently abandoned area from the active longwall and bore miner operations.

(5) The submersible pump systems will be installed from the surface into the permanently abandoned, flooded areas. Westvaco miners will not be involved in the extraction of the trona solution because they cannot access the area due to the water levels and the barricades.

(6) The permanently abandoned area at Westvaco is not ventilated; therefore, the air current(s) at Westvaco do not flow through the area. In addition, there are several factors that would inhibit any accumulated methane that was in the abandoned area from entering the fresh air current at Westvaco.

These factors are:

—The impounded area is unventilated, meaning the airflow in that location will fluctuate as a function of temperature and pressures of the

ambient air. This unventilated area borders the return air-courses of the active mine. Any gases that emit from the abandoned area will be carried to an exhaust vent shaft and removed from the mine—never reaching any active work areas or areas not already maintained to function in a gassy environment.

—Westvaco's active workings receive forced air from the surface. This mechanical ventilation creates a positive pressure environment that impedes the air in the impounded area from migrating through the barricades.

—The abandoned area is flooded, creating a liquid barrier between the submersible pump components and the ambient air.

(7) The physical design of the submersible pump system places the intake nozzle above the pump system's electrical components. The system's low water level shutoff sensor is a permissible component, and is positioned 15 feet above the pump's intake nozzle. The result of this design ensures that the electrical components will always be submerged, preventing their exposure to the ambient air. Because the non-permissible components will always be submerged, liquid barrier ensures that non-permissible equipment is not used in areas where methane may enter the air current.

(8) The pump system(s) will be in locations that are inaccessible by miners and the pumps operate autonomously, with remote control possible from the surface.

(9) Petitioner proposes to install autonomous equipment into a permanently abandoned area to support its milling activities on the surface. The petitioner states that if it is forced to undertake an alternative extraction method for the trona solution, the non-autonomous solution will likely require miners to be involved in the extraction which is less safe than an autonomous operation that only requires miners on the surface. The use of automated, submersible pump systems allows petitioner to avoid exposing miners to hazards associated with underground mining.

(10) The submersible pumps and technological upgrades that petitioner intends to install to perform liquid mining in underground impounded areas where no miners are present will provide a greater measure of safety than would be provided by having miners working in these areas who would then be exposed to the potential hazards of underground mining. Moreover, the use of automated, submersible pumps to transport a liquid trona solution to the surface for refining will not result in a diminution of safety compared to traditional underground mining activities.

The modification requested in this petition provides the same or greater degree of protection to persons underground as would be afforded by other methods of compliance and avoids reducing safety by the use of other methods.

Sheila McConnell,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2019–07934 Filed 4–18–19; 8:45 am]

BILLING CODE 4520–43–P

NATIONAL SCIENCE FOUNDATION

Notice of Availability of Draft Comprehensive Environmental Evaluation (CEE) for Continuation and Modernization of McMurdo Station Area Activities in Antarctica

AGENCY: National Science Foundation.

ACTION: Notice of Availability.

SUMMARY: The National Science Foundation (NSF) has made available for public review and comment the Draft Comprehensive Environmental Evaluation (CEE) for Continuation and Modernization of McMurdo Station Area Activities, pursuant to the Antarctic Conservation Act, as amended, its implementing regulations, and in accordance with the Protocol on Environmental Protection to the Antarctic Treaty. The proposed activity would implement modernization projects at McMurdo Station while continuing United States Antarctic Program (USAP) science and operations at McMurdo Station and locations supported by the Station. NSF invites interested members of the public to provide written comments on this Draft CEE. Substantive comments will be addressed in a Final CEE.

DATES: NSF will accept comment on this permit application until July 11, 2019. The draft CEE may be viewed by interested parties at *https://www.nsf.gov/geo/opp/antarct/treaty/modernization_cee.jsp.*

ADDRESSES: Written comments should be addressed to Dr. Polly A. Penhale, Senior Advisor, Environment, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314 or *CEE.comments@nsf.gov.*

FOR FURTHER INFORMATION CONTACT: For further information regarding the CEE process, please contact Dr. Polly A. Penhale, at the above address, 703–292–8030, or *CEE.comments@nsf.gov.*

SUPPLEMENTARY INFORMATION: A Notice of Availability of the CEE to modernize McMurdo Station and continue McMurdo area science and operational activities was also published in the **Federal Register** (Vol 84, No.71/Friday, April 12, 2019, Page 14936) and is available through the Environmental Protection Agency's Environmental Impact Statement Database at *https://cdxnodengn.epa.gov/cdx-enepa-II/public/action/eis/details?eisId=269627.*

Additional information on the proposed actions and purpose and need are provided in the Notice of Intent to prepare a CEE published in the **Federal Register** (Vol. 81, No. 164/Wednesday, August 24, 2016, Pages 57940–57941).

Erika N. Davis,

Program Specialist, Office of Polar Programs.

[FR Doc. 2019–07903 Filed 4–18–19; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0097]

Information Collection: Nuclear Energy Innovation and Modernization Act Local Community Advisory Board Questionnaire

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on this proposed collection of information. The information collection is entitled, ''Nuclear Energy Innovation and Modernization Act Local Community Advisory Board Questionnaire.''

DATES: Submit comments by June 18, 2019. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods:

• *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2019–0097. Address questions about docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–917; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: O–1 F21, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0097 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–2019–0097. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2019–0097 on this website.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML19099A485. The supporting statement is available in ADAMS under Accession No. ML19095B595.

• *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.

• *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

Please include Docket ID NRC–2019–0097 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. The *title of the information collection:* Nuclear Energy Innovation and Modernization Act Local Community Advisory Board Questionnaire.

2. *OMB approval number:* An OMB control number has not yet been assigned to this proposed information collection.

3. *Type of submission:* New.

4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* Once.

6. *Who will be required or asked to respond:* Respondents will be the existing local community advisory boards in the vicinity of power reactors undergoing decommissioning, similar established stakeholder groups, or local government organizations.

7. *The estimated number of annual responses:* 14 (6 responses from sites with established local community advisory boards + 8 responses from sites where local community advisory boards have not been established).

8. *The estimated number of annual respondents:* 14 (6 sites with established local community advisory boards + 8 sites where local community advisory boards have not been established).

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 50 hours.

10. *Abstract:* The NRC is planning to coordinate activities in accordance with Section 108 of the Nuclear Energy Innovation and Modernization Act to collect information on the use of local community advisory boards during decommissioning activities and issue a best practices report. In order to ensure appropriate best practices are identified, the NRC has developed a questionnaire that will seek feedback in a number of areas related to the formation and operation of local community advisory boards. The questionnaire will address the following areas: The type of topics that might be brought before a community advisory board; how the board's input could inform the decision-making process for various decommissioning stakeholders; how the board might interact with other State and Federal agencies to promote dialogue between the licensee and impacted stakeholders; and how the board could offer opportunities for public engagement throughout the decommissioning process. The NRC will issue a report to Congress in June 2020 identifying best practices for establishment and operation of local community advisory boards.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, on April 15, 2019.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2019–07843 Filed 4–18–19; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2019–124 and CP2019–133]

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 23, 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:

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I. Introduction
II. Docketed Proceeding(s)

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).:* MC2019–124 and CP2019–133; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & First-Class Package Service Contract 59 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* April 15, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Kenneth R. Moeller; *Comments Due:* April 23, 2019.

This Notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2019–07879 Filed 4–18–19; 8:45 am]

BILLING CODE 7710–FW–P

PRESIDIO TRUST

Notice of Public Meeting

AGENCY: The Presidio Trust.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Presidio Trust Act, and in accordance with the Presidio Trust's bylaws, notice is hereby given that a public meeting of the Presidio Trust Board of Directors will be held commencing 5:30 p.m. on May 23, 2019, at the Golden Gate Club, 135 Fisher Loop, Presidio of San Francisco, California.

The purposes of this meeting are to: Provide the Chairperson's report; provide the Chief Executive Officer's report; honoring Greg Moore's Service to the Presidio as CEO of the Golden Gate National Parks Conservancy; presentations by staff and respondents regarding the Fort Winfield Scott project requests for proposals; and receive public comment on these and other matters pertaining to Trust business.

Individuals requiring special accommodation at this meeting, such as needing a sign language interpreter, should contact Laurie Fox at 415.561.5300 prior to May 14, 2019.

DATES: The meeting will begin at 5:30 p.m. on May 23, 2019.

ADDRESSES: The meeting will be held at the Golden Gate Club, 135 Fisher Loop, Presidio of San Francisco.

FOR FURTHER INFORMATION CONTACT: George K.H. Schell, General Counsel, the Presidio Trust, 103 Montgomery Street, P.O. Box 29052, San Francisco, California 94129–0052, Telephone: 415.561.5300.

Dated: April 15, 2019.

George K.H. Schell,

General Counsel.

[FR Doc. 2019–07880 Filed 4–18–19; 8:45 am]

BILLING CODE 4310–4R–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85649; File No. SR–NYSE–2019–16]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7.31(i)(4) Relating to the Last Sale Peg Modifier

April 15, 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, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit

[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).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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 Rule 7.31(i)(4) relating to the Last Sale Peg Modifier. 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 amend Rule 7.31(i)(4) relating to the Last Sale Peg Modifier, also referred to as a ''Last Sale Peg Order.'' Specifically, the Exchange proposes to specify a circumstance when the working price of a Last Sale Peg Order would not be adjusted.

Rule 7.31(i)(4) provides that a Last Sale Peg Order is a Non-Routable Limit Order to buy that will not trade or be displayed at a price higher than the last-sale price, which is the later of the most recent last-sale eligible trade [4] executed on the Exchange or the most recent consolidated last-sale eligible trade.[5] Rule 7.31(i)(4)(A) provides that the working price of a Last Sale Peg Order will be pegged to the lower of the last-sale price, the limit price of the order, or the PBO. The Last Sale Peg Order is available to buy Non-Routable Limit Orders only and is designed to assist member organizations in their compliance with the ''safe harbor'' provisions of Rule 10b–18 under the Act (''Rule 10b–18'') for issuer repurchases.[6] One of the four provisions required to fall under Rule 10b–18's safe harbor is that the purchase price of a security may not exceed the highest independent bid or the last independent transaction price for the security.[7] Because a Last Sale Peg Order will not trade at a price that is higher than the last-sale price, member organizations can use this instruction to facilitate their compliance with at least one of the conditions of the safe harbor provision of Rule 10b–18.[8]

Rule 7.31(i)(4)(B) provides that the display price of a Last Sale Peg Order is the same as the working price, unless the working price is pegged to the PBO, in which case, the display price is determined under paragraph (e)(1) of Rule 7.31.[9] The Exchange proposes to amend Rule 7.31(i)(4)(B) to further specify that the working price of a Last Sale Peg Order would not be adjusted if the PBO has adjusted to be equal to or lower than the working price of the Last Sale Order. As a Non-Routable Limit Order, a Last Sale Peg Order is subject to Rule 7.31(e)(1)(iii), which provides in part that if the PBO of an Away Market re-prices to be equal to or lower than a Non-Routable Limit Order's last display price, the order's display price will not change, but the working price will be adjusted to be equal to its display price. The Exchange proposes that if the PBO has adjusted in this manner, the working price of the Last Sale Peg Order would not change if the last-sale price adjusts to be the same or higher than the working price.

Accordingly, as amended, Rule 7.31(i)(4)(B) would provide that if the PBO has adjusted to be equal to or lower than the working price of the Last Sale Peg Order, the working price of such order would not change if the last-sale price adjusts to be the same or higher than the working price. The Exchange believes that this proposed amendment would simplify the operation of the Last-Sale Peg Order and eliminate the need for a price change that would not otherwise be required for such order to facilitate compliance with Rule 10b–18. This proposed amendment would not change the behavior of a Last-Sale Peg Order if the last-sale price adjusts lower. In such case, even if the PBO has adjusted to be equal to or lower than the working price of a Last Sale Peg Order, if the last-sale price adjusts to be lower than such working price, the working price of the Last Sale Peg Order would be adjusted.

For example, if the Away Market PBO is $10.02 and the last-sale price is $10.00, a Last Sale Peg Order to buy 1,000 shares with a limit price of $10.05 will be assigned a working and display price of $10.00, which is the same as the last-sale price. If the Away Market PBO updates to $9.95, which is lower than the Last Sale Peg Order's working price, pursuant to Rule 7.31(e)(1)(iii), the Last Sale Peg Order would remain at $10.00. If, while the PBO is $9.95, there is an update of the last-sale price to $10.02, with this proposed rule change, the Last Sale Peg Order would remain at $10.00 and not be adjusted. By contrast, if, while the PBO is $9.95, there is an update of the last-sale price to $9.99, the working price of the Last Sale Peg Order would be adjusted to $9.95, with a display price of $9.94.[10]

The Exchange has not yet implemented Last Sale Peg Orders, which were recently approved.[11] The Exchange proposes that, subject to effectiveness of this proposed rule change, to implement this proposed rule change at the same time that it introduces Last Sale Peg Orders.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[12] in general, and furthers the objectives of Section 6(b)(5),[13] in particular, because 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 facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market

[4] A last-sale eligible trade must be of at least one round lot.

[5] A consolidated last-sale eligible trade is the last-sale eligible trade reported to the responsible single plan processor.

[6] *See* 17 CFR 240.10b–18. *See also* Securities Exchange Act Release No. 78679 (August 25, 2016), 81 FR 60080 (August 31, 2016) (SR–NYSE–2016–59).

[7] *See* 17 CFR 240.10b–18(b)(3). The other three conditions relate to time of purchases, volume of purchases, and a requirement that only one broker or dealer be involved in such repurchases on a single day.

[8] *See* Securities Exchange Act Release No. 85158 (February 15, 2019), 84 FR 5794 (February 22, 2019) (SR–NYSE–2018–52) (''NYSE Approval Order''). The Exchange does not represent that a Last Sale Peg Order is guaranteed to meet the requirements of the safe harbor provision of Rule 10b–18; rather, these instruction are available to member organizations to facilitate their own compliance with Rule 10b–18.

[9] Rule 7.31(e)(1) describes how a Non-Routable Limit Order to buy that, at the time of entry and after trading with any sell orders in the Exchange Book priced at or below the PBO is priced.

[10] *See* Rule 7.31(e)(1)(A).

[11] *See* NYSE Approval Order, *supra* note 8. The Exchange has announced that it will implement Last Sale Peg Orders on April 29, 2019. *See* Trader Update dated February 21, 2019, available here: *https://www.nyse.com/publicdocs/nyse/markets/nyse/Pillar_Update_NYSE_Tape_A_NGW_February_2019.pdf.*

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

and a national market system and, in general, to protect investors and the public interest. The Exchange believes that the proposal would 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 because it would specify in the Exchange's rules circumstances when a Last Sale Peg Order would not be re-priced. The proposed rule change would further remove impediments to and perfect the mechanism of a free and open market and a national market system because it would simplify operations by reducing the number of times a Last Sale Peg Order would be required to re-price while at the same time maintaining the order type's core functionality to facilitate compliance with Rule 10b–18. Because a Last Sale Peg Order will continue to not trade at a price that is higher than the last sale, member organizations can continue use Last Sale Peg Orders to facilitate their compliance with at least one of the conditions of the safe harbor provision of Rule 10b–18.[14] Lastly, the Last Sale Peg Order was recently approved by the Commission [15] and this proposal does not seek to amend its operation in any significant manner.

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 designed to have a competitive impact because it is intended to simplify operations by reducing the number of times a Last Sale Peg Order would be required to reprice, while maintaining the core functionality of such order to facilitate compliance with Rule 10b–18. Nonetheless, the proposed rule change should promote competition by enhancing the Exchange's rules to provide greater specificity to market participants and improving the efficiency of the Exchange's order handling processes.

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.

[14] *See supra* note 6.

[15] *See* NYSE Approval Order, *supra* note 8.

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 [16] and Rule 19b–4(f)(6) thereunder.[17] Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [18] and Rule 19b–4(f)(6) thereunder.[19]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [20] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The NYSE asked the Commission to waive the 30-day operative delay so that the Exchange. Specifically the Exchange noted that Last Sale Peg Orders were approved by the Commission on February 15, 2019,[21] and intends to implement the orders on April 29, 2019.[22] The Exchange represents that this proposed rule change does not seek to amend the operation of the Last Sale Peg Order in any significant manner and that the proposed rule change maintains the core functionality of this order type to facilitate issuer compliance with Exchange Act Rule 10b–18. The Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest, and accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[23]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[16] 15 U.S.C. 78s(b)(3)(A)(iii).

[17] 17 CFR 240.19b–4(f)(6).

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[20] 17 CFR 240.19b–4(f)(6)(iii).

[21] *See* NYSE Approval Order, *supra* note 8.

[22] *See supra* note 11.

[23] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2019–16 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–NYSE–2019–16. 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–NYSE–2019–16 and should be submitted on or before May 10, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–07851 Filed 4–18–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85650; File No. SR–CBOE–2019–022]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Renew an Existing Pilot Program Until November 4, 2019

April 15, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 10, 2019, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the 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 Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to renew an existing pilot program until November 4, 2019. The text of the proposed rule change is provided below.

(additions are *italicized*; deletions are [bracketed])

* * * * *

Rules of Cboe Exchange, Inc.

* * * * *

Rule 24.9. Terms of Index Option Contracts

(a)–(d) (No change).

(e) Nonstandard Expirations Pilot Program

(1)–(2) (No change).

(3) Duration of Nonstandard Expirations Pilot Program. The Nonstandard Expirations Pilot Program shall be through [May 6] *November 4,* 2019.

(4) (No change).

. . . Interpretations and Policies:

.01–.14 (No change).

* * * * *

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), 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

On September 14, 2010, the Commission approved a Cboe Options proposal to establish a pilot program under which the Exchange is permitted to list P.M.-settled options on broad-based indexes to expire on (a) any Friday of the month, other than the third Friday-of-the-month, and (b) the last trading day of the month.[5] On January 14, 2016, the Commission approved a Cboe Options proposal to expand the pilot program to allow P.M.-settled options on broad-based indexes to expire on any Wednesday of month, other than those that coincide with an EOM.[6] On August 10, 2016, the Commission approved a Cboe Options proposal to expand the pilot program to allow P.M.-settled options on broad-based indexes to expire on any Monday of month, other than those that coincide with an EOM.[7] Under the terms of the Nonstandard Expirations Pilot Program (''Program''), Weekly Expirations and EOMs are permitted on any broad-based index that is eligible for regular options trading. Weekly Expirations and EOMs are cash-settled and have European-style exercise. The proposal became effective on a pilot basis for a period of fourteen months that commenced on the next full month after approval was received to establish the Program[8] and was subsequently extended.[9] The Program is scheduled to expire on May 6, 2019. The Exchange believes that the Program has been successful and well received by its Trading Permit Holders and the investing public during that the time that it has been in operation. The Exchange hereby proposes to extend the Program until November 4, 2019. This proposal does not request any other changes to the Program.

Pursuant to the order approving the establishment of the Program, two months prior to the conclusion of the pilot period, Cboe Options is required to submit an annual report to the Commission, which addresses the following areas: Analysis of Volume & Open Interest, Monthly Analysis of Weekly Expirations & EOM Trading Patterns and Provisional Analysis of Index Price Volatility. The Exchange has submitted, under separate cover, the annual report in connection with the present proposed rule change. Additionally, the Exchange will provide the Commission with any additional data or analyses the Commission requests because it deems such data or analyses necessary to determine whether the Program is consistent with the Exchange Act. The Exchange is in the process of making public all data

[24] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release 62911 (September 14, 2010), 75 FR 57539 (September 21, 2010) (order approving SR–CBOE–2009–075).

[6] *See* Securities Exchange Act Release 76909 (January 14, 2016), 81 FR 3512 (January 21, 2016) (order approving SR–CBOE–2015–106).

[7] *See* Securities Exchange Act Release 78531 (August 10, 2016), 81 FR 54643 (August 16, 2016) (order approving SR–CBOE–2016–046).

[8] *Id.*

[9] *See* Securities Exchange Act Release 65741 (November 14, 2011), 76 FR 72016 (November 21, 2011) (immediately effective rule change extending the Program through February 14, 2013). *See also* Securities Exchange Act Release 68933 (February 14, 2013), 78 FR 12374 (February 22, 2013) (immediately effective rule change extending the Program through April 14, 2014); 71836 (April 1, 2014), 79 FR 19139 (April 7, 2014) (immediately effective rule change extending the Program through November 3, 2014); 73422 (October 24, 2014), 79 FR 64640 (October 30, 2014) (immediately effective rule change extending the Program through May 3, 2016); 76909 (January 14, 2016), 81 FR 3512 (January 21, 2016) (extending the Program through May 3, 2017); 80387 (April 6, 2017), 82 FR 17706 (April 12, 2017) (extending the Program through May 3, 2018); 83165 (May 3, 2018), 83 FR 21316 (May 9, 2018) (SR–CBOE–2018–038) (extending the Program through November 5, 2018); and 84534 (November 5, 2019), 83 FR 56119 (November 9, 2018) (SR–CBOE–2018–070) (extending the Program through May 6, 2019).

and analyses previously submitted to the Commission under the Program, and will make public any data and analyses it makes to the Commission under the Program in the future.

If, in the future, the Exchange proposes an additional extension of the Program, or should the Exchange propose to make the Program permanent (which the Exchange currently intends to do), the Exchange will submit an annual report (addressing the same areas referenced above and consistent with the order approving the establishment of the Program) to the Commission at least two months prior to the expiration date of the Program. Any positions established under the Program will not be impacted by the expiration of the Program.

The Exchange believes there is sufficient investor interest and demand in the Program to warrant its extension. The Exchange believes that the Program has provided investors with additional means of managing their risk exposures and carrying out their investment objectives. Furthermore, the Exchange has not experienced any adverse market effects with respect to the Program.

The Exchange believes that the proposed extension of the Program will not have an adverse impact on capacity.

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.[10] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] 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 facilitation 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)[12] 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 that the Program has been successful to date and states that it has not encountered any problems with the Program. The proposed rule change allows for an extension of the Program for the benefit of market participants. Additionally, the Exchange believes that there is demand for the expirations offered under the Program and believes that that Weekly Expirations and EOMs will continue to provide the investing public and other market participants increased opportunities to better manage their risk exposure.

B. Self-Regulatory Organization's Statement on Burden on Competition

Cboe Options 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. Specifically, the Exchange believes that, by extending the expiration of the Program, the proposed rule change will allow for further analysis of the Program and a determination of how the Program shall be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[13] and Rule 19b–4(f)(6)(iii) thereunder.[14]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the 30-day operative delay will allow it to extend the Program prior to its expiration on May 6, 2019, and maintain the status quo, thereby reducing market disruption. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the Program to continue uninterrupted, thereby avoiding investor confusion that could result from a temporary interruption in the Program. For this reason, the Commission designates the proposed rule change to be operative upon filing.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2019–022 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2019–022. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] *Id.*

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[15] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–CBOE–2019–022, and should be submitted on or before May 10, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–07852 Filed 4–18–19; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15929 and #15930; Iowa Disaster Number IA–00087]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Iowa

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Iowa (FEMA–4421–DR), dated 04/05/2019.

Incident: Severe Storms and Flooding.

Incident Period: 03/12/2019 and continuing.

DATES: Issued on 04/05/2019.

Physical Loan Application Deadline Date: 06/04/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 01/06/2020.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Iowa, dated 04/05/2019, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Adair, Boone, Butler, Cass, Emmet, Guthrie, Kossuth, O'Brien, Osceola, Plymouth, Tama, Union, Woodbury.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2019–07871 Filed 4–18–19; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 10728]

60-Day Notice of Proposed Information Collection: Application for the Permanent Export, Temporary Export, Temporary Import, or Brokering of Defense Articles, Defense Services, and Related Technical Data

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to *June 18, 2019.*

ADDRESSES: You may submit comments by any of the following methods:

- *Web:* Persons with access to the internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Docket Number: DOS–2019–0005'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: DDTCPublicComments@state.gov.*
- *Regular Mail:* Send written comments to: Directorate of Defense Trade Controls, Attn: Andrea Battista, 2401 E St. NW, Suite H–1205, Washington, DC 20522–0112

You must include the subject (PRA 60 Day Comment), information collection title (Application for the Permanent Export, Temporary Export, Temporary Import, or Brokering of Defense Articles, Defense Services, and Related Technical Data), and OMB control number (1405–XXXX) in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding this collection to Andrea Battista, who may be reached at *BattistaAL@state.gov* or 202–663–3136.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Application for the Permanent Export, Temporary Export, Temporary Import, or Brokering of Defense Articles, Defense Services, and Related Technical Data.
- *OMB Control Number:* 1405–XXXX.
- *Type of Request:* New Collection.
- *Originating Office:* Directorate of Defense Trade Controls (DDTC).
- *Form Number:* DS–7788.
- *Respondents:* Respondents are any person/s who engages in the United States in the business of exporting, temporarily importing, or brokering defense articles or defense services.
- *Estimated Number of Respondents:* 4,000.
- *Estimated Number of Responses:* 40,000.
- *Average Time per Response:* 1 hours.
- *Total Estimated Burden Time:* 40,000 hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

[16] 17 CFR 200.30–3(a)(12).

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

This information collection is pursuant to ITAR parts 120—130 which set forth DDTC's licensing and agreements guidelines and requirements. This collection will make applicant submissions available via an online case management system. DDTC will utilize the collected information to fulfill its statutorily mandated function of reviewing and adjudicating requests to export or temporarily import defense articles, defense services, and related technical data. Upon approval and implementation of the DS–7788 (1405–XXXX), the Department will discontinue the use of the following forms and associated Information Collections as the DS–7788 consolidates the existing DDTC Licensing Forms into one single form; DSP–5 (1405–0003), DSP–61 (1405–0013), DSP–85 (1405–0022), DSP–73 (1405–0023), DSP–6, 62, & 74 (1405–0092), DS–6004 (1405–0173), DS–4294 (1405–0142), 1405–0093 (no form).

Methodology

License and other authorization application submissions are made via a completed DS–7788, which may be accessed from DDTC's website and submitted electronically.

Anthony M. Dearth,

Chief of Staff, Directorate of Defense Trade Controls, U.S. Department of State.

[FR Doc. 2019–07889 Filed 4–18–19; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice: 10740]

Notice of a Shipping Coordination Committee Meeting

The Department of State will conduct an open meeting at 9 a.m. on May 8, 2019, in Room 6i10–01–c of the Douglas A. Munro Coast Guard Headquarters Building at St. Elizabeth's, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593.

The primary purpose of the meeting is to prepare for the 74th session of the International Maritime Organization's (IMO) Marine Environment Protection Committee to be held at the IMO Headquarters, United Kingdom, May 13–17, 2019.

The agenda items to be considered include:

—Adoption of the agenda
—Decisions of other bodies
—Consideration and adoption of amendments to mandatory instruments
—Harmful aquatic organisms in ballast water
—Air pollution and energy efficiency
—Further technical and operational measures for enhancing the energy efficiency of international shipping
—Reduction of GHG emissions from ships
—Follow-up work emanating from the Action Plan to address marine plastic litter from ships
—Identification and protection of Special Areas, ECAs and PSSAs
—Pollution prevention and response
—Reports of other sub-committees
—Technical cooperation activities for the protection of the marine environment
—Capacity building for the implementation of new measures
—Work program of the Committee and subsidiary bodies
—Application of the Committees' method of work
—Election of the Chair and Vice-Chair
—Any other business
—Consideration of the report of the Committee

Members of the public may attend this meeting up to the seating capacity of the room. Upon request to the meeting coordinator, members of the public may also participate via teleconference, up to the capacity of the teleconference phone line. To access the teleconference line, participants should call (202) 475–4000 and use Participant Code: 796 771 84. To facilitate the building security process, and to request reasonable accommodation, those who plan to attend should contact the meeting coordinator, LCDR Staci Weist, by email at *eustacia.y.weist@uscg.mil,* by phone at (202) 372–1372, or in writing at 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593–7509 not later than May 3, 2019, 5 days prior to the meeting. Requests made after May 3, 2019 might not be able to be accommodated. Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the Douglas A. Munro Coast Guard Headquarters Building. The Douglas A. Munro Coast Guard Headquarters Building is accessible by taxi, public transportation, and privately owned conveyance (upon request).

Gregory J. O'Brien,

Senior Oceans Policy Advisor, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2019–07866 Filed 4–18–19; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Delegation of Authority No. 468]

Delegation of Authority To Submit Report Consistent With Condition 10(C) of the U.S. Senate's Resolution of Advice and Consent to Ratification of the Chemical Weapons Convention

By virtue of the authority vested in the Secretary of State, including Section 1 of the State Department Basic Authorities Act, as amended (22 U.S.C. 2651a), Executive Order 13313, dated July 31, 2003, and to the extent authorized by law, I hereby delegate to the Under Chemical Weapons Convention Compliance, consistent with Condition 10(C) of the Resolution of Advice and Consent to Ratification of the Chemical Weapons Convention, adopted by the Senate on April 24, 1997.

Any act, executive order, regulation, or procedure subject to, or affected by, this delegation shall be deemed to be such act, executive order, regulation, or procedure as amended from time to time. Notwithstanding this delegation of authority, the Secretary or the Deputy Secretary may at any time exercise any authority or function delegated herein.

This delegation of authority shall be published in the **Federal Register**.

Dated: April 9, 2019.

Michael R. Pompeo,

Secretary of State, Department of State.

[FR Doc. 2019–07932 Filed 4–18–19; 8:45 am]

BILLING CODE 4710–10–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 1247 (Sub–No. 1X)]

Illinois Railway, LLC—Discontinuance of Service Exemption—in Ogle County, Ill.

Illinois Railway, LLC (IR), has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue common carrier service over approximately 11 miles of railroad between milepost 11.31 at Davis Junction (excluding the junction point with Soo Line Railroad Company, which will remain open for traffic

originating and terminating at points on IR north of Davis Junction) and milepost 0.29 at Flagg Center, all in Ogle County, Ill. (the Line). The Line traverses U.S. Postal Service Zip Codes 61068 and 61020.

IR has certified that: (1) No local traffic has moved over the Line for at least two years; (2) overhead traffic on the Line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by 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 (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) 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] to subsidize continued rail service has been received, this exemption will be effective on May 19, 2019, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2) [2] must be filed by April 29, 2019.[3] Petitions for reconsideration must be filed by May 9, 2019, with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to IR's representative, Bradon J. Smith, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606.

If the verified notice contains false or misleading information, the exemption is void ab initio.

Board decisions and notices are available at *www.stb.gov.*

Decided: April 16, 2019.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.

Regena Smith-Bernard,

Clarence Clerk.

[FR Doc. 2019–07893 Filed 4–18–19; 8:45 am]

BILLING CODE 4915–01–P

[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] Each OFA must be accompanied by the filing fee, which currently is set at $1,800. *See* CFR 1002.2(f)(25).

[3] Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Because there will be an environmental review during abandonment, this discontinuance does not require environmental review.

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36289]

3i RR Holdings GP LLC, 3i Holdings Partnership L.P., and 3i RR LLC—Control Exemption—Regional Rail Holdings, LLC

3i RR Holdings GP LLC, 3i Holdings Partnership L.P., and 3i RR LLC (3i RR),[1] all noncarriers, have filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to acquire control of Regional Rail Holdings, LLC (Regional Rail), a non-carrier holding company that indirectly controls three Class III rail carriers: East Penn Railroad, LLC; Middletown & New Jersey Railroad, LLC; and Tyburn Railroad LLC (the Subsidiary Railroads).[2] According to the verified notice, 3i RR intends to acquire 100% of the equity interests of Regional Rail in a transaction in which 3i RR's wholly owned noncarrier subsidiary, Coltrane Merger Sub, LLC, will merge with and into Regional Rail, with Regional Rail continuing as the surviving entity and as a wholly owned subsidiary of 3i RR.

The transaction is expected to be consummated on or after May 5, 2019, the effective date of the exemption.[3]

The verified notice states that: (i) The Subsidiary Railroads do not connect with each other; (ii) the subject acquisition of control is not intended to connect the Subsidiary Railroads with any railroad in the corporate family of 3i RR Holdings GP LLC, 3i Holdings Partnership L.P., and 3i RR; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. However, 49 U.S.C. 11326(c) does not provide for labor protection for transactions under 49 U.S.C. 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than April 26, 2019 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings referring to Docket No. FD 36289, must be filed with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Louis E. Gitomer, Law Offices of Louis E. Gitomer LLC, 600 Baltimore Ave., Suite 301, Towson, MD 21204.

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.

Regena Smith-Bernard,

Clearance Clerk.

[FR Doc. 2019–07891 Filed 4–18–19; 8:45 am]

BILLING CODE 4915–01–P

[1] The verified notice states that 3i RR Holdings GP LLC controls 3i Holdings Partnership L.P., which in turn controls 3i RR, and that none are carriers or are affiliated with carriers.

[2] In *Regional Rail Holdings, LLC—Acquisition of Control Exemption—Regional Rail, LLC,* Docket No. FD 35945, Regional Rail acquired control of Regional Rail, LLC, a holding company for the Subsidiary Railroads.

[3] On April 5, 2019, 3i RR Holdings GP LLC, 3i Holdings Partnership L.P., and 3i RR filed a motion for protective order under 49 CFR 1104.14(b), which will be addressed in a separate decision.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2019–0196]

Agency Information Collection Activities: Requests for Comments; Clearance of Approval of New Information Collection: For the Information Collection Entitled, Website for Frequency Coordination Request (WebFCR), Pursuant to FAA Order 6050.32B

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 allow a new information collection of a currently approved joint effort. The FAA has developed and deployed an information system, The Web-based Frequency Coordination Request (WebFCR) system to collect certain broadcast frequency information originally collected on form 7460–1, under OMB control number 2120–0001. It was determined that several broadcast applications from proponents not associated with construction, alterations and/or obstructions were not being properly captured with the required frequency data impacting the initiation of aeronautical studies.

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: Victor Hinton, Spectrum Engineering and Policy, Room 7E–333, 800 Independence Avenue, Washington DC 20591.

By fax: (202) 267–6056.

FOR FURTHER INFORMATION CONTACT: Victor Hinton by email at: *Victor.Hinton@faa.gov;* phone: (202) 267–7532.

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–XXXX.

Title: Website for Frequency Coordination Request (WebFCR) *webfcr.faa.gov.*

Form Numbers: Prior associated with FAA Form 7460–1.

Type of Review: Request for a new information collection.

Background: 49 U.S.C. Section 44718(c) under Broadcast Applications and Tower Studies states, ''In carrying out laws related to a broadcast application—the Administrator of the Federal Aviation Administration and the Federal Communications Commission shall take action necessary to coordinate efficiently—(1) The receipt and consideration of, and action on, the application; and (2) The completion of any associated aeronautical study. The previous broadcast radio frequency data via OMB Control 2120–0001 only addressed non-Federal requests related to construction, alterations and obstructions, not capturing military, federal agency broadcast applications which require consideration, analysis or aeronautical studies pursuant to 49 U.S.C. Section 44718(c).

Respondents: Approximately 1200 annually. The Respondents are engineers, analysts, consultants, stakeholders or federal agency managers, including military services, who have a need to transmit on a radio frequency which is within the National Telecommunications and Information Administration's (NTIA) Aviation Assignment Group (AAG) frequency band assigned to the FAA for civil aviation use. The response to this data collection is required for the proponent to obtain FAA concurrence to use a radio frequency that impacts civil aviation. The information collected through the WebFCR portal supports the engineering, modeling, validation and workflow management of the request to evaluate if the request interferes or impacts civil aviation operations pursuant to FAA Order 6050.32B.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: .2 hours.

Estimated Total Annual Burden: 240 hours.

Issued in Washington, DC, on April 15, 2019.

Victor D. Hinton,

Spectrum Engineer, Automation Lead, Spectrum Engineering and Policy, AJW–1C2.

[FR Doc. 2019–07838 Filed 4–18–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on the Hunts Point Interstate Access Improvement Project, Bronx County, New York

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other Federal agencies.

SUMMARY: This notice announces action taken by FHWA and other Federal agencies that are final. The actions relate to the Hunts Point Interstate Access Improvement Project located in Bronx County, New York.

DATES: By this notice, FHWA is advising the public of final agency actions subject to 23 U.S.C. 39(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before September 16, 2019. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Richard J. Marquis, Division Administrator, Federal Highway Administration, Leo W. O'Brien Federal Building, Albany, New York 12207, Telephone (518) 431–4127.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA and other Federal agencies have taken final agency actions by issuing approvals for the following highway project in the State of New York: Hunts Point Interstate Access Improvement Project, Bronx County, New York. The Hunts Point Interstate Access Improvement Project will include the creation of a split interchange at Edgewater Road and Leggett Avenue. Two new ramps to and from the westbound Bruckner Expressway will be constructed at Leggett Avenue, allowing westbound Bruckner Expressway traffic access to and egress from the Hunts Point Peninsula via Leggett Avenue. Three ramps to and from Edgewater Road will allow eastbound traffic from the Bruckner Expressway and southbound traffic from Sheridan Boulevard to access the Hunts Point Peninsula and will also allow traffic to exit the Hunts Point Peninsula onto northbound Sheridan Boulevard.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the FHWA Final Environmental Impact Statement

(FEIS) for the project, approved by FHWA in the Record of Decision (ROD) issued on April 9, 2019, and in other documents in the FHWA administrative record. The FEIS, ROD, and other documents in the FHWA administrative record files are available by contacting FHWA at the address provided above. The FEIS and ROD can also be viewed and downloaded from the project website at: *https://www.dot.ny.gov/southbronx/hunts-point.*

This notice applies to FHWA 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)] (Transportation Conformity).

3. *Noise:* Noise Control Act of 1972 [42 U.S.C. 4901 *et seq.*].

4. *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].

5. *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], Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*].

6. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

7. *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].

8. *Right of Way:* Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. 4601 *et seq.*].

9. *Wetlands and Water Resources:* Coastal Zone Management Act, 16 U.S.C. 1451–1465; 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); 33 U.S.C. 401–406; Flood Disaster Protection Act, 42 U.S.C. 4001–4128; Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251–1377].

10. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992(k).

11. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: April 11, 2019.

Richard J. Marquis,

Division Administrator, Albany, NY.

[FR Doc. 2019–07850 Filed 4–18–19; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Notice of Early Scoping for the Capital Metro Blue Line High Capacity Transit Corridor in Austin, Texas

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of early scoping meeting.

SUMMARY: The Federal Transit Administration (FTA) and the Capital Metropolitan Transportation Authority (Capital Metro) of Austin, Texas issue this early scoping notice to advise other agencies and the public that they intend to conduct early scoping for the Blue Line High Capacity Transit (HCT) Corridor. The Blue Line HCT Corridor is a 15.5-mile corridor connecting multiple activity centers between North Austin, Downtown Austin, East Riverside and the Austin Bergstrom International Airport. The entire corridor is being proposed for HCT dedicated pathways.

This notice invites public input to ongoing planning efforts for the Blue Line HCT Corridor by commenting on the project's purpose and need, the project study area, alternatives being considered, public participation and outreach methods, relevant transportation and community impacts and benefits being considered, potential environmental impacts, and the projected capital and operating costs of the project.

DATES: The public may learn more about the Blue Line HCT Corridor and provide comments at an early scoping meeting scheduled for: Monday, May 20, 2019, 3:00 to 7:00 p.m. Central Time at Austin Central Library, 710 W Cesar Chavez St., Austin, TX 78701.

Capital Metro is also providing notice of this early scoping meeting on Capital Metro's website (*capmetro.org*) and in the following publications:

- Austin American Statesman
- The Villager Newspaper
- The LaPrensa Newspaper

ADDRESSES: Public comments will be accepted at the early scoping meeting. In addition, comments may be sent electronically to: *bluelinefeedback@projectconnect.com.* Comments may be mailed to: Capital Metro Project Connect Office, Blue Line HCT Corridor Comments, 607 Congress Avenue, Austin, TX 78701. All comments are requested by June 28, 2019.

The meeting location is accessible to persons with disabilities. If translation, signing services, or other special accommodations are needed, please contact Courtney Black at (512) 457–1244 or via email at *courtney.black@capmetro.org.*

FOR FURTHER INFORMATION CONTACT: Terence Plaskon, FTA, phone: (817) 978–0573, email: *terence.plaskon@dot.gov* or Joe Clemens, AICP, Capital Metro, phone: (512) 369–6515, email: *joe.clemens@capmetro.org.*

SUPPLEMENTARY INFORMATION: The Blue Line HCT Corridor is included in Capital Metro's Project Connect Long-Term Vision Plan. Project Connect developed specifically targeted solutions that address existing service deficiencies and identified HCT investments that would add mobility options for the Central Texas region. Early scoping for the Blue Line HCT Corridor builds on previous Project Connect planning efforts and will examine potential alternatives to provide HCT in the Central Texas region.

The early scoping process is intended to support the formal National Environmental Policy Act (NEPA) scoping process. In addition, early scoping supports FTA planning requirements associated with the Capital Investment Grant funding

program. Capital Metro will comply with all relevant FTA requirements related to planning and project development to help analyze and screen alternatives in preparation for the NEPA process.

Early Scoping

Early Scoping is an optional early step in the NEPA process that precedes formal scoping, which begins when FTA publishes a notice of intent to prepare an environmental impact statement (EIS). FTA encourages the use of early scoping for major planning activities that may receive FTA funding to start the NEPA process during earlier project planning phases. Early scoping is intended to generate public and agency review and comments on the scope of a planning effort within a defined transportation corridor, which helps the agency to determine which alignment variations should receive more focused development to streamline the NEPA process. Early scoping can serve not only to streamline the NEPA process, but also to firmly link transportation planning and NEPA, ensuring that the public and interested agencies are given the opportunity to review and provide comments on the results of planning activities that can then be used to inform the NEPA process.

Project Connect Long-Term Vision Plan

Over the last 30 months, Capital Metro has been conducting the Project Connect System Plan per general guidelines of the Federal Planning and Environmental Linkages (PEL) process. Capital Metro intends to formalize the PEL process with the initiation of early scoping for the Blue Line HCT Corridor, so that the results of the PEL may be considered during the formal NEPA environmental review process.

Under this PEL process, Capital Metro will analyze alternatives that could be considered in an EIS, if warranted. The alternatives analysis will document the project's purpose and need, analyze a range of reasonable, feasible, and prudent alternatives, and identify a locally preferred alternative (LPA) in accordance with the Council on Environmental Quality's and FTA's regulations and guidance for implementing NEPA (40 CFR 1501.2 through 1501.8 and 23 CFR 771.111, respectively), which encourages Federal agencies to initiate NEPA early in their planning processes.

Early scoping allows the scoping process to begin as soon as there is enough information to describe the proposal so that the public and relevant agencies can participate effectively. This notice opens early scoping and invites public and agency involvement with ongoing planning activities and studies for the Blue Line HCT Corridor, including review of the (a) purpose and need, (b) the proposed alternatives, and (c) the potential environmental, transportation, and community impacts and benefits to consider during the NEPA process.

Purpose and Need for the Proposed Project

Capital Metro invites comments on the following preliminary statement of the project's purpose and need: The purpose of the project is to build high capacity transit along Trinity Street, over the Colorado River, and along East Riverside Drive that provides faster, more reliable travel to, from, and between North Austin, University of Texas, Downtown Austin, East Riverside, and Austin Bergstrom International Airport. The purpose is in response to the following needs in the corridor:

- The need to connect activity centers and manage future growth with improved transit;
- the need to provide better transit options linking affordable housing and jobs;
- the need to connect employers and employees along the corridor with fast and reliable transit;
- the need to ensure inter-operability between the Blue Line and future corridors; and
- the need to respond to explosive growth in airport travel that warrants improved transit to Austin Bergstrom International Airport.

Potential Alternatives

During the early scoping process, all reasonable alternatives under consideration will be evaluated in terms of their transportation impacts, capital and operating costs, social, economic, and environmental impacts, and technical consideration. Capital Metro will continue to analyze alternative transit modes, alignment, and design options for HCT in the Blue Line Corridor. Capital Metro will seek to identify a broad range of alternatives, consistent with the project's purpose and need. The alternatives will include a No Build Alternative, as well as the following proposed alternatives:

- Baseline Alternative (MetroBus Route 20 with transit speed and reliability improvements);
- Dedicated Pathways Bus Rapid Transit (BRT);
- Dedicated Pathways Light Rail Transit (LRT); and
- Dedicated Pathways Autonomous Rapid Transit (ART).

At the end of the early scoping process, FTA and Capital Metro anticipate identifying a preferred mode and alignment as the LPA for further evaluation during the formal NEPA process. If an EIS is warranted, FTA will publish a Notice of Intent in the **Federal Register** and the public and interested agencies will have the opportunity to participate in a review and comment period on the scope of the EIS.

Gail Lyssy,

Deputy Regional Administrator, FTA Region VI.

[FR Doc. 2019–07855 Filed 4–18–19; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2019–0001]

Pipeline Safety: Information Collection Activities, Gas and Liquid Pipeline Safety Program Certification

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the information collection requests abstracted below are being forwarded to the Office of Management and Budget (OMB) for review and comment. PHMSA will request an extension with no change for the information collections identified by OMB control numbers 2137–0610, 2137–0624, and 2137–0625, which are due to expire on April 30, 2019. PHMSA will also request an extension with no change for the information collection identified by OMB Control number 2137–0589, which is due to expire on July 31, 2019. A **Federal Register** notice with a 60-day comment period soliciting comments on these information collections was published on February 11. 2019.

DATES: Interested persons are invited to submit comments on or before May 20, 2019.

ADDRESSES: Submit comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Angela Hill by telephone at 202–366–

1246, by email at *angela.dow@dot.gov,* or by mail at DOT, PHMSA, 1200 New Jersey Avenue SE, PHP–30, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: Section 1320.8(d), Title 5, Code of Federal Regulations, requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. In accordance with this regulation, on February 11, 2019, (84 FR 3278) PHMSA published a **Federal Register** notice with a 60-day comment period soliciting comments on the information collection. In response, PHMSA received no comments.

The following information is provided for each information collection: (1) Title of the information collection; (2) OMB control number; (3) Current expiration date; (4) Type of request; (5) Abstract of the information collection activity; (6) Description of affected public; (7) Estimate of total annual reporting and recordkeeping burden; and (8) Frequency of collection. PHMSA will request a three-year term of approval for each information collection activity.

1. *Title:* Pipeline Integrity Management in High Consequence Areas Gas Transmission Pipeline Operators.

OMB Control Number: 2137–0610.

Current Expiration Date: 4/30/2019.

Type of Request: Extension without change of a currently approved collection.

Abstract: This information collection request pertains to gas transmission operators subject to 49 CFR part 192 Subpart O—Gas Transmission Integrity Management Program. Pipeline safety regulations in § 192.907 require gas transmission operators subject to part 192 subpart O to develop and follow a written integrity management program that contains all the elements described in § 192.911. Gas transmission operators subject to these regulations must also maintain records that demonstrate compliance with subpart O, as described in § 192.947, for the life of the pipeline. PHMSA or state regulators may review the records as a part of inspections. Gas transmission operators are also required to report to PHMSA certain actions related to their integrity management program.

Affected Public: Gas transmission operators.

Annual Reporting and Recordkeeping Burden:

Estimated number of responses: 733.

Estimated annual burden hours: 1,018,807.

Frequency of collection: On occasion.

2. *Title:* Control Room Management/Human Factors

OMB Control Number: 2137–0624.

Current Expiration Date: 4/30/2019.

Type of Request: Extension without change of a currently approved collection.

Abstract: Sections 192.631 and 195.446 address human factors and other components of control room management. These regulations require operators of hazardous liquid pipelines and gas pipelines to develop and implement a human factors management plan designed to reduce risk associated with human factors in each control room.

Affected Public: Operators of both natural gas and hazardous liquid pipeline systems.

Annual Reporting and Recordkeeping Burden:

Estimated number of responses: 2,702.

Estimated annual burden hours: 127,328.

Frequency of Collection: On occasion.

3. *Title:* Pipeline Safety: Integrity Management Program for Gas Distribution Pipelines

OMB Control Number: 2137–0625.

Current Expiration Date: 4/30/2019.

Type of Request: Extension without change of a currently approved collection.

Abstract: Section 192.1005 requires operators of gas distribution pipelines to develop and implement integrity management (IM) programs. The purpose of these programs is to enhance safety by identifying and reducing pipeline integrity risks. In accordance with § 192.1011, PHMSA requires that operators maintain records demonstrating compliance with these requirements for 10 years and that these records must include superseded IM plans.

Affected Public: Operators of gas distribution pipeline systems.

Annual Reporting and Recordkeeping Burden:

Estimated number of responses: 9,343

Estimated annual burden hours: 865,178.

Frequency of collection: On occasion.

4. *Title:* Response Plans for Onshore Oil Pipelines.

OMB Control Number: 2137–0589.

Current Expiration Date: 7/31/2019.

Type of Request: Revision of a currently approved information collection.

Abstract: Part 194 requires an operator of an onshore oil pipeline facility to prepare and submit an oil spill response plan to PHMSA for review and approval. This revision only updates the number of respondents to accurately reflect the current usage of this collection.

Affected Public: Operators of onshore oil pipeline facilities.

Annual Reporting and Recordkeeping Burden:

Estimated number of responses: 540.

Estimated annual burden hours: 73,980.

Frequency of collection: On occasion.

Comments to OMB are invited on:

(a) The need for the proposed information, including whether the information will have practical utility in helping the agency to achieve its pipeline safety goals;

(b) The accuracy of the agency's estimate of the burden of the proposed collection;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued in Washington, DC on April 16, 2019, under authority delegated in 49 CFR 1.97.

John A. Gale,

Director, Standards and Rulemaking Division.

[FR Doc. 2019–07925 Filed 4–18–19; 8:45 am]

BILLING CODE 4909–60–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Joint notice and request for comment.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the OCC, the Board, and the FDIC (the agencies) may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The Federal Financial

Institutions Examination Council (FFIEC), of which the agencies are members, has approved the agencies' publication for public comment of a proposal to revise and extend for three years the Consolidated Reports of Condition and Income for a Bank with Domestic and Foreign Offices (FFIEC 031), the Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only (FFIEC 041), and the Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only and Total Assets Less than $1 Billion (FFIEC 051), which are currently approved collections of information. The Consolidated Reports of Condition and Income are commonly referred to as Call Reports.

The proposed revisions in this notice would implement reporting changes in the Call Reports consistent with the agencies' proposed rule to develop a simplified alternative measure of capital adequacy, the community bank leverage ratio, for certain qualifying community banks with less than $10 billion in total consolidated assets, consistent with section 201 of the Economic Growth, Regulatory Relief, and Consumer Protection Act.

The proposed revisions in this notice would also implement reporting changes consistent with the FDIC's proposed rule to amend the deposit insurance assessment regulations to apply the community bank leverage ratio framework to the deposit insurance assessment system.

The proposed revisions in this notice would take effect the same quarter as the effective date of the forthcoming final rules on the community bank leverage ratio and the related deposit insurance assessment revisions. At the end of the comment period for this notice, the FFIEC and the agencies will review any comments received to determine whether to modify the proposal in response to comments. If modifications are made to the proposed community bank leverage ratio or deposit insurance assessment rules when those rules are adopted in final form, the agencies would modify the Call Report proposal to incorporate such changes. As required by the PRA, the agencies will then publish a second **Federal Register** notice on the proposal for a 30-day comment period and submit the final Call Reports to OMB for review and approval.

DATES: Comments must be submitted on or before June 18, 2019.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the ''CBLR Reporting Revisions,'' will be shared among the agencies.

OCC: You may submit comments, which should refer to ''CBLR Reporting Revisions,'' by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Office of the Comptroller of the Currency, Attention: 1557–0081, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

Instructions: You must include ''OCC'' as the agency name and ''1557–0081'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection by any of the following methods:

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu select ''Department of Treasury'' and then click ''submit''. This information collection can be located by searching by OMB control number ''1557–0081'' or ''CBLR Reporting Revisions''. Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.
- *Viewing Comments Personally:* You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.

Board: You may submit comments, which should refer to ''CBLR Reporting Revisions,'' by any of the following methods:

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

All public comments are available on the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

FDIC: You may submit comments, which should refer to ''CBLR Reporting Revisions,'' by any of the following methods:

- *Agency Website: https://www.fdic.gov/regulations/laws/federal/.* Follow the instructions for submitting comments on the FDIC's website.
- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: comments@FDIC.gov.* Include ''CBLR Reporting Revisions'' in the subject line of the message.
- *Mail:* Manuel E. Cabeza, Counsel, Attn: Comments, Room MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

• *Public Inspection:* All comments received will be posted without change to *https://www.fdic.gov/regulations/laws/federal/* including any personal information provided. Paper copies of public comments may be requested from the FDIC Public Information Center by telephone at (877) 275–3342 or (703) 562–2200.

Additionally, commenters may send a copy of their comments to the OMB desk officer for the agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503; by fax to (202) 395–6974; or by email to *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: For further information about the proposed revisions to the information collections discussed in this notice, please contact any of the agency staff whose names appear below. In addition, copies of the Call Report forms can be obtained at the FFIEC's website (*https://www.ffiec.gov/ffiec_report_forms.htm*).

OCC: Kevin Korzeniewski, Counsel, Chief Counsel's Office, (202) 649–5490, or for persons who are hearing impaired, TTY, (202) 649–5597.

Board: Nuha Elmaghrabi, Federal Reserve Board Clearance Officer, (202) 452–3884, Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may call (202) 263–4869.

FDIC: Manuel E. Cabeza, Counsel, (202) 898–3767, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

I. Background

A. Overview of the Proposed Regulatory Capital Rule: Community Bank Leverage Ratio for Qualifying Community Banks

The agencies proposed a rule to provide a simplified alternative measure of capital adequacy, the community bank leverage ratio (CBLR), for qualifying community banks with less than $10 billion in total consolidated assets (CBLR proposed rule),[1] consistent with section 201 of the Economic Growth, Regulatory Relief, and Consumer Protection Act.[2]

Under the CBLR proposed rule, banks and savings associations (collectively, banks) that have less than $10 billion in total consolidated assets, meet risk-based qualifying criteria, and have a CBLR of greater than 9 percent would be eligible to opt into a community bank leverage ratio framework (CBLR framework). A bank that opts into the CBLR framework and maintains a CBLR of greater than 9 percent (CBLR bank) would not be subject to other risk-based and leverage capital requirements and, in the case of an insured depository institution (IDI), would be considered to have met the well capitalized capital ratio requirements for purposes of the agencies' prompt corrective action (PCA) framework. As described in the CBLR proposed rule, if such CBLR bank's CBLR subsequently falls to 9 percent or less, the CBLR bank would become subject to the same restrictions, based on its CBLR level, that currently apply to other IDIs in the same PCA category. Further, if such CBLR bank's CBLR declines to less than 6 percent, the institution would be considered significantly undercapitalized and required to promptly provide to its appropriate regulators information necessary to calculate the tangible equity ratio as defined under the existing PCA framework for IDIs. Additionally, under the CBLR proposed rule, the appropriate regulators may require the information necessary to determine the institution's PCA tangible equity ratio at any time.

Under the CBLR proposed rule, a CBLR bank may opt out of the CBLR framework and use the generally applicable capital requirements in the agencies' capital rules[3] by reporting its regulatory capital information in Call Report Schedule RC–R, ''Regulatory Capital,'' Parts I and II. Additionally, the agencies note that a CBLR bank may opt out of the CBLR framework between reporting periods by producing the capital ratios under the generally applicable capital requirements to its appropriate regulators at the time of opting out.

As described in the CBLR proposed rule, a bank that no longer meets the qualifying criteria for the CBLR framework would be required within two consecutive calendar quarters (grace period) either to once again satisfy the qualifying criteria or demonstrate compliance with the generally applicable capital requirements. The grace period would begin as of the end of the calendar quarter in which a bank ceases to satisfy the qualifying criteria and end after two consecutive calendar quarters. During the grace period, the bank would continue to be treated as a CBLR bank and would be required to report CBLR on the CBLR reporting schedule described in this notice. A CBLR bank that ceases to meet the qualifying criteria as a result of a business combination (*e.g.,* a merger) would receive no grace period, and immediately become subject to the generally applicable capital requirements.

B. Overview of the Proposed Revisions to the Deposit Insurance Assessment Regulations To Incorporate the CBLR Framework

On February 21, 2019, the FDIC published a proposed rule[4] (CBLR Assessments proposed rule) to amend the deposit insurance assessment regulations to incorporate the CBLR framework into the deposit insurance assessment system. Under the CBLR Assessments proposed rule, the FDIC would assess all IDIs that are CBLR banks as small institutions for the purpose of deposit insurance assessments.

For the CBLR, the proposed amendments to the assessment regulations would define ''tangible equity'' for deposit insurance assessment purposes to mean either CBLR tangible equity or Tier 1 capital, and would define the Leverage Ratio that the FDIC uses to calculate a small institution's assessment rate as the higher of either the CBLR or the Tier 1 leverage ratio.

The CBLR Assessments proposed rule would clarify that (1) an IDI that is a CBLR bank and meets the definition of a custodial bank[5] would have no change to its custodial bank deduction or reporting items on Call Report Schedule RC–O, ''Other Data for Deposit Insurance and FICO Assessments,'' required to calculate the custodial bank deduction; and (2) the assessment regulations would continue to reference the PCA regulations for the definitions of capital categories used in the deposit insurance assessment system, with technical amendments to align with the CBLR proposed rule.

C. Proposed Reporting Revisions

In this notice, the agencies are proposing reporting revisions to the Call Reports for banks that qualify for and opt into the CBLR framework, consistent with the CBLR proposed rule.[6] The agencies also are proposing reporting revisions for such banks that are IDIs for purposes of the deposit insurance

[1] 84 FR 3062 (February 8, 2019).

[2] Public Law 115–174, 132 Stat. 1296 (2018).

[3] 12 CFR part 3 (OCC); 12 CFR part 217 (Board); 12 CFR part 324 (FDIC).

[4] 84 FR 5380 (February 21, 2019).

[5] *See* 12 CFR 327.5(c)(1).

[6] In connection with the CBLR proposed rule, the Federal Reserve Board will separately propose to make corresponding revisions to the Consolidated Financial Statements for Holding Companies (FR Y–9C).

assessment regulations, consistent with the CBLR Assessments proposed rule. Any changes to these proposed rules made in final rules that affect reporting would be reflected in a subsequent 30-day PRA notice related to the CBLR and related assessments reporting revisions that would be published in the **Federal Register**. Interested persons who seek to submit comments on the CBLR proposed rule or the CBLR Assessments proposed rule should comment on the respective proposed rules, rather than on this notice, which only addresses the related reporting revisions.

The reporting changes proposed in this notice would take effect in the same quarter as the effective date of the final rules adopting the CBLR framework and the related amendments to the deposit insurance assessment regulations.

II. Call Report Overview

The agencies propose to extend for three years, with revision, the FFIEC 031, FFIEC 041, and FFIEC 051 Consolidated Reports of Condition and Income.

Report Title: Consolidated Reports of Condition and Income (Call Report).

Form Numbers: FFIEC 031 (for banks and savings associations with domestic and foreign offices or domestic offices only and total consolidated assets of $100 billion or more), FFIEC 041 (for banks and savings associations with domestic offices only and total consolidated assets of less than $100 billion, except those that file the FFIEC 051), and FFIEC 051 (for banks and savings associations with domestic offices only and total assets less than $1 billion).

Frequency of Response: Quarterly.

Affected Public: Business or other for-profit.

OCC

OMB Control No.: 1557–0081.

Estimated Number of Respondents: 1,178 national banks and federal savings associations.

Estimated Average Burden per Response: 39.62 burden hours per quarter to file.

Estimated Total Annual Burden: 186,689 burden hours to file.

Board

OMB Control No.: 7100–0036.

Estimated Number of Respondents: 794 state member banks.

Estimated Average Burden per Response: 43.54 burden hours per quarter to file.

Estimated Total Annual Burden: 138,283 burden hours to file.

FDIC

OMB Control No.: 3064–0052.

Estimated Number of Respondents: 3,483 insured state nonmember banks and state savings associations.

Estimated Average Burden per Response: 38.37 burden hours per quarter to file.

Estimated Total Annual Burden: 534,571 burden hours to file.

The estimated average burden hours collectively reflect the estimates for the FFIEC 031, the FFIEC 041, and the FFIEC 051 reports. When the estimates are calculated by type of report across the agencies, the estimated average burden hours per quarter are 93.65 (FFIEC 031), 48.89 (FFIEC 041), and 33.65 (FFIEC 051). The burden hours for the currently approved reports are 95.47 (FFIEC 031), 55.71 (FFIEC 041), and 39.77 (FFIEC 051),[7] so the revisions in this notice would represent a reduction in estimated average burden hours per quarter by 1.83 (FFIEC 031), 6.82 (FFIEC 041), and 6.12 (FFIEC 051). The reduction in average burden hours is significantly less for the FFIEC 031 than for the FFIEC 041 or the FFIEC 051 because greater percentages of institutions that would be eligible to use the proposed CBLR schedule currently file the FFIEC 041 or the FFIEC 051 than the FFIEC 031. The estimated burden per response for the quarterly filings of the Call Report is an average that varies by agency because of differences in the composition of the banks and savings associations under each agency's supervision (*e.g.,* size distribution of such institutions, types of activities in which they are engaged, and existence of foreign offices).

Type of Review: Extension for three years, with revision, of currently approved collections.

Statutory Basis and Confidential Treatment

The Call Report information collections are mandatory: 12 U.S.C. 161 (for national banks), 12 U.S.C. 324 (for state member banks), 12 U.S.C. 1817 (for insured state nonmember banks), and 12 U.S.C. 1464 (for federal and state savings associations). At present, except for selected data items and text, these information collections are not given confidential treatment.

General Description of Call Reports

Banks and savings associations submit Call Report data to the agencies each quarter for the agencies' use in monitoring the condition, performance, and risk profile of individual institutions and the industry as a whole. Call Report data serve a regulatory or public policy purpose by assisting the agencies in fulfilling their shared missions of ensuring the safety and soundness of financial institutions and the financial system and protecting consumer financial rights, as well as agency-specific missions affecting national and state-chartered institutions, such as conducting monetary policy, ensuring financial stability, and administering federal deposit insurance. Call Reports are the source of the most current statistical data available for identifying areas of focus for on-site and off-site examinations. Among other purposes, the agencies use Call Report data in evaluating institutions' corporate applications, including interstate merger and acquisition applications for which the agencies are required by law to determine whether the resulting institution would control more than 10 percent of the total amount of deposits of IDIs in the United States. Call Report data also are used to calculate institutions' deposit insurance assessments and Financing Corporation assessments and national banks' and federal savings associations' semiannual assessment fees.

III. Specific Proposed Revisions

A. Proposed Reporting Revisions Related to the Proposed CBLR Rule

1. CBLR Reporting Schedule

As described in the proposed CBLR rule, a CBLR bank would not be required to report its regulatory capital information on Call Report Schedule RC–R, Parts I and II. Instead, a CBLR bank would report the information necessary for the calculation of the CBLR and the qualifying criteria for eligibility for the CBLR framework in a proposed new CBLR schedule, which would be added to Schedule RC–R.[8]

Specifically, the agencies propose to add a new CBLR reporting schedule as Schedule RC–R, CBLR, which would be included immediately preceding Schedule RC–R, Parts I and II. CBLR banks would only be required to fill out Schedule RC–R, CBLR. If a CBLR bank chooses to opt out of the CBLR framework, it would stop reporting Schedule RC–R, CBLR, and instead would complete Schedule RC–R, Parts I and II.

[7] 84 FR 4131 (February 14, 2019).

[8] Before a bank first files proposed Schedule RC–R, CBLR, as part of its Call Report, the bank would need to calculate some of the items on proposed Schedule RC–R, CBLR, to determine whether it is initially eligible to use the CBLR, and the burden for those calculations is included in the agencies' estimates. However, if a bank is not eligible to use the CBLR, or is not within the 6-month grace period after failing to meet the CBLR criteria (as described above), the bank would not report any items on the proposed Schedule RC–R, CBLR, and instead would complete Schedule RC–R, Parts I and II.

The agencies seek comment on the proposed location of Schedule RC–R, CBLR. The agencies also seek views on any alternatives for CBLR reporting within the Call Report forms to ease potential regulatory compliance burden.

The specific wording of the captions for the data items in proposed Schedule RC–R, CBLR, and the numbering of these data items should be regarded as preliminary.

2. CBLR Numerator

As provided in the CBLR proposed rule, the numerator of the CBLR ratio would be CBLR tangible equity. CBLR tangible equity would be calculated as a CBLR bank's total bank equity capital with specific adjustments. A CBLR bank would start with its total bank equity capital as of the quarter-end report date, determined in accordance with the reporting instructions to Schedule RC, item 27.a, of the Call Report. The CBLR bank would then adjust total bank equity capital by: Neutralizing accumulated other comprehensive income (AOCI); deducting all intangible assets (other than mortgage servicing assets (MSAs)); and deducting deferred tax assets (DTAs), net of any related valuation allowances, that arise from net operating loss and tax credit carryforwards, each as of the quarter-end report date.[9] The CBLR bank would report these items to calculate CBLR tangible equity on the proposed CBLR Schedule, items 1 through 6.

Specifically, in proposed item 1, a CBLR bank would report its total bank equity capital, as it is reported in Schedule RC, item 27.a. This amount would not include any equity capital attributable to noncontrolling interests in consolidated subsidiaries.

In proposed item 2, a CBLR bank would report AOCI, as it is reported in Schedule RC, item 26.b.

In proposed item 3, a CBLR bank would report its goodwill, as it is reported in Schedule RC–M, item 2.b.

In proposed item 4, a CBLR bank would report all other intangible assets, as they are reported in Schedule RC–M, item 2.c.

In proposed item 5, a CBLR bank would report the amount of DTAs that arise from net operating loss and tax credit carryforwards, net of any related valuation allowances. The calculation of these DTAs would be consistent with the calculation of the Call Report instructions for Schedule RC–R, Part I, item 8, with the exception that deferred tax liabilities would not be netted against the DTAs reported in this proposed item 5.

In proposed item 6, a CBLR bank would calculate its CBLR tangible equity by subtracting proposed items 2, 3, 4, and 5 from proposed item 1. Subtracting proposed item 2 (*i.e.,* adding back any AOCI with a negative (debit) balance or subtracting any AOCI with a positive (credit) balance) would have the effect of neutralizing AOCI for CBLR tangible equity purposes.

3. CBLR Denominator

As provided in the CBLR proposed rule, the denominator of the CBLR would be CBLR average total consolidated assets. Specifically, CBLR average total consolidated assets would be calculated in accordance with the reporting instructions to Schedules RC–K, item 9, on the Call Report, less the items deducted from the CBLR numerator, except for the AOCI adjustment. CBLR banks would report the items to calculate the denominator on proposed Schedule RC–R, CBLR, items 7 through 9.

In proposed item 7, a CBLR bank would report its average total assets, as reported in Schedule RC–K, item 9.

In proposed item 8, a CBLR bank would report the sum of proposed items 3, 4, and 5, described above.

In proposed item 9, a CBLR bank would calculate its CBLR average total consolidated assets by subtracting proposed item 8 from proposed item 7.

4. CBLR Ratio

In proposed item 10, a CBLR bank would calculate its CBLR by dividing proposed

item 6 (CBLR tangible equity) by proposed item 9 (CBLR average total consolidated assets). The CBLR ratio would be reported as a percentage with four decimal places.

5. Qualifying Criteria for Using the CBLR Framework

As provided in the CBLR proposed rule, a bank would need to satisfy certain qualifying criteria in order to be eligible to opt into the CBLR framework. The proposed items identified below would collect information necessary to ensure that a bank continuously meets the qualifying criteria for using the CBLR framework.

Specifically, a CBLR bank would be a bank that is not an advanced approaches bank[10] and meets the following qualifying criteria:

- Total consolidated assets of less than $10 billion;
- Total off-balance sheet exposures (excluding derivatives other than credit derivatives and unconditionally cancelable commitments) of 25 percent or less of total consolidated assets;
- Total trading assets and trading liabilities of 5 percent or less of total consolidated assets;
- MSAs of 25 percent or less of CBLR tangible equity; and
- Temporary difference DTAs of 25 percent or less of CBLR tangible equity.[11]

Accordingly, the agencies propose collecting the items described below.

In proposed item 11, a CBLR bank would report total assets, as it is reported in Call Report Schedule RC, item 12.

In proposed item 12, a CBLR bank would report MSAs from Schedule RC–M, item 2.a, in Column B, and as divided by proposed Schedule RC–R, CBLR, item 6 (CBLR tangible equity), and expressed as a percentage in Column A. As provided in the CBLR proposed rule, a bank would not meet the definition of a qualifying community bank for purposes of the CBLR framework if this percentage is greater than 25 percent.

In proposed item 13, a CBLR bank would report DTAs arising from temporary differences that the bank could not realize through net operating loss carrybacks, net of any related valuation allowances, in Column B, and as divided by proposed Schedule RC–R, CBLR, item 6 (CBLR tangible equity), and expressed as a percentage in Column A. The calculation of these DTAs would be consistent with the calculation of these DTAs set forth in the existing Call Report instructions for Schedule RC–R, Part I, item 15, with the exception that deferred tax liabilities would not be netted against the DTAs

[9] Solely for purposes of the FDIC's proposed definition of CBLR tangible equity, FDIC-supervised institutions that opt into the CBLR framework must deduct identified losses as defined in 12 CFR 324.2 (to the extent that CBLR tangible equity would have been reduced if the appropriate accounting entries to reflect the identified losses had been recorded on the FDIC-supervised institution's books).

[10] In general, an advanced approaches bank, as defined in the agencies' capital rule, has consolidated total assets equal to $250 billion or more, has consolidated total on-balance sheet foreign exposure equal to $10 billion or more, is a subsidiary of a depository institution or holding company that uses the advanced approaches to calculate its total risk-weighted assets, or elects to use the advanced approaches to calculate its total risk-weighted assets. *See* 12 CFR 3.100 (OCC); 12 CFR 217.100 (Board); 12 CFR 324.100 (FDIC).

[11] As provided in the CBLR proposed rule, the agencies would reserve the authority to disallow the use of the CBLR framework by a depository institution, based on the risk profile of the bank. This authority would be reserved under the general reservation of authority included in the capital rule, in which the CBLR framework would be codified. *See* 12 CFR 3.1(d) (OCC); 12 CFR 217.1(d) (Board); 12 CFR 324.1(d) (FDIC).

used in the calculation of this proposed item 13. As discussed in the CBLR proposed rule, a bank would not meet the definition of a qualifying community bank for purposes of the CBLR framework if the percentage to be reported in Column A is greater than 25 percent.

In proposed item 14, a CBLR bank would report the sum of trading assets from Schedule RC, item 5, and trading liabilities from Schedule RC, item 15, in Column B. The bank would also report that sum divided by total assets from Schedule RC, item 12, and expressed as a percentage in Column A. As provided in the CBLR proposed rule, trading assets and trading liabilities would be added together, not netted, for purposes of this calculation. Also as discussed in the CBLR proposed rule, a bank would not meet the definition of a qualifying community bank for purposes of the CBLR framework if the percentage to be reported in Column A is greater than 5 percent.

In proposed items 15.a through 15.c, a CBLR bank would report information related to commitments and other off-balance sheet exposures.

In proposed item 15.a, a CBLR bank would report the unused portion of conditionally cancelable commitments. This amount would be the amount of all unused commitments less the amount of unconditionally cancelable commitments, as discussed in the CBLR proposed rule and defined in the agencies' capital rule.[12] This item would be calculated consistent with the sum of Schedule RC–R, Part II, items 18.a and 18.b, Column A.

In proposed item 15.b, a CBLR bank would report total securities lent and borrowed, which would be the sum of Schedule RC–L, items 6.a and 6.b.

In proposed item 15.c, a CBLR bank would report the sum of certain other off-balance sheet exposures. Specifically, a CBLR bank would report the sum of self-liquidating, trade-related contingent items that arise from the movement of goods; transaction-related contingent items (performance bonds, bid bonds, warranties, and performance standby letters of credit); sold credit protection in the form of guarantees and credit derivatives; credit-enhancing representations and warranties; financial standby letters of credit; forward agreements that are not derivative contracts; and off-balance sheet securitizations. A CBLR bank would not include derivatives that are not credit derivatives, such as foreign exchange swaps and interest rate swaps, in this item.

In proposed item 15.d, a CBLR bank would report the sum of proposed items 15.a through 15.c in Column B. The bank would also report that sum divided by total assets from Schedule RC, item 12, and expressed as a percentage in Column A. As discussed in the CBLR proposed rule, a bank would not be eligible to opt into the CBLR framework if this percentage is greater than 25 percent.

In proposed item 16, a CBLR bank would report the total of unconditionally cancellable commitments, which would be calculated consistent with the instructions for existing Schedule RC–R, Part II, item 19. This item is not used specifically to calculate a bank's eligibility for the CBLR framework. However, the agencies are collecting this information to identify any bank using the CBLR framework that may have significant or excessive concentrations in unconditionally cancellable commitments that would warrant the agencies' use of the reservation of authority in their capital rule to direct an otherwise-eligible CBLR bank to report its regulatory capital using the generally applicable capital requirements.[13]

B. Proposed Reporting Revisions Related to the CBLR Assessments Proposed Rule

As described above, under the CBLR Assessments proposed rule, the FDIC would assess all IDIs that are CBLR banks as ''small institutions'' for the purpose of deposit insurance assessments. The FDIC assesses all IDIs an amount for deposit insurance equal to an institution's deposit insurance assessment base multiplied by its risk-based assessment rate. Under the current risk-based deposit insurance assessment system, an IDI's assessment base and risk-based assessment rate depend in part on the amounts reported in a number of data items currently collected from all IDIs on Call Report Schedules RC–O and RC–R, including Tier 1 capital, the Tier 1 leverage ratio, and certain risk-weighted assets.[14] Under the CBLR proposed rule, a CBLR bank would no longer report several of these items on Schedule RC–R, Parts I and II, of the Call Reports.

For some institutions, the use of the CBLR or CBLR tangible equity may result in a higher assessment. To minimize or eliminate any resulting increase in assessments that may arise without a change in risk, the agencies are proposing amendments to the reporting form and corresponding instructions for Call Report Schedule RC–O to allow CBLR banks the option to use Tier 1 capital or the Tier 1 leverage ratio for deposit insurance assessment purposes. The proposed amendments would impact only those IDIs that are CBLR banks, as detailed below.

IDIs that are not CBLR banks would not be affected by the proposed changes described below and would continue reporting their assessment-related data on Schedule RC–O without any change.

1. Average Tangible Equity for the Calendar Quarter

Consistent with the CBLR Assessments proposed rule, IDIs that are CBLR banks would have the option to use either Tier 1 capital or CBLR tangible equity when reporting ''average tangible equity'' on Schedule RC–O for purposes of the assessment base calculation. Accordingly, the agencies are proposing to retain Schedule RC–O, item 5, ''Average tangible equity for the calendar quarter,'' and to amend the corresponding instructions and the corresponding footnote on the reporting form consistent with the amendment to the definition of ''average tangible equity'' in the CBLR Assessments proposed rule. The amendments to the instructions and corresponding footnote would define ''average tangible equity'' in Schedule RC–O, item 5, as Tier 1 capital as set forth in the agencies' regulatory capital rules and measured in accordance with the instructions for Schedule RC–R, Part I, item 26, ''Tier 1 capital,'' except as otherwise described in the instructions for Schedule RC–O, item 5, and except in the case of IDIs that are CBLR banks. The instructions would specify that IDIs that are CBLR banks have the option of reporting ''average tangible equity'' in Schedule RC–O, item 5, using either the Tier 1 capital definition from Schedule RC–R, Part I, item 26, or CBLR tangible equity as proposed and in accordance with the instructions for the proposed Schedule RC–R, CBLR, item 6, except as described in the instructions for Schedule RC–O.

The instructions for Schedule RC–O, item 5, would further clarify that the Call Report changes corresponding to the CBLR proposed rule would exempt IDIs that are CBLR banks from the requirement to report on the existing Schedule RC–R, Part I, the components of regulatory capital used in the calculation of the Tier 1 leverage ratio or risk-based capital ratios, such as Tier 1 capital or risk weighted assets. If an

[12] *See* definition of ''unconditionally cancellable'' in 12 CFR 3.2 (OCC); 12 CFR 217.2 (Board); 12 CFR 324.2 (FDIC).

[13] Other factors also may lead the agencies to determine that the risk profile of an otherwise-eligible CBLR bank would warrant the use of the reservation of authority.

[14] *See* 12 CFR part 327.

IDI that is a CBLR bank elects to use Tier 1 capital for purposes of calculating its assessment base in lieu of CBLR tangible equity, the IDI would measure Tier 1 capital for purposes of reporting average tangible equity in Schedule RC–O, item 5, in accordance with the instructions for Schedule RC–R, Part I, item 26, ''Tier 1 capital.''

2. Clarification Pertaining to the Custodial Bank Deduction

The CBLR Assessments proposed rule would clarify that for any IDI that is a CBLR bank and meets the definition of a custodial bank under the assessment regulations, there would be no change in the reporting on Schedule RC–O that is necessary to calculate and receive the custodial bank deduction under the assessment regulations.[15] A CBLR bank that also meets the definition of a custodial bank under the assessment regulations would continue to report items related to the custodial bank deduction on Schedule RC–O of the Call Report.

In Schedule RC–O, item 11.a, ''Custodial bank deduction,'' an institution that meets the definition of a custodial bank under the assessment regulations reports its custodial bank deduction, which equals average qualifying low-risk assets. To receive the custodial bank deduction, a CBLR bank that also meets the definition of a custodial bank under the assessment regulations would continue to report this item, even though it is calculated based on the risk weighting of qualifying low-risk liquid assets that the bank would no longer be required to report in Schedule RC–R, Part II. The agencies propose to amend the instructions for Schedule RC–O, item 11.a, to clarify that the FDIC would not require a custodial bank that is a CBLR bank to separately report the more detailed schedule of its risk-weighted assets in Schedule RC–R in order to continue using the custodial bank deduction. Such banks would be required to continue to maintain proper documentation of their calculation for the custodial bank adjustment, and to make that documentation available upon request.[16]

3. Tier 1 Leverage Ratio

The CBLR Assessments proposed rule would provide IDIs that are CBLR banks the option to report the Tier 1 leverage ratio in new Call Report Schedule RC–O, Memorandum item 5, in addition to reporting the CBLR on the proposed Schedule RC–R, CBLR, item 10. Accordingly, the agencies propose to create Memorandum item 5 on Schedule RC–O, which would be equivalent to Schedule RC–R, Part I, item 44, ''Tier 1 leverage ratio,'' and would be reported at the option of IDIs that are CBLR banks. An IDI that is a CBLR bank that elects to additionally report its Tier 1 leverage ratio for purposes of calculating its assessment rate would report that ratio in Memorandum item 5 on Schedule RC–O; however, the Call Report instructions would clarify that the IDI would not be required to report Schedule RC–R, Part I, item 44, or the components of this item in the more detailed Schedule RC–R, Part I, pursuant to the CBLR proposal and the related proposed Call Report revisions.

For IDIs that are CBLR banks, the proposed CBLR as reported on the proposed Schedule RC–R, CBLR, item 10, would be used to calculate the IDI's deposit insurance assessment rate unless an IDI opts to additionally report its Tier 1 leverage ratio in Memorandum item 5 on Schedule RC–O. If the IDI that is a CBLR bank additionally reports its Tier 1 leverage ratio in Schedule RC–O, Memorandum item 5, the FDIC would apply the higher value (*i.e.,* the value that results in the lower deposit insurance assessment) when calculating the IDI's assessment rate. If an IDI that is a CBLR bank opts to leave Schedule RC–O, Memorandum item 5, blank, the FDIC would consider the value for the Tier 1 leverage ratio to be null and the proposed CBLR would be used to calculate the institution's assessment rate.

Schedule RC–O, Memorandum item 5, would not be applicable to IDIs that are not CBLR banks and the FDIC would continue to use the Tier 1 leverage ratio, as reported in Schedule RC–R, Part I, item 44, to calculate such an IDI's assessment rate.

4. Clarification Pertaining to the Definition of ''Small Institution'' for Assessment Purposes

To address the amendment in the CBLR Assessments proposed rule to the definition of ''small institution'' to include all IDIs that are CBLR banks, even if such IDI would otherwise be classified as a large institution under the current assessment regulations, the agencies are proposing to amend the general instructions for Schedule RC–O, Memorandum items 6 through 18, on forms FFIEC 031 and FFIEC 041.[17] These general instructions currently provide the definition for ''large institutions'' and ''highly complex institutions'' required to report Memorandum items 6 through 18. The agencies propose to add language to these instructions specifying that an IDI that is a CBLR bank shall be classified as a small institution, even if that IDI otherwise would be classified as a large institution for assessment purposes.

C. Additional Proposed Reporting Revision

The agencies currently collect information in Schedule RC–C, Part I, ''Loans and Leases,'' Memorandum item 13, from institutions that have a significant amount of construction, land development, and other land loans with interest reserves in relation to their total regulatory capital. At present, total regulatory capital is defined as total capital reported on Schedule RC–R, Part I, item 35 (FFIEC 051) or item 35.a (FFIEC 031 or FFIEC 041). While CBLR banks would no longer report their total capital in Schedule RC–R, Part I, the agencies believe it is still important to collect this information from CBLR banks that have a significant amount of construction, land development, and other land loans with interest reserves. Therefore, the agencies propose to revise the reporting threshold for Schedule RC–C, Part I, Memorandum item 13, to reference either CBLR tangible equity as reported in Schedule RC–R, CBLR, item 6, or total capital as reported in Schedule RC–R, Part I, item 35 (FFIEC 051) or item 35.a (FFIEC 031 or FFIEC 041), as applicable.

IV. Request for Comment

Public comment is requested on all aspects of this joint notice. Comment is specifically invited on:

(a) Related to proposed Call Report Schedule RC–R, CBLR, whether the proposed items are clear for purposes of reporting and calculating CBLR and whether the proposed Call Report Schedule RC–R, CBLR, could be simplified further;

(b) Related to Call Report Schedule RC–O, item 5, ''Average tangible equity for the calendar quarter,'' whether IDIs that are CBLR banks should be required to specify whether they are reporting Tier 1 capital or CBLR tangible equity for deposit insurance assessment purposes in a separate new data item in Schedule RC–O;

(c) Related to Call Report Schedule RC–O, item 11.a, ''Custodial bank

[15] *See* 12 CFR 327.5(c).

[16] *See* 12 U.S.C. 1817(b)(4).

[17] The FFIEC 051 does not include Schedule RC–O, Memorandum items 6 through 18, which are tailored specifically to large institutions and highly complex institutions. Therefore, the proposed clarification of the definition of ''small institution'' in the general instructions for Schedule RC–O, Memorandum items 6 through 18, on forms FFIEC 031 and FFIEC 041 is not applicable to the FFIEC 051.

deduction,'' whether an IDI that is a CBLR bank that meets the definition of a custodial bank under the assessment regulations should be required to report additional items on the Call Report to support its calculation of the custodial bank deduction for deposit insurance assessment purposes;

(d) Whether the proposed revisions to the collections of information that are the subject of this notice are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(e) The accuracy of the agencies' estimates of the burden of the information collections as they are proposed to be revised, including the validity of the methodology and assumptions used;

(f) Ways to enhance the quality, utility, and clarity of the information to be collected;

(g) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(h) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Comments submitted in response to this joint notice will be shared among the agencies. All comments will become a matter of public record.

Dated: April 12, 2019.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System, April 10, 2019.

Ann Misback,

Secretary of the Board.

Dated at Washington, DC, on April 11, 2019.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2019–07841 Filed 4–18–19; 8:45 am]

BILLING CODE 4810–33–6210–01; 6714–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is updating the **Federal Register** notice for the entry of one person on OFAC's Specially Designated National and Blocked Persons List (SDN List).

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Actions

On May 17, 2018, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following person are blocked under the relevant sanctions authority listed below. OFAC is updating the **Federal Register** notice for the entry of one person on OFAC's Specially Designated National and Blocked Persons List (SDN List) in order to clarify the basis for designation for the individual listed below.

Individual

1. BAZZI, Mohammad Ibrahim (a.k.a. BAZZI, Mohamed; a.k.a. BAZZI, Muhammad Ibrahim; a.k.a. BAZZI, Muhammed), Adnan Al-Hakim Street, Yahala Bldg., Jnah, Lebanon; Eglantierlaan 13–15, 2020, Antwerpen, Belgium; Villa Bazzi, Dohat Al-Hoss, Lebanon; DOB 10 Aug 1964; POB Bent Jbeil, Lebanon; nationality Lebanon; alt. nationality Belgium; Additional Sanctions Information—Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations; Gender Male; Passport EJ341406 (Belgium) expires 31 May 2017; alt. Passport 750249737; alt. Passport 899002098 (United Kingdom); alt. Passport 487/2007 (Lebanon); alt. Passport RL3400400 (Lebanon); alt. Passport 0236370 (Sierra Leone); alt. Passport D0000687 (The Gambia) (individual) [SDGT] (Linked To: HIZBALLAH).

Designated pursuant to section 1(d)(i) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of HIZBALLAH, an entity whose property and interests in property are blocked pursuant to E.O. 13224.

Dated: April 15, 2019.

Andrea Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2019–07846 Filed 4–18–19; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of two individuals that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Actions

On September 19, 2018, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. ALEONG, Eddie (a.k.a. MOHAMMED, Ishmael; a.k.a. MUHAMMAD, Ishmail; a.k.a. YONG, Isma'il 'Ali), Trinidad and Tobago; DOB 14 Aug 1984; nationality Trinidad and Tobago; Gender Male; National ID No. 19840814025 (Trinidad and Tobago); Identification Number 752536B (Trinidad and Tobago) (individual) [SDGT] (Linked To:

ISLAMIC STATE OF IRAQ AND THE LEVANT).

Designated pursuant to section 1(d)(i) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, the ISLAMIC STATE OF IRAQ AND THE LEVANT, an entity determined to be subject to E.O. 13224.

2. ALI, Emraan, Syria; DOB 04 Jul 1967; citizen Trinidad and Tobago; alt. citizen United States; Gender Male; Passport TB162181 (Trinidad and Tobago); National ID No. 19670704052 (Trinidad and Tobago) (individual) [SDGT] (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT).

Designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for acting for or on behalf of the ISLAMIC STATE OF IRAQ AND THE LEVANT, an entity determined to be subject to E.O. 13224.

Dated: April 15, 2019.

Andrea Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2019–07847 Filed 4–18–19; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of eight persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On April 15, 2019, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. AL-RAWI, Mushtaq Talib Zughayr (a.k.a. AL-HASHIMI, Mushtaq Talib Zughayar Karhut; a.k.a. AL-RAWI, Abu Mus'ab; a.k.a. AL-RAWI, Mushtaq; a.k.a. AL-RAWI, Mushtaq Talib; a.k.a. AL-RAWI, Mushtaq Talib Zaghayir), Turkey; Belgium; DOB 1964; alt. DOB 1969; Gender Male; Phone Number 905537471039 (individual) (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT).

Designated pursuant to section 1(d)(i) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, the ISLAMIC STATE OF IRAQ AND THE LEVANT, an entity whose property and interests in property are blocked pursuant to E.O. 13224.

2. AL-RAWI, Umar Talib Zughayr (a.k.a. AL-HASHIMI, Umar Talib Zughayr; a.k.a. AL-RAWI, 'Umar Talib; a.k.a. AL-RAWI, Umar Talib Zughayr Karhoot; a.k.a. ZGHYR, 'Umr Talib; a.k.a. ''AL-RAWI, Abu Umar''), Samsun, Turkey; al-Qa'im, Anbar Province, Iraq; Mersin Province, Turkey; DOB 1970; alt. DOB 1971; POB Iraq; nationality Iraq; Gender Male; Phone Number 907816941101; alt. Phone Number 9647734097694 (individual) [SDGT]. (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT).

Designated pursuant to section 1(d)(i) of E.O. 13224 for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, the ISLAMIC STATE OF IRAQ AND THE LEVANT, an entity whose property and interests in property are blocked pursuant to E.O. 13224.

3. AL-RAWI, Walid Talib Zughayr (a.k.a. AL-HASHIMI, Walid Talib Zughayr; a.k.a. AL-RAWI, Waleed Talib Zghayir Karhout; a.k.a. ZGHAIR, Waleed Talib Zghair; a.k.a. ZGHYR, Walid Talib; a.k.a. ''AL-RAWI, Abu Khalid''), Baghdad, Iraq; DOB 11 Nov 1988; nationality Iraq; Email Address *waleed198811@gmail.com;* Gender Male; Phone Number 9647807890955; alt. Phone Number 96407707840824; alt. Phone Number 9647720364973; Passport A11071541 (individual) [SDGT]. (Linked To Mushtaq Talib Zughayr al-Rawi). (Linked To Umar Talib Zughayr al-Rawi).

Designated pursuant to section 1(d)(i) of E.O. 13224 for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, MUSHTAQ TALIB ZUGHAYR AL-RAWI, an individual whose property and interests in property are blocked pursuant to E.O. 13224.

4. AL-RAWI, Muhannad Mushtaq Talib Zghayir Karhout (a.k.a. TALIB, Mohanad M.; a.k.a. TALIB, Muhannad Mushtaq; a.k.a. ZUGHAYAR, Muhanad Mushtaq; a.k.a. ZUGHAYAR, Muhanad Mushtaq Talib), Baghdad, Iraq; Samsun, Turkey; DOB 26 Dec 1996; POB Al-Qa'im, Iraq; nationality Iraq; Email Address *mohand.alrawii@gmail.com;* Gender Male; Phone Number 9647821757598; National Foreign ID Number 00167950 (Iraq) (individual) [SDGT]. (Linked To Mushtaq Talib Zughayr al-Rawi).

Designated pursuant to section 1(d)(i) of E.O. 13224 for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, MUSHTAQ TALIB ZUGHAYR AL-RAWI, an individual whose property and interests in property are blocked pursuant to E.O. 13224.

5. AL-RAWI, Abd-al-Rahman 'Ali Husayn al-Ahmad (a.k.a. AL RAWI, Abdulrahman; a.k.a. AL-RAWI, Abd-al-Rahman; a.k.a. AL-RAWI, Abdul Rahman; a.k.a. AL-RAWI, Abu Abd Al Rahman), Turkey; DOB 1983; POB Albu Kamal, Dayr az Zawr Province, Syria; nationality Syria; Gender Male; Phone Number 905515983567; alt. Phone Number 9647718635788; alt. Phone Number 96351667406; alt. Phone Number 9647715959705 (individual) [SDGT]. (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT).

Designated pursuant to section 1(d)(i) of E.O. 13224 for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, the ISLAMIC STATE OF IRAQ AND THE LEVANT, an entity whose property and interests in property are blocked pursuant to E.O. 13224.

6. AL-RAWI, Muhammad Abd-al-Qadir Mutni Assaf (a.k.a. MATNEE, Mohammed Abdulqader; a.k.a. MATNI, Muhammad 'Abd-al-Qadir; a.k.a. MUTNI, Mohammad Abdul Kadir; a.k.a. MUTNI, Muhammad Abdul Qadar; a.k.a. ''ABD-AL-QARIM, Abu''), Erbil, Iraq; DOB 15 Apr 1983; Gender Male; Passport G2590897 (individual) [SDGT]. (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT).

Designated pursuant to section 1(d)(i) of E.O. 13224 for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, the ISLAMIC STATE OF IRAQ AND THE LEVANT, an entity whose property and interests in property are blocked pursuant to E.O. 13224.

7. ALI, Halima Adan, Mombasa, Kenya; Nairobi, Kenya; DOB 10 Oct 1986; nationality Kenya; Gender Female; Passport A1659348 (Kenya); Kenyan ID No. 25142129; alt. Kenyan ID No. 22536936; alt. Kenyan ID No.

30760317; alt. Kenyan ID No. 22645786 (individual) (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT).

Designated pursuant to section 1(d)(i) of E.O. 13224 for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, the ISLAMIC STATE OF IRAQ AND THE LEVANT an entity whose property and interests in property are blocked pursuant to E.O. 13224.

Entity

1. AL-ARD AL-JADIDAH MONEY EXCHANGE COMPANY (a.k.a. AL ARDH AL JADIDA; a.k.a. AL-ARDH AL-JADEEDA EXCHANGE COMPANY; a.k.a. NEW LAND MONEY EXCHANGE COMPANY), Iraq; Hajin, Dayr az Zawr, Syria; Sanliurfa, Turkey; Phone Number 9647807798905; alt. Phone Number 964805611259; alt. Phone Number 9647905886647 [SDGT] (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT).

Designated pursuant to section 1(d)(i) of E.O. 13224 for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, the ISLAMIC STATE OF IRAQ AND THE LEVANT, an entity whose property and interests in property are blocked pursuant to E.O. 13224.

Dated: April 15, 2019.

Andrea Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2019–07849 Filed 4–18–19; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2013–30, Uniform Late S Corporation Election Revenue Procedure

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Revenue Procedure 2013–30, Uniform Late S Corporation Election Revenue Procedure.

DATES: Written comments should be received on or before June 18, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Christina Leeper at (737) 800–7783, at Internal Revenue Service, 3651 S International Highway 35, Austin, TX 78741, or through the internet, at *Christina.E.leeper@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Revenue Procedure 2013–30, Uniform Late S Corporation Election Revenue Procedure.

OMB Number: 1545–1548.

Revenue Procedure Number: 2013–30.

Abstract: Revenue Procedure 2013–30 provides a simplified method for taxpayers to request relief for late S corporation elections, Electing Small Business Trust (ESBT) elections, Qualified Subchapter S Trust (QSST) elections, Qualified Subchapter S Subsidiary (Q Sub) elections, and late corporate classification elections which the taxpayer intended to take effect on the same date that the taxpayer intended that an S corporation election for the entity should take effect. Generally, this revenue procedure facilitates the grant of relief to taxpayers that request relief previously provided in numerous other revenue procedures by consolidating the provisions of those revenue procedures into one revenue procedure and extending relief in certain circumstances. Revenue Procedures 97–48, 2003–43, 2004–48, 2004–49, and 2007–62 are affected.

Current Actions: There is no change to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 50,000.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 50,000 hours.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 16, 2019.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2019–07869 Filed 4–18–19; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL REGISTER

Vol. 84 Friday,

No. 76 April 19, 2019

Part II

Department of Health and Human Services

Administration for Children and Families

45 CFR Part 1355

Adoption and Foster Care Analysis and Reporting System; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1355

RIN 0970–AC72

Adoption and Foster Care Analysis and Reporting System

AGENCY: Children's Bureau (CB); Administration on Children, Youth and Families (ACYF); Administration for Children and Families (ACF); Department of Health and Human Services (HHS).

ACTION: Notice of proposed rulemaking.

SUMMARY: ACF proposes to amend the Adoption and Foster Care Analysis and Reporting System (AFCARS) regulations. This notice of proposed rulemaking (NPRM) amends the AFCARS regulations that require title IV–E agencies to collect and report data to ACF on children in out-of-home care, who exit out-of-home care to adoption or legal guardianship, and children who are covered by a title IV–E adoption or guardianship assistance agreement.

DATES: In order to be considered, we must receive written comments on this NPRM on or before June 18, 2019.

ADDRESSES: We encourage the public to submit comments electronically to ensure they are received in a timely manner. Please be sure to include identifying information on any correspondence. To download an electronic version of the proposed rule, please go to *http://www.regulations.gov/*. You may submit comments, identified by docket number, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-Mail: CBComments@acf.hhs.gov.* Include [docket number and/or RIN number] in subject line of the message.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document. Comments that concern information collection requirements must be sent to the Office of Management and Budget (OMB) at the address listed in the Paperwork Reduction Act (PRA) section of this preamble. A copy of these comments also may be sent to the HHS representative listed after the **FOR FURTHER INFORMATION CONTACT** heading.

FOR FURTHER INFORMATION CONTACT: Kathleen McHugh, Director, Policy Division, Children's Bureau, *cbcomments@acf.hhs.gov.*

SUPPLEMENTARY INFORMATION:

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I. Executive Summary per Executive Order 13563

Executive Order (E.O.) 13563 requires that regulations be accessible, consistent, written in plain language, and easy to understand. This means that regulatory preambles for lengthy or complex rules (both proposed and final) must include executive summaries. Below is the executive summary for this AFCARS NPRM.

(1) *Purpose of the AFCARS NPRM.*

(a) *The need for the regulatory action and how the action will meet that need:* This NPRM proposes revisions to streamline the AFCARS data elements that were finalized in the AFCARS final rule published on December 14, 2016 (81 FR 90524). This action is in response to E.O. 13777 (issued February 24, 2017) that directed federal agencies to establish a Regulatory Reform Task Force to review existing regulations and make recommendations regarding their repeal, replacement, or modification. The HHS Regulatory Reform Task Force identified the AFCARS regulation as one in which the reporting burden may impose costs that exceed benefits.

(b) *Legal authority for the final rule:* Section 479 of the Social Security Act (the Act) mandates HHS regulate a data collection system for national adoption and foster care data. Section 474(f) of the Act requires HHS to impose penalties for non-compliant AFCARS data. Section 1102 of the Act instructs the Secretary to promulgate regulations necessary for the effective administration of the functions for which HHS is responsible under the Act.

(2) *Summary of the Major Provisions of the NPRM.*

(a) *Data Elements.* We propose to remove and replace the data elements as described below to reduce the AFCARS reporting burden. We propose to modify the data elements in the out-of-home care data file (§ 1355.44) that title IV–E agencies must report. In particular, we propose to streamline data elements related to child information, placements, and permanency planning based on public comments to the Advanced Notice of Proposed Rule Making (ANPRM) and the work of federal experts with an interest in AFCARS data. We retained all data elements in the adoption and guardianship assistance data file (§ 1355.45) with conforming changes based on edits we made in § 1355.44.

(b) *Conforming Changes.* We propose to make conforming changes to §§ 1355.41, 1355.43, and 1355.46 to update the citations or dates as a result of our proposed amendments in other sections.

(3) *Costs and Benefits.* The benefits are that we will streamline the AFCARS data elements which will reduce the title IV–E agency reporting burden from the 2016 final rule, thus resulting in an estimated $39.2 million in total annual savings. (Affected entities will continue to incur $43.7 million in annual costs, net of federal reimbursements, attributable to the 2016 final rule.) This NPRM, if finalized as proposed, is expected to be an E.O. 13771 deregulatory action.

II. Background on AFCARS and Regulation Development

AFCARS is authorized by section 479 of the Act, which mandates that HHS regulate a data collection system for national adoption and foster care data. Title IV–E agencies must submit data files on a semi-annual basis to ACF. We use AFCARS data for a variety of requirements, including but not limited to budgeting, providing national statistics on the child welfare population, providing reports to Congress, and monitoring compliance with title IV–B and IV–E requirements. AFCARS regulations were first published in 1993 and states began submitting data in fiscal year (FY) 1995. At that time, the requirements were set forth in regulations at 45 CFR 1355.40 through 1355.47 and the appendices to part 1355. Per the 2016 final rule, the requirements are set forth in regulations at 45 CFR 1355.40 through 1355.47. The regulations specify the reporting population, standards for compliance, and all data elements.

We published the 2016 final rule revising the AFCARS regulations on December 14, 2016 (*81 FR 90524*) and it

included child welfare legislative changes that occurred since 1993, data elements related to the Indian Child Welfare Act (ICWA), and implemented fiscal penalties for noncompliant AFCARS data. The 2016 final rule provided two fiscal years for title IV–E agencies to comply with sections 1355.41 through 1355.47 and required title IV–E agencies to continue to report AFCARS data in accordance with section 1355.40 and the appendices to part 1355 until September 30, 2019.

Executive Order 13777

On February 24, 2017, the President issued E.O. 13777 *Enforcing the Regulatory Reform Agenda* to lower regulatory burdens on the American people. It directed federal agencies to establish a Regulatory Reform Task Force to review existing regulations and make recommendations regarding their repeal, replacement, or modification. The HHS Regulatory Reform Task Force identified the AFCARS regulation as one in which the reporting burden may impose costs that exceed benefits.

In response to the E.O. 13777, ACF published two notices in the **Federal Register** on March 15, 2018:

- NPRM proposing to delay the implementation of the first AFCARS report period under the December 2016 AFCARS final rule (45 CFR 1355.41-.47) by an additional two fiscal years, until October 1, 2021 (*83 FR 11450*).
- ANPRM soliciting specific feedback on the AFCARS data elements, costs to implement, and burden hours to complete the work required to comply with the 2016 final rule and listed questions for which we sought a response (83 FR 11449).

Implementation Delay of the 2016 Final Rule

The comment period ended on April 16, 2018. In response to the NPRM on implementation delay, we received 43 comments and based on the comments, we issued a final rule to delay the implementation of the 2016 final rule for one additional fiscal year, until October 1, 2020 (Published August 21, 2018, 83 FR 42225). However, since we are proposing in this NPRM to revise the AFCARS data elements, we will revisit this implementation date to provide a timeframe to allow title IV–E agencies time to comply with the revised AFCARS data elements when we finalize this proposal through a final rule.

Advance Notice of Proposed Rulemaking

The ANPRM's comment period was open for 90 days and ended on June 13, 2018. Through the ANPRM, ACF asked the public to give specific feedback on the AFCARS data elements, costs to implement, and burden hours to complete the work required to comply with the AFCARS requirements in 2016 final rule. The ANPRM listed questions specifically asking the public to comment on regarding the 2016 final rule:

- Identify the data elements that are overly burdensome for title IV–E agencies,
- Identify limitations title IV–E agencies will encounter in data reporting, including an explanation with cost and burden estimates for recordkeeping, reporting, and the number of children in foster care who are Indian children as defined in ICWA, and
- Recommendations on data elements to retain, simplify, and remove with justifications, such as its use at the national level or why the data would not be reliable in national statistics and would be better asked through a qualitative case review.

In response to the ANPRM, we received 237 comments from 38 states, 38 Indian tribes or consortiums, 62 organizations representing state or tribal interests, national public advocacy groups, professional associations, universities, two members of Congress, and 97 private citizens. The following is a summary and analysis of the public comments relevant to the specific issues for which we sought input.

Summary of State Comments: Thirty-six of the 38 states supported making revisions to streamline the AFCARS regulation. This was based on each state's self-assessment of the cost and burden/work hours needed at various levels of the agency and the number of hours it will take to complete the work required to comply with the AFCARS 2016 final rule. States shared similar concerns for implementing the requirements of the 2016 final rule such as: (1) Requiring the additional data elements could adversely impact their ability to provide safety, permanency, and well-being for youth in their care; (2) the additional work needed to comply would pull valuable resources away from the field and decrease the amount of time caseworkers have to work with families and children toward reunification, safety and risk assessments and planning, adoption, and other permanency activities; and (3) many new data elements are qualitative and therefore more accurately evaluated by quality assurance staff, through a case review or other monitoring efforts. The comments from the two states that did not support revising AFCARS focused on the value of the information that may be gleaned from certain data elements related to sexual orientation and ICWA. Even though the vast majority of states supported streamlining the AFCARS data elements, they also expressed that the 2016 final rule was a considerable improvement to the current AFCARS, will improve data reporting, and provide national information on a number of new topics, including ICWA, health needs, and permanency. States recognized that more comprehensive data allows them to better understand the children and families they serve. However, they felt that the 2016 final rule was far-reaching and made suggestions for streamlining the data elements, based on their cost and burden analysis.

State Comments regarding Burden Estimates: States ranged considerably in estimating the work needed and length of time it would take to comply with the 2016 final rule. The variability in state estimates is expected and appropriate because there is considerable variability across states in sophistication and capacity of information systems, availability of both staff and financial resources, and populations of children in care. It is expected for a state with a large number of children in foster care to provide a much different burden estimate than a state with fewer children in foster care. Each state made a case about the increased and excessive burden as it applied to that specific state. States estimated it would take between 200 to 25,000 hours to accomplish tasks related to the ICWA-related data elements and 800 to 70,000 hours for completing work on all other data elements. Some of the tasks associated with these wide-ranging hours included:

- Developing or modifying policies, procedures, rules, case management systems, and electronic case records to comply with the AFCARS requirements,
- Searching for and gathering the information required to be reported for the data elements,
- Entering the information into the system, and
- Training staff on the requirements and changes.

Hours related to developing and administering staff training ranged from 20 to 102,000 hours depending on the number of staff that require training and materials that must be developed.

State Comments regarding Cost Estimates: States' estimates varied considerably, depending on the size of the state's out-of-home care population, staffing needs, the length of time states have to implement new AFCARS

requirements, and the level of current system functionality, including modifications needed and data exchanges with other agency systems. As mentioned previously, variability in state cost estimates is appropriate because significant differences exist across state systems, resources, and populations of children in care. States estimated that total costs to comply with the 2016 final rule ranged from $1 million for one year to $45 million over multiple years. They provided ranges for specific costs, such as $41 million to hire and train new staff for administrative support, $600,000 to $1 million for total initial costs, and $741,000 to $11 million for ongoing costs. These costs included:

- Analyzing policies, practice, and casework to determine and implement modifications to capture and report data,
- Systems changes (for example, contract and staff costs to revise systems),
- Developing and administering staff training, ongoing monitoring, and quality assurance, and
- Reporting the data to ACF.

State Comments regarding Data Elements: Based in large part on the cost and hours required to complete the work to comply with the 2016 final rule, 36 states are in favor of streamlining the data elements in the 2016 final rule, many of whom provided recommendations. States recommended revisions to the data elements around education, health assessments and conditions, youth pregnancy/fathering, siblings, prior adoptions, caseworker visits, and sex trafficking. The reasons provided for streamlining included that it would be costly to modify their systems to report so many new data elements (compared to the AFCARS prior to the 2016 final rule) and they did not see the benefit at the national level for providing new information that was not explicitly used for monitoring. A third of the states expressed concerns with the data elements around sexual orientation and recommended they be removed due to reasons such as it will not be reliable because youth would self-report, which could result in an undercount, and due to the sensitive and private nature of the information, they questioned the implications of having this information in a government record. Regarding the ICWA-related data elements, half of the states expressed concern with the large number of and detailed questions asked related to ICWA's requirements, with five states expressly asking for no ICWA-related data elements in AFCARS. Many states felt that some of the ICWA-related data elements in the 2016 final rule are redundant, overly detailed, could be streamlined, or are too specific for a national data set and are better suited for a qualitative review. Four states reported that ICWA-applicable children in their out-of-home care populations were well under one percent (1%). However, states with higher numbers of tribal children in their care reported that they supported including limited information related to ICWA in AFCARS because they believe child welfare programs will be enhanced by having this information to inform policy decisions and program management.

Summary of Comments from Indian Tribes and Organizations Representing Tribal Interests: The 38 Indian tribes/consortiums and all organizations representing tribal interests opposed streamlining the AFCARS data elements and primarily focused their comments on ICWA's requirements and the ICWA-related data elements. They did not provide specific comments on or estimates for cost or burden related to the 2016 final rule. In general, they expressed that the state burden in collecting the ICWA-related data elements is not significant enough to warrant streamlining it because of their concerns regarding ICWA compliance. Most of the commenters provided the following general reasons for keeping all ICWA-related data elements in AFCARS:

- ICWA has been law for 40 years but there has been little in-depth data and limited federal oversight regarding this law.
- Collecting ICWA-related data in AFCARS is a step in the right direction to ensure that Indian families are kept together when possible and provide insight into state compliance with ICWA's requirements.
- Without any uniform, national data regarding ICWA's requirements, policymakers do not understand the scope of issues to inform policy changes.
- While some Indian tribes reported good working relationships with some states, the commenters expressed concerns that there are children in state custody who are not identified as Indian children and thus are not protected under ICWA.

Largely, the commenters representing tribal interests expressed support for retaining all of the data elements in the 2016 final rule and specifically, all of the ICWA-related data elements for similar reasons as noted above. They also expressed that:

- States should currently be asking questions that ascertain whether a child is an Indian child as defined in ICWA, including inquiring about the family's tribal membership status,
- Specific data elements on notification of proceedings and transfers to tribal court are important because the timelines in ICWA are rarely met, and
- Information on termination of parental rights, removals under ICWA, and placement preferences are important for determining ICWA compliance.

Regarding the other data elements in the 2016 final rule, the commenters largely supported those for reasons such as the information will underscore the importance of certain casework activities (*e.g.,* sibling placement whenever possible) and it will show trends in removal circumstances, placements, and permanency outcomes that will inform policymaking and provide a basis for education and training.

Summary of Comments from Organizations and Other Entities: The two members of Congress and most other advocacy and trade organizations, universities, private individuals, and other groups primarily focused their comments on which data elements from the 2016 final rule to remove or retain. They did not provide specific comments on or estimates for cost or burden related to any aspect the 2016 final rule. The majority of these commenters opposed streamlining the data for reasons similar to the commenters representing tribal interests, such as underscoring the importance of certain casework activities and showing national trends. The commenters provided broad commentary on the benefit of having new data outweighs the burden of having to report it. A few commenters supported streamlining based on the cost and system changes states will need to make to comply with AFCARS requirements. We received numerous comments that were outside the scope of the ANPRM, which did not address the questions for which we sought public comment, such as there has been ample opportunities to comment on AFCARS via prior rulemakings, repeated requests for feedback is an undue burden, and ACF's authority to collect ICWA-related data elements in AFCARS.

Commenters expressed support and some offered modifications for particular data elements in the 2016 final rule such as health assessments, educational status and special education, placement types, caseworker visits, circumstances present at removal, prior adoptions, title IV–E guardianships, youth who are pregnant or parenting, and youth who may be victims of sex trafficking. They

suggested that updates to AFCARS were long overdue and that the data elements related to ICWA and sexual orientation in particular will yield important national information because current methods of reporting, for example via the Child and Family Services Plans (CFSP) and case file reviews, do not result in reliable or consistent data, thus are ineffective at providing a national picture of children placed in out-of-home care.

Comment Analysis: We reviewed and analyzed all of the ANPRM comments, costs, and burden estimates and considered them as it related to meeting the requirements of E.O. 13777. ACF heard the concerns and interests of all stakeholders and after careful consideration, we believe that proposing revisions to the AFCARS regulation through a NPRM is warranted and within the spirit of E.O. 13777 to streamline and reduce burden on title IV–E agencies.

Commenters sufficiently argued that many new data elements are qualitative and therefore more accurately evaluated by quality assurance staff, through a case review, or other monitoring efforts. We must strongly weigh the desire for more information with the burden on those who are required to report it. The need for streamlining was convincingly argued through the states' detailed work and cost estimates that the 2016 final rule has many data elements that can be streamlined while still providing critical information on the out-of-home care population from a national perspective.

More states submitted comments and more detailed comments and cost/burden estimates in response to the ANPRM than in response to our previous AFCARS proposals, thereby providing us with much more rich and valuable information than we have had to date. Most of the state comments to the ANPRM were detailed and contained comprehensive burden and cost estimates illustrating the work they will have to undergo to implement the 2016 final rule. While some states indicated that the 2016 final rule made improvements in the AFCARS requirements that will enhance the knowledge about the children/youth in out-of-home care, the vast majority agreed and convincingly articulated that some of the data elements should be streamlined.

Regarding the ICWA-related data elements, section 479(c)(1) of the Act requires that any data collection system developed and implemented under this section must avoid unnecessary diversion of resources from agencies. Requiring every state to modify its systems to be able to report on a large number of data elements when the foster care population does not reflect that the data elements will be applicable to a majority of their children does not meet this mandate. Additionally, according to AFCARS data on the race\ethnicity distribution of children\youth in care as of September 30, 2016, in 33 states, children who have a reported race as American Indian/Alaskan Native made up less than one percent of the children in foster care. We believe AFCARS can be streamlined in a way that is responsive to all concerned and in a way that can balance the need for updated data with reducing the burden on title IV–E agencies.

In response to the commenters that supported the data elements as promulgated in the 2016 final rule, we note that title IV–E agencies are to develop case management/electronic case records that meet the agency's business need. As such, title IV–E agencies may collect all of the data elements contained in the 2016 final rule regardless of what is ultimately required to be reported to ACF by title IV–E agencies in a rule that finalizes this NPRM. The AFCARS data elements are information that we require be reported to ACF, but we understand that title IV–E agencies collect more information in their own case records to support case practice that meets the needs of the children and families they serve. We commend the willingness to collect a more comprehensive array of information. However, the information we require title IV–E agencies to report to ACF via AFCARS must take into consideration and reflect the circumstances and capacity of all title IV–E agencies in setting the AFCARS requirements.

ACF understands and appreciates that Congress and stakeholders are interested in the well-being of children in foster care and we understand that national data about these children is useful for many reasons. However, the vast majority of commenters that opposed streamlining are not required to report AFCARS data and did not offer any specific estimates regarding the burden or cost placed on reporting title IV–E agencies. These commenters believed it was necessary for agencies to report qualitative data on particular topics through AFCARS for policy making purposes and justified it with general statements that the benefits of more data outweigh the burden to report it. However, it was not well illustrated why AFCARS is the best vehicle for collecting this data when there are other effective options for gathering qualitative information at the national level, such as via surveys, research, or the Child and Family Services Review.

The suggestion that more data elements in AFCARS is essential for policy making was not sufficiently validated in the ANPRM comments. It would have been useful if the commenters identified the specific policies that they felt needed the detailed level of AFCARS data so urgently and why AFCARS specifically is the best means for collection of this data. Congress has passed approximately 24 laws that significantly amended federal child welfare programs since 1995, when AFCARS became effective. These policy changes were made despite not having the additional data from the 2016 final rule. Congress recently amended the statute at section 479 of the Act to require data elements it deems relevant for national public interest. For example, Congress required collection of information on sex trafficking victims (section 479(c)(3)(E) of the Act) and prior adoptions/guardianships (section 479(d) of the Act).

Based on state cost estimates, ACF is also concerned that a significant expansion of AFCARS at this time would negatively impact states' ability to take advantage of the new title IV–E prevention services program (see section 471(e) of the Act). Title IV–E is a cost reimbursement program, therefore, states must secure funding for the services, interventions, evaluation, data collection, and reporting out of their own resources before being reimbursed by the federal government for a portion of those costs. State cost estimates of the 2016 final rule are significant. Imposing additional reporting costs at this time, coupled with the new limits on federal funding for foster care maintenance payments for children in certain congregate care facilities and the reinstatement of eligibility criteria for infants and children up to age two in the title IV–E adoption assistance program included in the *Family First Prevention Services Act* (Public Law (Pub. L.) 115–123) may severely impede states' ability to opt into the title IV–E prevention services program.

Input From Federal Agency Experts

As part of the process to meet the requirements of E.O. 13777 and on-going intra-agency collaboration related to data collection and analysis at ACF, the Children's Bureau consulted with the Department's subject matter experts with an interest in AFCARS data. We reviewed each data element in the 2016 final rule and evaluated whether it is needed for a specific purpose, such as a title IV–B/IV–E statutory requirement

and program monitoring, Congressional reporting, or budgeting, and to specifically identify whether including the data in AFCARS would improve the accuracy and reliability of the data. Given current budgetary constraints on title IV–E and federal agencies, the objective was to be clear on how each data element meets a mandate and how ACF will use the data, thus justifying it being a requirement for reporting. The subject matter experts identified a number of data elements that do not have a specific purpose for title IV–B/IV–E statute or program monitoring, Congressional reporting, or budgeting. Additionally, the Children's Bureau consulted with representatives of the Department of Interior (DOI) regarding the ICWA-related data elements to retain in AFCARS.

After considering all input from ANPRM commenters and the Department's subject matter experts with an interest in AFCARS, ACF proposes to streamline the AFCARS data elements to what ACF believes is a reasonable amount. We believe that this proposal meets the requests from states to streamline and reduce redundancies in the regulation; from Indian tribes, tribal organizations, and other stakeholders for keeping data elements related to specific areas; and to meet the requirements of E.O. 13777.

III. Overview of Major Proposed Revisions to Data Elements

The revisions proposed in this NPRM reflect ACF's review and analysis of the ANPRM comments and input from the Department's subject matter experts with an interest in AFCARS data, and consideration related to meeting the requirements of the E.O. 13777. The proposed revisions streamline the data elements to ones with a specific purpose for title IV–B/IV–E statute and program monitoring, Congressional reporting, budgeting, and areas where reporting of required information to AFCARS would improve the accuracy and reliability of the data in AFCARS. An overview of the major proposed revisions to the AFCARS data elements follows.

For the out-of-home care data file, the 2016 final rule required approximately 272 items where we require title IV–E agencies to report information. In this NPRM, we propose to reduce these points to approximately 183, representing 170 that we propose to keep from the 2016 final rule and 13 we propose to modify.

We propose a simplification of data elements related to health assessments, child financial and medical assistance, child's relationship to foster/adoptive parents and legal guardians, and inter-jurisdictional adoptive/guardianship placements to keep only essential information as identified by ANPRM commenters on children in out-of-home care and who exit to adoption or legal guardianship. We propose to remove the following data elements because the information is too detailed or qualitative for a national data set, it may be inaccurately reported and therefore would be difficult to portray in a meaningful way and it does not have a specific purpose for title IV–B/IV–E statute and program monitoring, Congressional reporting, or budgeting:

- Educational stability,
- authority for placement and care responsibility,
- private agency living arrangement,
- juvenile justice involvement,
- transition plan and date, and
- interjurisdictional adoption or guardianship jurisdiction (name).

As stated in section II, a third of the states expressed concerns with the data elements around sexual orientation and recommended they be removed. States commented that if this information is important to decisions affecting the child, the information will be in the case file; however, when it is not pertinent, states said that asking for sexual orientation may be perceived as intrusive and worrisome to those who have experienced trauma and discrimination as a result of gender identity or sexual orientation. This would be a mandatory conversation a worker must have in order to complete the data elements. Mandating such a conversation may be contraindicated based on a child's history of abuse or neglect.

In addition to the ANPRM comments, we reviewed the 2014 document entitled ''Current Measures of Sexual Orientation and Gender Identity in Federal Surveys'' prepared by the OMB Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys. Most concerning to our AFCARS work is the section of the document that ''reviews and identifies issues for Federal agencies to consider when choosing sexual orientation and gender identity (SOGI) questions for inclusion in Federal surveys and administrative databases.'' Overall, regardless of whether questions on sexual orientation are asked in a survey, interview, or otherwise, they may be considered sensitive and/or personal which means that certain issues must be considered. The paper specifically indicates that ''before incorporating SOGI questions in surveys or administrative databases, Federal agencies need to consider the purpose and objectives of the survey or database and the reason to add SOGI questions.'' Further, the paper advises that new questions added to a survey or data base should be validated with qualitative techniques and question validation efforts should include both the SOGI and non-SOGI groups. In addition, the paper identifies other considerations when developing questions in this area. This includes a person's age, and the paper specifically notes that'' teenagers may be in the midst of developing their sexual orientation . . . and therefore they may be unsure of how to respond to SOGI questions.'' Adolescents may use different terms to describe their sexual orientation than terms used by adults. Bullying related to one's sexual orientation may cause some adolescents to be reluctant to identify themselves with terms that must be regulated in AFCARS. This emphasizes the importance that respondents are confident that their responses are private, anonymous, and confidential. Other factors that are relevant to asking questions related to sexual orientation are cultural or racial/ethnic considerations and geography. For example, there may also be regional differences in interviewers' and respondents' comfort with questions about their sexual orientation.

As a result of our review of the OMB document, in particular, taking into consideration the need to validate questions related to sexual orientation and ensure responses about sexual orientation, especially with adolescents, are private, anonymous, and confidential, it is clear that AFCARS is not the appropriate vehicle to collect this information. It is not feasible for us to test the validity or accuracy of adding questions related to sexual orientation across all title IV–E agencies. Additionally, it is impossible to ensure that a child's response to a question on sexual orientation would be kept private, anonymous, or confidential considering a caseworker would be gathering this information to enter into a child's case electronic record. Information in case records are kept confidential, but because the child is in the placement and care of the title IV–E agency, information on the child's case must be disclosed to courts and providers under specific circumstances, to assist the child and family. Information on sexual orientation, if it is not relevant to the child's needs, is not appropriate to be included. Information on sexual orientation is more appropriately collected through a survey because that would allow for testing of the questions, training by staff

administering the survey, and addressing the issues raised by the OMB paper to provide more controls for allowing anonymity, privacy, and confidentiality.

We acknowledge that other personal information is reported to AFCARS, such as medical or mental health information. This data, however, is documented in official documents, such as medical reports and records, and is in the child's case record because section 475(1)(C) of the Act requires health and education records be in the case plan. Information on sexual orientation is not required by the Act to be in the child's case plan, and while states agreed that the individual workers knowing this information about children and families they work with may help them in assisting families, there is no statutory requirement that it be reported to a national administrative data set.

However, there was support from commenters for keeping the circumstance at removal on whether there was family conflict related to the child's sexual orientation, gender identity, or gender expression. This means that agencies will report whether this was a circumstance surrounding the child at removal. This is different than asking for someone's sexual orientation because the information would be gathered during the course of the investigation that resulted in the child's removal from the home and documented in the case record. The data element *Child and family circumstances at removal,* has many circumstances to which the agency will report whether each ''applies'' or ''does not apply.'' If family conflict related to the child's sexual orientation, gender identity, or gender expression (§ 1355.44(d)(4)(xxx)) was not known as a circumstance surrounding the child at removal, or was not documented in the electronic case record, the information will be reported to AFCARS as ''does not apply.'' This does not require the worker to have a conversation in instances where it is not appropriate or not applicable to the child's wellbeing. We believe that this circumstance at removal captures information appropriate for a national data set that will provide insight into issues of potential discrimination, safety concerns, and homelessness experienced by youth because it is inherent in what the circumstance is asking. Additionally, there will be an opportunity for analysis via a combination of information gleaned from other data elements, for example, the sex and marital status of foster parents, adoptive parents, and legal guardians. The information from these data elements will provide an overview of the number of foster, adoptive, and legal guardian couples who identify as non-heterosexual. While we understand the importance of collecting sexual orientation data and appreciate the comments that supported keeping the data elements, we must balance this with the need to collect accurate data per the statue and in a manner that is consistent with children's treatment needs.

We propose a simplification of the ICWA-related data elements to the information that commenters to the ANPRM and others during consultation indicated were essential for identifying the number of children in out-of-home care nationally, who should be afforded the protections of ICWA. The ICWA-related data elements from the 2016 final rule that we kept and revised are:

- Whether the state title IV–E agency made inquiries of whether the child is an Indian child as defined in ICWA,
- child's tribal membership and all federally recognized tribes that may potentially be the Indian child's tribe,
- whether ICWA applies for the child and the date that the state title IV–E agency was notified by the Indian tribe or state or tribal court that ICWA applies,
- whether the Indian child's tribe(s) was sent legal notice in accordance with 25 U.S.C. 1912(a), and
- tribal membership of mother, father, foster parents, adoptive parents, and legal guardians.

During consultation, tribal representatives expressed a need for information on the tribal membership of children in foster care and their foster care/adoptive placements, whether ICWA applies to the child, and notification of proceedings per ICWA requirements. These data elements were identified as the most important pieces of information to be able to know the number of children nationally where ICWA applies and provide some national information on whether the state made inquiries and whether notification to the Indian child's tribe occurred.

The ICWA-related data elements from the 2016 final rule that we are removing are request to transfer to tribal court, denial of transfer, court findings related to involuntary and voluntary termination of parental rights, including good cause findings, qualified expert witness testimony, whether active efforts were made prior to the termination/modification, removals under ICWA, available ICWA foster care/pre-adoptive placement preferences, adoption/guardianship placement preferences under ICWA, good cause and basis for good cause under ICWA, and information on active efforts. These data elements asked for detailed information on ICWA's requirements, tied to DOI regulations and the ICWA statute, and court actions.

We also understand that it is important to states, Indian tribes, and stakeholders to know the information behind the data elements we are removing. While we have demonstrated that the detailed ICWA-related information from the 2016 final rule is not appropriate for AFCARS, we are also demonstrating a commitment to obtain alternative methods that will inform aspects of ICWA. First, using the information that will be reported for other data elements proposed in the NPRM, ACF, researchers, and others will be able to analyze aspects of ICWA to inform an assessment of ICWA that occurs outside of AFCARS reporting. Below are areas where commenters identified they wanted to keep some of the ICWA-related data elements and we explain what we propose to collect in other data elements that will inform aspects of ICWA:

- *Transfers:* We propose to collect whether any child in the out-of-home care reporting population exits out-of-home care to a transfer to an Indian tribe (that operates a title IV–E program or that does not operate a title IV–E program) in § 1355.44(g)(4). We do not require reporting on the specifics of ICWA requirements as to whether there was a request orally on the record or in writing, whether the state court denied the request, and good cause because this information is better for a qualitative assessment that can provide context. The information proposed in this NPRM on transfers can be used to inform a qualitative assessment.
- *Placement preferences for foster care, adoption and guardianship:* We proposed to collect tribal membership of foster/adoptive parents and guardians, whether placement is relative or kin, and the name of the jurisdiction where the child is living for foster care (see section 1355.44(e)). We do not require reporting on what placements were available, whether the placement meets the requirements of the Indian child's tribe or ICWA, or whether the there was good cause to deviate from the Indian child's tribe's or ICWA's placement preferences. The information we propose in this NPRM on placements and tribal membership can be used to inform a qualitative assessment that will allow context, because placement decisions are specific to the child's needs.

• *Voluntary or involuntary termination/modifications of parental rights:* We propose to collect whether a termination/modification of parental rights is voluntary or involuntary and will require it be reported for all children (§ 1355.44(c)(5)). We do not require reporting of the ICWA-specific requirements on court findings regarding reasonable doubt on continued custody, qualified expert witness testimony, and whether efforts to prevent the breakup of the Indian family were unsuccessful. However, knowing whether the termination/modification was involuntary or voluntary can be used to inform a qualitative assessment on these proceedings because these decisions are specific to each case and court action and thus need context to fully understand them.

Additionally, the Court Improvement Program (CIP) requires grantees to engage in meaningful and ongoing collaboration with the state child welfare agency and tribes (section 438(b)(1)(C) of the Act). In furtherance of this statutory mandate, the next program instruction for the CIP will encourage grantees to work with the dependency courts across their jurisdictions to enhance efforts to collect and track key ICWA data indicators. This is logical because the requirements of ICWA and accompanying regulations are upon state courts. The capacity of state and county courts to collect and track data varies widely across the country. Many courts either do not track ICWA-related data currently or do so inconsistently. The forthcoming program instruction's emphasis on collecting and tracking ICWA-related data will be coupled with technical assistance through the CB's technical assistance provider for CIP grantees and the courts to help address this historic and ongoing information gap. CIP grantees will be encouraged to use CIP grant funds to assess the court's ICWA practice, support the court's data infrastructure, and train key court personnel on the importance of monitoring ICWA. Specifically, CIP grantees will be encouraged and supported to collect and monitor data on court inquiries, orders and findings related to:

• Identification of Indian children as defined in ICWA,

• notice to Indian tribes,

• tribal participation as parties in hearings involving Indian children,

• tribal intervention in dependency cases,

• transfer of ICWA cases to tribal courts, and

• placement of Indian children according to tribal preferences.

These are two examples of how we are committed obtaining more information on ICWA through appropriate and alternative methods that allow for a fuller understanding of ICWA's role in child welfare cases that AFCARS cannot provide. Thus, based on the ANPRM comments and consultation, we believe that this proposal represents a balance for the need for data on the population of children to whom ICWA applies and state concerns for the burden and costs for collecting and reporting the large number of ICWA-related data elements in the 2016 final rule.

We note that due to the low numbers of children in the out-of-home care reporting population where ICWA applies, we will not be able to release specific information regarding the child's tribal membership or ICWA applicability to requestors, except for the Indian tribe of which the child is or may be a member. When AFCARS data is released to the public by the National Data Archive on Child Abuse and Neglect (NDACAN), the data is de-identified, meaning that it does not include names, numbers, or other information that would make directly identifying the children possible. However, when the NDACAN provides data on populations where the number of children in the out-of-home care reporting population is low (for example, a county), there is a risk of possibly identifying a child using a unique combination of indirect identifiers in the AFCARS data, such as tribal membership and dates of removals, placements, and exits. To mitigate these risks, the NDACAN takes specific measures in releasing the data to protect confidentiality. Thus, to protect the confidentiality of these children, we will be unable to release certain information related to tribal membership or ICWA applicability, except to the Indian tribe of which the child is or may be a member.

IV. Implementation Timeframe

Implementation of changes to the AFCARS data elements as described in this NPRM will be dependent on the issuance of a final rule. We expect provisions in an eventual final rule to be effective no sooner than the start of the second federal fiscal year following the publication of the final rule. A precise effective date will be dependent on the publication date of the final rule, but this construct provides title IV–E agencies with at least one full year before we will require them to begin collecting and reporting new AFCARS data elements. We welcome public comments on specific provisions included in this proposed rule that may warrant a longer phase-in period.

V. Public Participation

We understand that there have been several opportunities to comment, in general, on AFCARS. However, each comment solicitation has been on a different iteration of AFCARS. In this NPRM, AFCARS is streamlined from the 2016 final rule, thus commenters must focus their comments on the data elements proposed in this specific rulemaking. Commenters should consider how this proposed iteration of AFCARS will impact their work and budgets and be specific when commenting on this NPRM. Commenters should identify the specific data elements to which their comments apply and provide specific supporting information for the comment. We welcome public comments on the data elements that we are proposing to remove or revise from the 2016 final rule.

We encourage commenters to speak to the following:

• Whether the information is readily available or collected as part of the title IV–E agency's casework.

• Recordkeeping hours spent annually to adjust existing ways to comply with AFCARS requirements, gather and enter information into the electronic case management system, and training and administrative tasks associated with training personnel on the AFCARS requirements (*e.g.,* reviewing instructions, developing training and manuals).

• Reporting hours spent annually extracting the information for AFCARS reporting and transmitting the information proposed in this NPRM to ACF.

• Timeframes required to complete the work.

• Specifically how reporting the data elements in this NPRM will enhance their work with children and families.

We understand that stakeholders who are not title IV–E agencies will not be able to offer specific estimates regarding the burden or cost placed on title IV–E agencies for reporting AFCARS because they are not required to report AFCARS data. However, we believe that it would be appropriate and helpful for commenters to provide specific reasons as to why they think AFCARS is the most effective vehicle for collection of the data proposed in this NPRM and why no other current method is feasible to collect the information. Additional comments that would be helpful would describe any work done to coordinate

with title IV–E agencies in collecting and reporting data for AFCARS and how AFCARS data, which is aggregated at the national level, would help their specific work with title IV–E agencies, children, and families.

VI. Section-by-Section Discussion of Regulatory Provisions

Section 1355.41 Scope of the Adoption and Foster Care Analysis and Reporting System

This section states the scope of AFCARS. Paragraph (c) of this section prescribes the definitions of terms used in the AFCARS data elements and these terms as defined in the 2016 final rule are unchanged. We propose to make minor conforming amendments to paragraphs (c)(1) and (2) to update the citations to the ICWA-related data elements as a result of our proposed amendments to § 1355.44.

Section 1355.43 Data Reporting Requirements

This section states the AFCARS data reporting requirements and these requirements are unchanged from the 2016 final rule. In paragraph (b)(3), we propose that the title IV–E agency report the date of removal, exit date, and exit reason for each child who had an out-of-home care episode prior to October 1, 2020. As stated in the 2016 final rule, this means that title IV–E agencies do not need to report complete historical and current information for these children. We are proposing this change of the new date to October 1, 2020 to conform to the date in the final rule we published in the **Federal Register** on August 21, 2018 (83 FR 42225).

Section 1355.44 Out-of-Home Care Data File Elements

This section states the data element descriptions for the out-of-home care data file.

Section 1355.44(a) General Information

In paragraph (a), we propose that title IV–E agencies collect and report general information that identifies the reporting title IV–E agency as well as the child in out-of-home care. We propose the data elements below and they are unchanged from the 2016 final rule.

Title IV–E agency. In paragraph (a)(1), we propose that the title IV–E agency indicate the name of the title IV–E agency responsible for submitting AFCARS data to ACF. A state title IV–E agency must indicate its state name. ACF will work with tribal title IV–E agencies to provide guidance during implementation.

Report date. In paragraph (a)(2), we propose that the title IV–E agency indicate the report period date, which is the last month and year that corresponds with the end of the report period.

Local agency. In paragraph (a)(3), we propose that the title IV–E agency report the name of the local county, jurisdiction, or equivalent unit that has responsibility for the child. ACF will work with tribal title IV–E agencies to provide guidance during implementation.

Child record number. In paragraph (a)(4), we propose that the title IV–E agency report the child's record number, which is a unique person identification number, as an encrypted number. The child record number must remain the same for the child no matter where the child lives while in the placement and care responsibility of the title IV–E agency and across all report periods and out-of-home care episodes. This number remains the same if the child exits the out-of-home care data file and enters the reporting population for the adoption and guardianship assistance data file. The title IV–E agency must apply and retain the same encryption routine or method for the child record number across all report periods. The title IV–E agency's encryption methodology must meet all ACF standards prescribed through technical bulletins or policy.

Section 1355.44(b) Child Information

In paragraph (b), we propose that the title IV–E agency collect and report child specific information for the identified child in out-of-home care.

Child's date of birth. In paragraph (b)(1), we propose that the title IV–E agency report the child's date of birth including the month, day and year. If the child was abandoned and the actual date of birth is not known, an estimated date of birth is to be provided. This is unchanged from the 2016 final rule. We continue to propose this data element because section 479(c)(3)(A) of the Act requires the collection of comprehensive national information with respect to the demographic characteristics of foster children.

Child's sex. In paragraph (b)(2), we propose to require the title IV–E agency to report only the child's sex. The proposed response options are ''male'' and ''female''. The response options are unchanged from the 2016 final rule; the only change is to the name of the data element, from ''gender'' to ''sex''. Commenters to the ANPRM suggested that the data element ''gender'' in the 2016 final rule be revised to reflect a gender other than male or female but HHS did not identify a compelling reason to increase the reporting burden by requesting the provision of this information, which might not be collected consistently.

Reason to know a child is an ''Indian Child'' as defined in the Indian Child Welfare Act. In paragraph (b)(3), we propose to require the state title IV–E agency to report whether it made inquiries to determine if the child is an Indian child as defined in ICWA. The 2016 final rule requires state title IV–E agencies to report whether it specifically inquired with seven different people/entities. We propose to modify this data element from the 2016 final rule to require the state title IV–E agency to report generally whether inquiries were made as to whether the child is an Indian child as defined in ICWA and remove the list of specific people/entities. As we explained in section II, the specifics of the individual people/entities inquired with are better suited for a qualitative review because this information is too detailed for national statistics and therefore would be difficult to portray in a meaningful way. However, during consultation, it was noted that knowing whether the title IV–E agency inquired about the child's status as an Indian child as defined in ICWA is essential in determining whether ICWA applies for a child. Commenters to the ANPRM also noted that this information is useful demographic information on the children in the out-of-home care reporting population.

Child's tribal membership. In paragraph (b)(4), we propose to require the state title IV–E agency to report whether the child is a member of or eligible for membership in an Indian tribe and if so, indicate all of the federally recognized tribes with which the child may potentially be associated. This information must be submitted in a format specified by ACF. In the 2016 final rule, this is part of the data elements on *Reason to know a child is an ''Indian Child'' as defined in the Indian Child Welfare Act.* We propose to modify this data element from the 2016 final rule to make it a separate data element asking about the child's tribal membership status and report all federally recognized tribes that may potentially be the Indian child's tribe(s), if applicable. During consultation, it was noted that knowing whether the child is a member of or eligible for membership in an Indian tribe is essential in determining whether ICWA applies for a child. Commenters to the ANPRM also noted that this information is useful demographic information on the children in the out-of-home care reporting population.

Application of ICWA. In paragraph (b)(5), we propose to require the state

title IV–E agency to report whether ICWA applies for the child and if yes, the date the Indian tribe or state or tribal court notified the state title IV–E agency that ICWA applies. In the 2016 final rule, this information is split among multiple data elements that ask whether the state title IV–E agency knows or has reason to know that the child is an Indian child as defined in ICWA, whether a court determined that ICWA applies, and if so, the date of the court determination. We propose to revise this data element from the 2016 final rule to only ask whether ICWA applies for the child, with a response of ''yes'', ''no'', or ''unknown,'' and if yes, the date the state title IV–E agency was notified of this determination. As we explained in section II, commenters to the ANPRM felt that some of the ICWA-related data elements were redundant because they asked for similar information in multiple data elements. This is one area that the commenters noted should be combined. The data we propose to collect in paragraph (b)(5) will identify the child records in the out-of-home care reporting population where ICWA applies and will provide a national number of the children in the out-of-home care reporting population to whom ICWA applies.

Notification. In paragraph (b)(6), we propose to require the state title IV–E agency to report whether the child's Indian tribe was sent legal notice, in accordance with 25 U.S.C. 1912(a), if the state title IV–E agency indicated ''yes'' in paragraph (b)(5)(i). The data element in the 2016 final rule requires state title IV–E agencies to report also whether notice was sent to the Indian child's parent or Indian custodian. We propose to modify this data element from the 2016 final rule to only require the state title IV–E agency to respond with ''yes'' or ''no'' that it sent notification to the Indian tribe. Notification was identified during consultation as a key aspect of ICWA's requirements that should remain in AFCARS because notification is critical to meaningful access to and participation in adjudications. The data will help identify to what extent notification is being done by the state title IV–E agency on a national level for children in the out-of-home care reporting population.

Child's race. In paragraph (b)(7), we propose to require the title IV–E agency to report the race of the child. We continue to propose this data element because section 479(c)(3)(A) of the Act requires the collection of comprehensive national information with respect to the demographic characteristics of foster children. In paragraph (b)(7)(vi) for *Race-unknown,* we added instructions to clarify that this category does not apply when the child has been abandoned or the parents failed to return and the identity of the child, parent(s), or legal guardian(s) is known. If a child is abandoned, the title IV–E agency must report per paragraph (b)(7)(vii). We made this clarifying edit to address some confusion expressed by commenters to the ANPRM. All other data elements are unchanged from the 2016 final rule.

Child's Hispanic or Latino ethnicity. In paragraph (b)(8), we propose to require the title IV–E agency to report the Hispanic or Latino ethnicity of the child. This is unchanged from the 2016 final rule. We continue to propose this data element because section 479(c)(3)(A) of the Act requires the collection of comprehensive national information with respect to the demographic characteristics of foster children.

Health assessment. In paragraph (b)(9), we propose to require the title IV–E agency to report whether the child had a health assessment during the current out-of-home care episode. We propose to simplify this data element from the 2016 final rule to require the title IV–E agency to respond ''yes'' or ''no'' and to remove the additional data elements for reporting the date of the child's most recent health assessment and if it was within the timeframes established by the agency. Commenters suggested removing these data elements because the specific information around the dates of health assessments and whether they are timely is too detailed for national statistics and therefore would be difficult to portray in a meaningful way. However, commenters noted that knowing whether a child had a health assessment will support ACF in assessing the current state of the well-being of children placed in out-of-home care and implementation of title IV–B requirement around health assessment and planning per section 422(b)(15)(A) of the Act.

Health, behavioral or mental health conditions. In paragraph (b)(10), we propose to require the title IV–E agency to report whether the child was diagnosed by a qualified professional as having one or more health, behavioral or mental health conditions from a list of eleven conditions prior to or during the child's current out-of-home care episode. If so, the agency must report whether it is an existing condition or a previous condition (a previous diagnoses that no longer exists as a current condition). The title IV–E agency must also report if the child had an exam or assessment, but none of the conditions apply, or if the agency has not received the results of the exam or assessment. When the child has not had an exam or assessment, the agency must indicate so. This is unchanged from the 2016 final rule. We continue to propose this data element because the annual outcomes report to Congress includes statistics on children with a diagnosed disability and also must contain information on children placed in a child care institution with a special needs or another diagnosed mental or physical illness or condition, per section 479A(a)(7)(A)(i)(III) of the Act. The information needed for the annual outcomes report to Congress comes from AFCARS data.

School enrollment. In paragraph (b)(11), we propose to require the title IV–E agency to report whether the child is a full-time student at and enrolled in (or in the process of enrolling in) elementary or secondary education, or is a full or part-time student at and enrolled in post-secondary education or training, or college, or whether the child is not enrolled in any school setting. This is unchanged from the 2016 final rule. We continue to propose this data element because we will use this information, combined with other AFCARS data elements, to assess nationally the well-being of children placed in out-of-home care as part of monitoring the title IV–B and IV–E programs through reviews.

Educational level. In paragraph (b)(12), we propose to require the title IV–E agency to report the highest educational level from kindergarten to college or post-secondary education/training, as well as a general equivalency diploma (GED), completed by the child as of the last day of the report period. This is unchanged from the 2016 final rule. We continue to propose this data element because we will use this information, combined with other AFCARS data elements to assess nationally the well-being of children placed in out-of-home care as part of monitoring the title IV–B and IV–E programs through reviews.

Pregnant or parenting. In paragraph (b)(13), we propose to require the title IV–E agency to report whether the child has ever fathered or bore a child, as well as whether the child and child(ren) are placed together in foster care. This is unchanged from the 2016 final rule. This data element is used in the annual report to Congress consistent with section 479A(a)(7)(B) of the Act and budget formulation for the title IV–E program.

Special education. In paragraph (b)(14), we propose to require the title IV–E agency to report on the child's

special education status by indicating if the child has an Individualized Education Program (IEP) or an Individualized Family Service Program (IFSP). This is unchanged from the 2016 final rule. We continue to propose this data element because the annual report to Congress must contain information on children placed in a child care institution receiving specialized education, per section 479A(a)(7)(A)(i)(IV) of the Act.

Prior adoption. In paragraph (b)(15), we propose to require the title IV–E agency to report whether the child experienced a prior legal adoption, including any public, private, or independent adoption in the United States or adoption in another country, and a tribal customary adoption, prior to the current out-of-home care episode. If so, the title IV–E agency must report the date it was finalized and whether the child's prior adoption was an intercountry adoption. This is unchanged from the 2016 final rule. We continue to propose this data element to fulfill the statutory mandate in section 479(c)(3)(C)(ii) and 479(d) of the Act which requires information regarding children who enter into foster care after prior finalization of an adoption. This information will also be used to improve consistency with the data we provide to the State Department for their reports regarding international adoptions. Currently, the information is reported via a narrative in the CFSP and annual updates. This proposed method is preferred because currently the information must be compiled from the narratives and the reporting is not consistent across title IV–E agencies. Having this information in AFCARS will improve the accuracy, reliability, and consistency of the data because it will become an automated reporting through AFCARS.

Prior guardianship. In paragraph (b)(16), we propose to require the title IV–E agency to report whether the child experienced a prior legal guardianship and if so, to report the date that the prior legal guardianship became legalized. This is unchanged from the 2016 final rule. We continue to propose this data element to fulfill the statutory mandate in section 479(d) of the Act which requires information regarding children who enter into foster care after prior finalization of a legal guardianship.

Child financial and medical assistance. In paragraph (b)(17), we propose to require the title IV–E agency to report whether the child received financial and medical assistance, other than title IV–E foster care maintenance payments. We propose to revise this data element from the 2016 final rule to simplify the types of assistance to be reported to only include: ''state/tribal adoption assistance''; ''state/tribal foster care''; ''Title IV–E adoption subsidy''; ''Title IV–E guardianship assistance''; ''Title IV–A TANF''; ''Title IV–B''; ''Chafee Foster Care Independence Program''; or ''Other''. The data element in the 2016 final rule required state title IV–E agencies to report also whether the child received SSI or Social Security Benefits, title XIX, title XXI, title XX, or child support. We propose to remove those five data elements due to ANPRM comments that cited reporting on the multiple financial options as burdensome and suggested these data elements be streamlined. The financial categories that remain are the essentials for children in out-of-home care to meet the requirement in section 479(c)(3)(D) of the Act related to the nature of assistance supporting the child. The other categories were determined to be extraneous information and delineating these categories in AFCARS does not enhance information about the child when other reporting methods, such as the CB–496 financial reporting form, exist to address this information.

Title IV–E foster care during report period. In paragraph (b)(18), we propose to require the title IV–E agency to report whether a title IV–E foster care maintenance payment was paid on behalf of the child at any point during the report period. This is unchanged from the 2016 final rule. We propose to continue this data element because section 479(c)(3)(D) of the Act requires the collection of the extent and nature of assistance provided by federal, state, and local adoption and foster care programs and it is used for the federal title IV–E reviews per 45 CFR 1356.71.

Siblings. In paragraphs (b)(19) through (21), we propose to require title IV–E agency to report the total number of siblings that the child has, if applicable, the number of siblings who are in foster care as defined in § 1355.20, and the number of siblings who are in the same living arrangement as the child, on the last day of the report period. This is unchanged from the 2016 final rule. We continue to propose these data elements on siblings because we will use this information, combined with other AFCARS data elements to assess nationally the well-being of children placed in out-of-home care as part of monitoring the title IV–B and IV–E programs through the Child and Family Services Reviews (CFSR).

Section 1355.44(c) Parent or Legal Guardian Information

In paragraph (c), we propose that the title IV–E agency collect and report information on the child's parent(s) or legal guardian(s).

Year of birth parent(s) or legal guardian(s). In paragraphs (c)(1) and (2), we propose to require the title IV–E agency to report the birth year of the child's parent(s) or legal guardian(s). If the child has both a parent and a legal guardian, or two different sets of legal parents, the title IV–E agency must report on those who had legal responsibility for the child. If the child was abandoned and the identity of the parent or legal guardian is unknown and cannot be ascertained, the title IV–E agency would indicate ''abandoned.'' If there is not another parent or legal guardian, the title IV–E agency would indicate ''not applicable.'' This is unchanged from the 2016 final rule. We continue to propose this data element because section 479(c)(3)(A) of the Act requires the collection of comprehensive national information with respect to the demographic characteristics of biological parents.

Tribal membership mother and father. In paragraphs (c)(3) and (4), we propose to require the title IV–E agency to report whether the biological or adoptive mother and father are members of an Indian tribe. This is unchanged from the 2016 final rule. During consultation, it was noted that knowing whether the mother and father are members of an Indian tribe is necessary in determining whether ICWA applies for a child.

Termination/modification of parental rights. In paragraph (c)(5), we propose to require the title IV–E agency to report whether the rights for each parent were terminated or modified on a voluntary or involuntary basis. A voluntary termination means the parent(s) voluntarily relinquished parental rights to the title IV–E agency, with or without court involvement. In paragraph (c)(5)(i), we propose that the title IV–E agency report each date the petition to terminate/modify parental rights was filed, if applicable. In paragraph (c)(5)(ii), we propose that the title IV–E agency report the date parental rights were terminated/modified, if applicable. This is unchanged from the 2016 final rule. Section 479(c)(3)(B) of the Act requires title IV–E agencies to report on the status of the foster care population, including children available for adoption. The termination/modification dates, petition dates, and whether it is voluntary or involuntary is used for title IV–E program monitoring via the CFSR to monitor compliance with the

requirement in section 475(5)(E) of the Act. In the case of a child who has been in foster care under the responsibility of the title IV–E agency for 15 of the most recent 22 months, section 475(5)(E) of the Act requires the title IV–E agency to file a petition to terminate the parental rights unless an exception exists, as defined in statute. Having this information in AFCARS will improve the accuracy and reliability of the dates to use for the CFSR.

Section 1355.44(d) Removal Information

In paragraph (d), we propose that the title IV–E agency collect and report information on each of the child's removal(s).

Date of child's removal. In paragraph (d)(1), we propose to require the title IV–E agency to collect and report the date(s), on which the child was removed for each removal of a child who enters the placement and care responsibility of the title IV–E agency. For a child who ran away or whose whereabouts are unknown at the time of removal, the title IV–E agency would indicate the date they received placement and care responsibility. This is unchanged from the 2016 final rule. We propose to continue this data element consistent with section 479(c)(3)(C) of the Act which requires that the data collection system include characteristics of children entering out-of-home care. This information is also used in the annual outcomes report to Congress.

Removal transaction date. In paragraph (d)(2), we propose to require the title IV–E agency to report the transaction date for each of the child's removal dates reported in paragraph (d)(1) using a non-modifiable, computer-generated date which accurately indicates the month, day and year each response to paragraph (d)(1) was entered into the information system. This is unchanged from the 2016 final rule. We propose to continue this data element consistent with section 479(c)(2) of the Act which requires the collection of this data element in order to assure that the data collected is reliable and consistent over time.

Environment at removal. In paragraph (d)(3), we propose to require the title IV–E agency to report the type of environment (household or facility) from a list of seven that the child was living in at the time of each of the child's removals reported in paragraph (d)(1). This is unchanged from the 2016 final rule. We continue to propose this data element because it enables us to analyze removals of children over time for technical assistance and monitoring.

Child and family circumstances at removal. In paragraph (d)(4), we propose to require the title IV–E agency to report all of the circumstances surrounding the child and family at each removal reported in paragraph (d)(1) from a list of 34 circumstances. The agency must report all child and family circumstances that are present at the time of each removal, including the circumstances that contributed to the decision to place the child into out-of-home care. We continue to propose this data element because multiple sections of the Act require the information that will be reported in the circumstances: Section 479(c)(3)(C) of the Act requires identification of the characteristics of children placed in foster care, the annual outcomes report to Congress must contain information on children placed in a child care institution with special needs or another diagnosed mental or physical illness or condition, per section 479A(a)(7)(A)(i)(III) of the Act, and section 471(d) of the Act requires an annual report to Congress regarding information on children and youth who are sex trafficking victims. We propose to make only minor revisions to three circumstances which are in paragraphs (d)(4)(ix), (xxvi), and (xxx). In paragraph (d)(4)(ix) *Abandonment,* we propose to revise the instruction to not include a child who is left at a ''safe haven'' and in paragraph (d)(4)(xxvi) *Voluntary relinquishment for adoption,* we propose to include the instruction that this includes a child who is left at a ''safe haven.'' We understand from providing technical assistance to title IV–E agencies that there may be specific laws and policies in the states that separate children who are ''abandoned'' from those who are left at a ''safe haven'' and a better reflection of this in the data is to include children left at a ''safe haven'' under paragraph (d)(4)(xxvi) *Voluntary relinquishment for adoption.* In paragraph (d)(4)(xxx) *Family conflict related to child's sexual orientation, gender identity, or gender expression,* we modified the data element definition to define it as the child's expressed or perceived sexual orientation, gender identity, gender expression, or any conflict related to the ways in which a child manifests masculinity or femininity. These revisions clarify the purpose of the circumstance, which is to know whether the child's expression or the caregiver's perception of the child's sexual orientation or gender identity is a circumstance associated with the child's removal. The rest of the circumstances are unchanged from the 2016 final rule.

Victim of sex trafficking prior to entering foster care. In paragraph (d)(5), we propose to require the title IV–E agency to report whether the child had been a victim of sex trafficking before the current out-of-home care episode and if yes, the agency must indicate whether it reported each instance to law enforcement and the dates of each report. This is unchanged from the 2016 final rule. We continue to propose this data element because section 479(c)(3)(E)(i) of the Act requires the data system collection include an annual number of children who were victims of sex trafficking prior to entering foster care and this information will inform reports required in sections 471(a)(34)(B) and 471(d) of the Act on children and youth reported to be sex trafficking victims.

Victim of sex trafficking while in foster care. In paragraph (d)(6), we propose to require the title IV–E agency to report whether the child was a victim of sex trafficking while in out-of-home care during the current episode and if yes, the agency must indicate whether it reported each instance to law enforcement and the dates of each report. This is unchanged from the 2016 final rule. We continue to propose this data element because section 479(c)(3)(E)(ii) of the Act requires the data system collection include an annual number of children who were victims of sex trafficking while in foster care and this information will inform reports required in sections 471(a)(34)(B) and 471(d) of the Act on children and youth reported to be sex trafficking victims.

Section 1355.44(e) Living Arrangement and Provider Information

In paragraph (e), we propose that the title IV–E agency collect and report information on each of the child's living arrangements for each out-of-home care episode.

Date of living arrangement. In paragraph (e)(1), we propose to require the title IV–E agency to report the date of each living arrangement. This is unchanged from the 2016 final rule. We continue to propose this data element because section 479(c)(3)(B) of the Act requires that the data collection system include the length of placement in an out-of-home care setting.

Foster family home. In paragraph (e)(2), we propose to require the title IV–E agency to report whether or not a child resides in a foster family home for each living arrangement. If the title IV–E agency reports ''yes'', then the agency must complete paragraph (e)(3). This is unchanged from the 2016 final rule. We continue to propose this data element because section 479(c)(3)(B) of the Act requires that the data collection system

include the length and type of placement.

Foster family home type. In paragraph (e)(3), we propose to require the title IV–E agency to report the foster family home type. The title IV–E agency must indicate whether each of the following proposed foster family home types ''applies'' or ''does not apply'': licensed home, therapeutic foster family home, shelter care foster family home, relative foster family home, pre-adoptive home, and kin foster family home. This is unchanged from the 2016 final rule. We continue to propose this data element because section 479(c)(3)(B) of the Act requires that the data collection system include the type of placement for the child.

Other living arrangement type. In paragraph (e)(4), we propose to require the title IV–E agency to report whether a child is placed in one of 14 living arrangements for a child who is not placed in a foster family home, as indicated in paragraph (e)(2) of this section, for each living arrangement. The proposed living arrangement types are mutually exclusive and are as follows: ''group home-family-operated'', ''group home-staff-operated'', ''group home-shelter care'', ''residential treatment center'', ''qualified residential treatment program'', ''child care institution'', ''child care institution-shelter care'', ''supervised independent living'', ''juvenile justice facility'', ''medical or rehabilitative facility'', ''psychiatric hospital'', ''runaway'', ''whereabouts unknown'', and ''placed at home''. We propose to modify the list of options from the 2016 final rule to include a ''qualified residential treatment program'' as a new placement option per revisions made by Public Law 115–123 at section 472(k)(2)(A) and (4) of the Act to add these specialized placements where children may be placed. Qualified residential treatment programs must meet specific requirements outlined at section 472(k)(4) of the Act and should not be reported under the response option ''residential treatment centers.'' We also propose to modify the definition of the response option ''residential treatment center'' to include when the child is placed with a parent who is in a licensed residential family-based treatment facility for substance abuse per section 472(j) of the Act. We propose this revision due to the changes made by Public Law 115–123 at section 472(j) of the Act to allow foster care maintenance payments for a child placed with a parent in these specified placements. We propose to modify the definition of the response option ''child care institution'' to include a setting specializing in providing prenatal, post-partum, or parenting supports for youth per section 472(k)(2)(B) of the Act, and a setting providing high-quality residential care and supportive services to children and youth who have been found to be, or are at risk of becoming, sex trafficking victims per section 472(k)(2)(D) of the Act. We propose this revision due to the changes made by Public Law 115–123 at section 472(k) of the Act. The other response options are unchanged from the 2016 final rule. We continue to propose this data element because section 479(c)(3)(B) of the Act requires that the data collection system include the type of placement. The annual outcomes report to Congress must contain information on children placed in a child care institution or other setting that is not a foster family home including the type of the placement setting, per section 479A(a)(7)(A) of the Act.

Location of living arrangement. In paragraph (e)(5), we propose to require the title IV–E agency to report the location of each living arrangement. The proposed locations are as follows: ''Out-of-State or out-of-Tribal service area''; ''In-State or in-Tribal service area''; ''Out-of-country''; and ''Runaway or whereabouts unknown''. This is unchanged from the 2016 final rule. We continue to propose this data element because section 479(c)(3)(C) of the Act requires that the data collection system include information on children placed in foster care outside the title IV–E agency that has placement and care responsibility.

Jurisdiction or country where child is living. In paragraph (e)(6), we propose to require the title IV–E agency to report and name the jurisdiction or country where the child is living in a format according to ACF's specifications. This is unchanged from the 2016 final rule. We continue to propose this data element because section 479(c)(3)(B) of the Act requires that the data collection system include information on children placed in foster care outside the title IV–E agency that has placement and care responsibility. Further, this information will be used to inform the information provided in paragraph (e)(5).

Marital status of the foster parent(s). In paragraph (e)(7), we propose to require the title IV–E agency to report foster parent's marital status. The marital status response options are as follows: ''married couple'', ''unmarried couple'', ''separated'', and ''single adult''. This is unchanged from the 2016 final rule. We continue to propose this data element because section 479(c)(3)(A) of the Act requires the collection of comprehensive national information on the demographic characteristics of foster parents. Also, this information is currently used to inform recruitment campaigns for foster parents.

Child's relationship to the foster parent(s). In paragraph (e)(8), we propose to require the title IV–E agency to report the child's relationship to the foster parent(s). We propose to simplify the response options from the 2016 final rule from seven to three: ''relative(s)'', ''nonrelative(s)'', and ''kin''. We continue to propose this data element because section 479(c)(3)(A) of the Act requires the collection of comprehensive national information on the demographic characteristics of foster parents. However, we propose to streamline the response options because primarily we are interested in knowing whether the child's foster parent is a relative, nonrelative, or kin. This will inform placement types and be used for foster parent recruitment campaigns. However, the level of specificity in the 2016 final rule's response options serves no identified purpose.

Year of birth for foster parent(s). In paragraphs (e)(9) and (14), we propose to require the title IV–E agency to report the year of birth of the foster parent(s). If there is no second foster parent, then the title IV–E agency must leave paragraph (e)(14) blank. This is unchanged from the 2016 final rule. We continue to propose this data element because section 479(c)(3)(A) of the Act requires the collection of comprehensive national information with respect to the demographic characteristics of foster parents.

Foster parent(s) tribal membership. In paragraphs (e)(10) and (15), we propose to require the title IV–E agency to report the tribal membership of the foster parent(s). If there is no second foster parent, then the title IV–E agency must leave paragraph (e)(15) blank. This is unchanged from the 2016 final rule. Commenters to the ANPRM noted that knowing whether the foster parents are members of an Indian tribe will provide information related to ICWA placement preferences in AFCARS.

Race of foster parent(s). In paragraphs (e)(11) and (16), we propose to require the title IV–E agency to report the race of the foster parent(s). If there is no second foster parent, then the title IV–E agency must leave paragraph (e)(16) blank. This is unchanged from the 2016 final rule. We continue to propose this data element because section 479(c)(3)(A) of the Act requires the collection of comprehensive national information with respect to the demographic characteristics of foster parents.

Hispanic or Latino ethnicity of foster parent(s). In paragraphs (e)(12) and (17), we propose to require the title IV–E agency to report the Hispanic or Latino ethnicity of the foster parent(s). If there is no second foster parent, then the title IV–E agency must leave paragraph (e)(17) blank. This is unchanged from the 2016 final rule. We continue to propose this data element because section 479(c)(3)(A) of the Act requires the collection of comprehensive national information with respect to the demographic characteristics of foster parents.

Sex of foster parent(s). In paragraphs (e)(13) and (18), we propose to require the title IV–E agency to report the sex of the foster parent(s). If there is no second foster parent, then the title IV–E agency must leave paragraph (e)(18) blank. The response options are unchanged from the 2016 final rule; the only change is to the name of the data element, from ''gender'' to ''sex''. We propose this data element because section 479(c)(3)(A) of the Act requires the collection of comprehensive national information with respect to the demographic characteristics of foster parents. Commenters to the ANPRM suggested that the data element ''gender'' in the 2016 final rule be revised to reflect a gender other than male or female, but HHS did not identify a compelling reason to increase the reporting burden by requesting the provision of this information, which might not be collected consistently.

Section 1355.44(f) Permanency Planning

In paragraph (f), we propose that the title IV–E agency collect and report information related to permanency planning for children in out-of-home care, which includes permanency plans, hearings, and caseworker visits with the child.

Permanency plan and date. In paragraph (f)(1), we propose to require the title IV–E agency to report each permanency plan established for the child. The proposed permanency plan options are as follows: ''reunify with parent(s) or legal guardian(s)''; ''live with other relatives''; ''adoption''; ''guardianship''; ''planned permanent living arrangement''; and ''permanency plan not established''. In paragraph (f)(2), we propose to require the title IV–E agency to report the date of each permanency plan. These data elements are unchanged from the 2016 final rule. We continue to propose these data elements because section 479(c)(3)(B) of the Act requires that the data collection system include the goals for ending or continuing foster care and this information is used in the annual outcomes report to Congress.

Date of periodic review(s) and permanency hearing(s). In paragraph (f)(3), we propose to require the title IV–E agency to report the date of each periodic review, either by a court, or an administrative review (as defined in section 475(6) of the Act) that meets the requirements of section 475(5)(B) of the Act. In paragraph (f)(4), we propose to require the title IV–E agency to report the date of each permanency hearing held by a court or an administrative body appointed or approved by the court that meets the requirements of section 475(5)(C) of the Act. These data elements are unchanged from the 2016 final rule. This information will be used for title IV–B/IV–E program monitoring via the CFSR and having this information in AFCARS will allow us to more accurately assess the quality and frequency of these hearings/reviews.

Caseworker visit dates and locations. In paragraph (f)(5), we propose to require the title IV–E agency to report the date of each in-person, face-to-face caseworker visit with the child, consistent with section 422(b)(17) of the Act. In paragraph (f)(6), we propose to require the title IV–E agency to report each caseworker visit location from two response options: ''Child's residence'' and ''other location.'' These data elements are unchanged from the 2016 final rule. Currently, information on caseworker visits to meet the requirements of section 424(f) and 479A(a)(6) of the Act is reported via the CFSP and annual updates. Reporting this information in AFCARS instead will improve the accuracy of the data and alleviate the burden of agencies having to report on this as a narrative in the CFSP and annual updates.

Section 1355.44(g) General Exit Information

In paragraph (g), we propose that the title IV–E agency collect and report exit information for each out-of-home care episode. An exit occurs when the title IV–E agency's placement and care responsibility of the child ends.

Date of exit. In paragraph (g)(1), we propose to require the title IV–E agency to report the date for each of the child's exits from out-of-home care. If this data element is applicable, the data elements in paragraphs (g)(2) and (3) of this section must have a response. This is unchanged from the 2016 final rule. We propose to continue this data element consistent with section 479(c)(3) of the Act which requires that the data collection system include the length of a child's placement in out-of-home care. This information is also used in the annual outcomes report to Congress that measures the length of time children are in foster care, re-entry rates, and permanency and calculating awards for the adoption and guardianship incentives payment program under section 473A of the Act.

Exit transaction date. In paragraph (g)(2), we propose to require the title IV–E agency to report a non-modifiable, computer-generated date which accurately indicates the date of each response to paragraph (g)(1) of this section. This is unchanged from the 2016 final rule. We propose to continue this data element consistent with section 479(c)(2) of the Act which requires that the data collected is reliable and consistent over time.

Exit reason. In paragraph (g)(3), we propose to require the title IV–E agency to report the reason for each of the child's exits from out-of-home care. The proposed exit reasons are as follows: ''not applicable''; ''reunify with parents/legal guardian''; ''live with other relatives''; ''adoption''; ''emancipation''; ''guardianship''; ''runaway or whereabouts unknown''; ''death of child''; and ''transfer to another agency''. This is unchanged from the 2016 final rule. This information in combination with the date of exit is used in the annual outcomes report to Congress that measures the length of time children are in foster care, re-entry rates, and permanency.

Transfer to another agency. In paragraph (g)(4), we propose to require the title IV–E agency to report the type of agency that received placement and care responsibility for the child if the title IV–E agency indicated the child was transferred to another agency in paragraph (g)(3). The proposed agency types are: ''state title IV–E agency''; ''tribal title IV–E agency''; ''Indian tribe or tribal agency (non-IV–E)''; ''juvenile justice agency''; ''mental health agency''; ''other public agency''; and ''private agency''. This is unchanged from the 2016 final rule. This information is used to provide further information on the transfer indicated in paragraph (g)(3) that aids in data accuracy consistent with the requirement for reliable and consistent data in section 479(c)(2) of the Act.

Section 1355.44(h) Exit to Adoption and Guardianship Information

In paragraph (h), we propose that the title IV–E agency collect and report information only if the title IV–E agency indicated the child exited to adoption or legal guardianship in *Exit reason* paragraph (g)(3) of this section. Otherwise, the title IV–E agency must leave paragraph (h) blank.

Marital status of the adoptive parent(s) or guardian(s). In paragraph (h)(1), we propose to require the title IV–E agency to report the marital status of the adoptive parent(s) or legal guardian(s). The marital status response options are as follows: ''married couple''; ''married but individually adopting or obtaining legal guardianship''; ''unmarried couple''; and ''single adult''. This is unchanged from the 2016 final rule. We continue to propose this data element because section 479(c)(3)(A) and (c)(3)(C)(i) of the Act requires the collection of comprehensive national information with respect to the demographic characteristics of adoptive parents and of children who exit from foster care. Additionally, this information will inform permanency outcomes information and adoption recruitment campaigns.

Child's relationship to the adoptive parent(s) or guardian(s). In paragraph (h)(2), we propose to require the title IV–E agency to report the type of relationship between the child and the adoptive parent(s) or legal guardian(s). We propose to simplify the response options from the 2016 final rule from seven to four: ''relative(s)''; ''nonrelative(s)''; ''foster parent(s)''; and ''kin''. We continue to propose this data element because section 479(c)(3)(A) and (c)(3)(C)(i) of the Act requires the collection of comprehensive national information on the demographic characteristics of adoptive parents and children who exit from foster care. However, we propose to streamline the response options because primarily we are interested in knowing whether the child's adoptive parent(s) or guardian(s) is a relative, nonrelative, or kin to inform permanency outcomes data and family recruitment. However, the level of specificity in the 2016 final rule's response options serves no identified purpose.

Date of birth of the adoptive parent or guardian. In paragraph (h)(3) and (8), we propose to require the title IV–E agency to report the date of the birth of the adoptive parent(s) or legal guardian(s). The title IV–E agency must leave (h)(8) blank if there is no second adoptive parent, legal guardian, or other member of the couple. This is unchanged from the 2016 final rule. We continue to propose this data element because section 479(c)(3)(A) and (c)(3)(C)(i) of the Act requires the collection of comprehensive national information with respect to the demographic characteristics of adoptive parents and children who exit from foster care. Additionally, this information will inform permanency outcomes information and adoption recruitment campaigns.

Adoptive parent or guardian tribal membership. In paragraph (h)(4) and (9), we propose to require the title IV–E agency to report whether the adoptive parent(s) or guardian(s) is a member of an Indian tribe. The title IV–E agency must leave paragraph (h)(9) blank if there is no second adoptive parent, legal guardian, or other member of the couple. This is unchanged from the 2016 final rule. Commenters to the ANPRM noted that knowing whether the adoptive parents or legal guardians are members of an Indian tribe will provide information related to ICWA placement preferences in AFCARS. Additionally, this information will inform permanency outcomes information and adoption recruitment campaigns.

Race of adoptive parent or guardian. In paragraph (h)(5) and (h)(10), we propose to require the title IV–E agency to report the adoptive parent(s) or guardian(s)'s race as determined by the individual. The title IV–E agency must leave paragraph (h)(10) blank if there is no second adoptive parent, legal guardian, or other member of the couple. This is unchanged from the 2016 final rule. We continue to propose this data element because section 479(c)(3)(A) and (c)(3)(C)(i) of the Act requires the collection of comprehensive national information with respect to the demographic characteristics of adoptive parents and children who exit from foster care.

Hispanic or Latino ethnicity of first adoptive parent or guardian. In paragraph (h)(6) and (h)(11), we propose to require the title IV–E agency to report whether the adoptive parent(s) or guardian(s) is of Hispanic or Latino ethnicity as determined by the individual. The title IV–E agency must leave paragraph (h)(11) blank if there is no second adoptive parent, legal guardian, or other member of the couple. This is unchanged from the 2016 final rule. We continue to propose this data element because section 479(c)(3)(A) and (c)(3)(C)(i) of the Act requires the collection of comprehensive national information with respect to the demographic characteristics of adoptive parents and children who exit from foster care.

Sex of first adoptive parent or guardian. In paragraph (h)(7) and (12), we propose to require the title IV–E agency to report the sex of the adoptive parent(s) or guardian(s). The title IV–E agency must leave paragraph (h)(12) blank if there is no second adoptive parent, legal guardian, or other member of the couple. The response options are unchanged from the 2016 final rule; the only change is to the name of the data element, from ''gender'' to ''sex''. We propose this data element because section 479(c)(3)(A) and (c)(3)(C)(i) of the Act requires the collection of comprehensive national information with respect to the demographic characteristics of adoptive parents and children who exit from foster care. Additionally, this information will inform permanency outcomes information and adoption recruitment campaigns. While some agencies currently allow individuals to identify as a gender other than male or female and commenters to the ANPRM suggested that the data element ''gender'' in the final 2016 rule be revised to reflect a gender other than male or female, but HHS did not identify a compelling reason to increase the reporting burden by requesting the provision of this information, which might not be collected consistently.

Inter/Intrajurisdictional adoption or guardianship. In paragraph (h)(13), we propose to require the title IV–E agency to report whether the child was placed within the state or tribal service area, outside of the state or tribal service area or into another country for adoption or legal guardianship. The proposed placement types are as follows: ''interjurisdictional adoption or guardianship''; ''intercountry adoption or guardianship''; and ''intrajurisdictional adoption or guardianship''. This is unchanged from the 2016 final rule. We continue to propose this data element to inform permanency outcomes information, adoption recruitment campaigns, and statutorily mandated efforts to remove barriers to placing children for adoption in a timely manner per section 471(a)(23) of the Act.

Assistance agreement type. In paragraph (h)(14), we propose to require the title IV–E agency to report the type of assistance agreement between the title IV–E agency and the adoptive parent(s) or legal guardian(s). The proposed assistant agreement types are as follows: ''Title IV–E adoption assistance agreement;'' ''State/tribal adoption assistance agreement;'' ''Adoption-Title IV–E agreement non-recurring expenses only;'' ''Adoption-Title IV–E agreement Medicaid only;'' ''Title IV–E guardianship assistance agreement;'' ''State/tribal guardianship assistance agreement;'' or ''no agreement''. This is unchanged from the 2016 final rule. We continue to propose this data element because it is used in calculations for the adoption and guardianship incentives payment program under section 473A of the Act.

Siblings in adoptive or guardianship home. In paragraph (h)(15), we propose to require the title IV–E agency to report the number of siblings of the child who are in the same adoptive or guardianship home as the child. This is unchanged from the 2016 final rule. We continue to propose this data element so that the information reported can be used with other AFCARS data elements to assess nationally the current state of the well-being of children adopted or in a legal guardianship as part of monitoring the title IV–E and IV–B programs through the CFSR.

Section 1355.45 Adoption and Guardianship Assistance Data File

This section states the data element descriptions for the adoption and guardianship assistance data file. The data elements in this section are unchanged from 2016 final rule with the exceptions described below.

In paragraph (b)(2), we propose to require the title IV–E agency to report the sex of the child using the response options of ''male or'' ''female''. The response options are unchanged from the 2016 final rule; the only change is to the name of the data element, from ''gender'' to ''sex''. Commenters to the ANPRM suggested that the data element ''gender'' in the 2016 rule be revised to reflect a gender other than male or female, but HHS did not identify a compelling reason to increase the reporting burden by requesting the provision of this information, which might not be collected consistently.

In paragraph (b)(3)(vi), for *Race-unknown,* we added instructions that this paragraph must be reported if the child or parent or legal guardian does not know, or is unable to communicate the race, or at least one race of the child is not known. We also clarified that this category does not apply when the child has been abandoned or the parents failed to return and the identity of the child, parent(s), or legal guardian(s) is known. We made these clarifying edits to match edits we propose in section 1355.44(b)(7)(vi).

In paragraph (f), we propose to require the title IV–E agency to indicate the agency that placed the child for adoption or legal guardianship from the following three options: ''title IV–E agency''; ''private agency under agreement''; and ''Indian tribe under contract/agreement''. In the 2016 final rule, this data element was required to be reported in the out-of-home care data file in section 1355.44(h)(17). However, as we examined AFCARS per E.O. 13777, we noted that this information needs to be reported as part of the adoption and guardianship assistance data file because we must know the placing agency in order to calculate the awards for adoption incentive payments for ''preadolescent child'' adoptions per section 473A(g)(6)(B) and ''older child'' adoptions per section 473A(g)(7)(B) of the Act. Thus, instead of requiring title IV–E agencies to report this information in the out-of-home care data file, we propose to require it be reported in the adoption and guardianship assistance data file.

Section 1355.46 Compliance

This section states compliance requirements for AFCARS data. The compliance requirements in this section are unchanged from 2016 final rule and state the type of assessments ACF will conduct to determine the accuracy of a title IV–E agency's data, the data that is subject to these assessments, the compliance standards and the manner in which the title IV–E agency initially determined to be out of compliance can correct its data. We propose to amend paragraph (c)(2) to update the cross references in this section to mirror the proposed revisions to sections 1355.44 and 1355.45.

VII. Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. ACF consulted with OMB and determined that this proposed rule does meet the criteria for a significant regulatory action under E.O. 12866. Thus, it was subject to OMB review. ACF determined that the costs to title IV–E agencies as a result of this proposed rule will not be economically significant as defined in E.O. 12866 (have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities). As required in E.O. 12866, a cost-benefit analysis needs is included in this proposed rule. Executive Order 13771, entitled Reducing Regulation and Controlling Regulatory Costs (82 FR 9339), was issued on January 30, 2017. This rule, if finalized, is considered an E.O. 13771 deregulatory action. Annualizing these costs and cost savings in perpetuity and discounting at 7 percent back to 2016, we estimate that this rule would generate $29.9 million in annualized cost savings discounted relative to 2016 at 7 percent over a perpetual time horizon, in 2016 dollars. Details on the estimated costs of this rule can be found in the Paperwork Reduction Act analysis. This proposed rule is considered an E.O. 13771 deregulatory action. As described below, this NPRM will save approximately 544,337 burden hours. After multiplying by the average wage rate of affected individuals, this amounts to $39,192,264 in savings each year, relative to the estimated costs and burden of the 2016 final rule, in the year this NPRM (when finalized) will become effective, which is in FY 2021. We used the information that states provided in comments to the ANPRM on the cost and burden associated with implementing the 2016 final rule as the basis for these burden estimate calculations and reduced it by 33 percent to represent the reduction in the workload associated with reporting the data proposed in this NPRM relative to the 2016 final rule. We relied on this approach because of the type of data elements that we removed, which specifically were qualitative in nature and required a significant amount of training and staff time to locate the information and ensure proper data entry.

Regulatory Flexibility Analysis

The Secretary certifies, under 5 U.S.C. 605(b), as enacted by the Regulatory Flexibility Act (Pub. L. 96–354), that this rule will not result in a significant impact on a substantial number of small entities. This proposed rule does not affect small entities because it is applicable only to state and tribal title IV–E agencies.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act (Pub. L. 104–4) requires agencies to prepare an assessment of anticipated costs and benefits before proposing any rule that may result in an annual expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation). In 2018, that threshold is approximately $150 million. This proposed rule does not impose any mandates on state, local, or tribal governments, or the private sector that will result in an annual expenditure of $150 million or more.

Congressional Review

This regulation is not a major rule as defined in 5 U.S.C. 8.

Assessment of Federal Regulations and Policies on Families

Section 654 of the Treasury and General Government Appropriations Act of 2000 (Pub. L. 106–58) requires federal agencies to determine whether a policy or regulation may affect family well-being. If the agency's determination is affirmative, then the agency must prepare an impact assessment addressing seven criteria specified in the law. This final regulation will not have an impact on family well-being as defined in the law.

Executive Order 13132

E.O. 13132 requires that federal agencies consult with state and local government officials in the development of regulatory policies with federalism implications. Consistent with E.O. 13132 and *Guidance for Implementing E.O. 13132* issued on October 28, 1999, the Department must include in ''a separately identified portion of the preamble to the regulation'' a ''federalism summary impact statement'' (Secs. 6(b)(2)(B) & (c)(2)). The Department's federalism summary impact statement is as follows—

• ''A description of the extent of the agency's prior consultation with state and local officials''—The public comment period is open for 60 days wherein we solicit comments via regulations.gov, email, and postal mail. During this comment period, we will hold informational calls.

• ''A summary of the nature of their concerns and the agency's position supporting the need to issue the regulation''—As we discussed in sections II and III of the preamble to this proposed rule, state commenters support making revisions to streamline the AFCARS regulation. However, Indian tribes, organizations representing tribal interests, and most other national advocacy organizations, universities, private individuals, and other groups opposed streamlining. We took the comments into consideration and believe that based on our analysis of the comments, the best way to reduce the burden to title IV–E agencies, who are required to submit the data to ACF and will be held to penalties for non-compliant data submissions, is to propose revisions to the AFCARS regulation through a NPRM. We believe that the states sufficiently argued through detailed work and cost estimates in response to the ANPRM that the 2016 final rule has many data elements that can be streamlined while still providing critical information on the reporting population.

• ''A statement of the extent to which the concerns of state and local officials have been met'' (Secs. 6(b)(2)(B) and 6(c)(2))—As we discussed in the section-by-section discussion preamble, we propose in the NPRM fewer data elements than is in the 2016 final rule, many of which were identified in state comments to the ANPRM to be overly burdensome for numerous reasons. We believe that these reduced data requirements balance the need for updated information with the burden to comply with AFCARS requirements.

Paperwork Reduction Act

This final rule contains information collection requirements (ICRs) that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. A description of these provisions is given in the following paragraphs with an estimate of the annual burden. To fairly evaluate whether an information collection should be approved by OMB, the Department solicits comment on the following issues:

• The need for the information collection and its usefulness in carrying out the proper functions of our agency.

• The accuracy of our estimate of the information collection burden.

• The quality, utility, and clarity of the information to be collected.

• Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

Information collection for AFCARS is currently authorized under OMB number 0970–0422. This proposed rule contains information collection requirements in proposed § 1355.44, the out-of-home care data file, and § 1355.45, the adoption and guardianship assistance data file, that the Department has submitted to OMB for its review. We propose:

• State and tribal title IV–E agencies to report information on children who are in the out-of-home care reporting population per § 1355.42(a),

• State and tribal title IV–E agencies to report information on children who are in the adoption and guardianship assistance reporting population per § 1355.42(b), and

• State title IV–E agencies to report ICWA-related information in the out-of-home care data file.

Burden Estimate

The following are estimates.

Through the ANPRM, ACF asked the public to give specific feedback on the AFCARS data elements, costs to implement, and burden hours to complete the work required to comply with the AFCARS requirements in 2016 final rule. The ANPRM listed questions specifically asking the public to identify the data elements that are overly burdensome for title IV–E agencies, an explanation with cost and burden estimates for recordkeeping, reporting, and recommendations on data elements to retain, simplify, and remove with justifications. Section II of the preamble provides a summary and analysis of the ANPRM comments. Regarding burden, the state commenters provided estimates for the recordkeeping and reporting burden hours to implement the 2016 final rule. This included identifying the staff positions that we used to determine the labor rate, hour estimates for searching data sources, gathering information, entering the information into the system, developing or modifying procedures and systems to collect, validate, and verify the information and adjusting existing ways to comply with AFCARS requirements, and training personnel on AFCARS requirements. We used the estimates provided by states to determine the cost to implement the 2016 final rule. In this section, we discuss our assumptions for the estimates and calculations for estimates.

For the 2016 final rule, based on the state ANPRM comments, we estimate the total burden of the 2016 final rule to be 1,768,744 hours. We estimated this by using either the median or the average of the states' estimates for the various recordkeeping and reporting tasks and adding them together. States ranged considerably in estimating the work needed and length of time it would take to comply with the 2016 final rule, which is expected and appropriate because there is considerable variability across states in sophistication of information systems, availability of both staff and financial resources, and populations of children in care. Thus, we used the median of the states' estimates for the estimates related to training and developing or modifying procedures and systems. We used the average of the states' estimates for the estimates of gathering/entering information, reporting, and the labor rate.

To estimate the burden of this NPRM, we used the estimates to implement the 2016 final rule and reduced the recordkeeping hours and reporting hours by approximately 33 percent. This represents the approximate workload reduction associated with reporting

fewer data elements as proposed in this NPRM.

Respondents: The 66 respondents comprise 52 state title IV–E agencies and 14 tribal title IV–E agencies, which are Indian tribes, tribal organizations or consortium with an approved title IV–E plan under section 479B of the Act. The estimates provided in the NPRM are spread across respondents for the purposes of the PRA estimates; however, we understand based on the ANPRM comments that actual burden hours and costs will vary due to sophistication and capacity of information systems, availability of staff and financial resources, and populations of children in care.

Recordkeeping burden: Searching data sources, gathering information, and entering the information into the system, developing or modifying procedures and systems to collect, validate, and verify the information and adjusting existing ways to comply with AFCARS requirements, administrative tasks associated with training personnel on the AFCARS requirements (*e.g.,* reviewing instructions, developing the training and manuals), and training personnel on AFCARS requirements.

Reporting burden: Extracting the information for AFCARS reporting and transmitting the information to ACF.

Annualized Cost to the Federal Government

Federal reimbursement under title IV–E will be available for a portion of the costs that title IV–E agencies will incur as a result of the revisions proposed in this rule, depending on each agency's cost allocation plan, information system, and other factors. For this estimate, we used the 50% Federal Financial Participation (FFP) rate.

Collection—AFCARS	Total annual burden hours	Average hourly labor rate	Total cost	Estimate Federal costs (50% FFP)
Recordkeeping	1,212,163	$72	$87,275,736	$43,637,868
Reporting	2,244	72	161,568	80,784
Total	.....	.....	.....	43,718,652

Cost savings of NPRM: 544,337 hours × $72 labor rate = $39,192,264

Assumptions for Estimates

We made a number of assumptions when calculating the burden and costs that were informed by the states' estimates provided in their comments to the ANPRM:

- *Number of children in out-of-home care:* To determine the number of children for which title IV–E agencies will have to report in the out-of-home care data file on average, ACF used the most recent FY 2016 AFCARS data available: 273,539 children entered in foster care during FY 2016. Of those, 6,033 children had a reported race of American Indian/Alaska Native. We used the number of children who entered foster care rather than the entire population of children in foster care because agencies will not have to collect and report all data elements on all children in foster care; therefore, this accounts for the variances in burden. This is consistent with the 2016 final rule and the 2016 final rule is what we use to estimate the relative savings of this NPRM.
- *Out-of-home care data elements:* For the out-of-home care data file, the 2016 final rule required approximately 272 items where we require title IV–E agencies to report information. In this NPRM, we propose to reduce these points to approximately 183, representing 170 that we propose to keep from the 2016 final rule and 13 we propose to modify. This represents approximately a 33 percent reduction in the total items that we propose agencies to report in this NPRM.
- *Number of children receiving adoption and guardianship assistance:* To determine the number of children for which title IV–E agencies must report in the adoption and guardianship assistance file, ACF used the most recent title IV–E Programs Quarterly Financial Report, CB–496, for FY 2016: 456,715 children received title IV–E adoption assistance and 24,689 children received guardianship assistance.
- *Adoption and guardianship assistance data elements:* There are approximately 19 items where we require title IV–E agencies report information for the adoption and guardianship assistance data file, which is not a significant change from the 2016 final rule.
- *Systems changes:* ACF assumed that the burden for title IV–E agencies to modify systems based in part on the estimates states' provided in response to the ANPRM. Additionally, as of July 2018, 29 states and tribes have declared as moving forward with a new or transitional Comprehensive Child Welfare Information Systems (CCWIS) (see also 45 CFR 1355.50 *et seq.* for requirements). ACF recognizes that most title IV–E agencies will require revisions to electronic case management systems to meet the requirements proposed in this NPRM. As more title IV–E agencies build CCWIS, ACF anticipates it will lead to more efficiency in reporting and less costs and burden associated with reporting AFCARS data.
- *Labor rate:* Based on the state comments to the ANPRM, ACF assumes that there will be a mix of the following positions working to meet both the one-time and annual requirements of this proposed rule. We reviewed 2017 Bureau of Labor Statistics data and for this estimate, we used the job roles of: Information technology (IT) and computer programming, administrative, management, caseworkers, subject matter experts, and legal staff. For this estimate, we used the job roles of: Computer Information and Systems Managers (11–3021) with an average hourly wage of $71.99, Computer and Mathematical Occupations (15–0000) (*e.g.,* computer and information analysts, computer programmers, and database and systems administrators) with an average hourly wage of $43.18, Office and Administrative Support Occupations (43–000) (*e.g.,* administrative assistants, data entry, legal secretaries, government program eligibility interviewers, information and record clerks) with an average hourly wage of $18.24, Social and Community Service Managers (11–9151) with an average hourly wage estimate of $33.91, Community and Social Service Operations (21–0000) (*e.g.,* Social Workers, Child and Family Social Workers, Counselors, Social Service Specialists) with an average hourly wage of $23.10, and Paralegals and Legal Assistants (23–2011) with an average hourly wage estimate of $25.92. Thus, ACF averaged these wages to come to an average labor rate of $36.05. In order to ensure we took into account overhead costs associated with these labor costs, ACF doubled this rate ($72).

Calculations for Estimates

We used the information that states provided in comments to the ANPRM on the cost and burden associated with implementing the 2016 final rule as the basis for these burden estimate calculations. Thus, for these estimates, we are using the states' estimates and reducing them by 33 percent to represent the reduction in the workload associated with reporting the data proposed in this NPRM. We relied on this approach because of the type of data elements that we removed, which specifically were qualitative in nature and required a significant amount of training and staff time to locate the information and ensure proper data entry.

Recordkeeping: Adding the bullets below produces a total of 1,212,163 record keeping hours annually, as summarized below.

- For the out-of-home care data file, searching data sources, gathering information, and entering the information into the system would take on average 4.02 hours annually for all children who enter foster care, for a total of 1,099,627 hours annually. States provided estimates that ranged from 3 to 15 hours related to these tasks for the 2016 final rule. The range depended on whether the work was for the ICWA-related data elements or not. The average of the hours provided from the states that broke out this information in their ANPRM comments was 6 hours annually. We used the average because there were not significant outliers in the comments provided. For the purposes of this NPRM estimate, we reduced the 6 hours by 33 percent since that represents the reduction in data elements to be reported per this NPRM, which is 4.02 hours. (4.02 hours × 273,539 children = 1,099,627 annual hours for this bullet.)
- For the adoption and guardianship assistance data file, we estimated in the 2016 final rule that updates or changes on an annual or biennial basis will take an average of 0.2 hours annually for records of children who have an adoption assistance agreement and 0.3 hours annually for children who have a guardianship assistance agreement. The data elements in the adoption and guardianship assistance data file did not significantly change and we did not receive information from state estimates to determine that a change in these estimates was warranted. As noted earlier, the number of children in adoption or guardianship assistance agreements increased, which reflects the most recent data available, FY 2016. The new total annual hours is estimated to be 98,750. (0.2 hours × 456,715 children = 91,343 hours. 0.3 hours × 24,689 children = 7,407 hours. 91,343 hours + 7,407 hours = 98,750 total annual burden hours for this bullet.)
- Developing or modifying standard operating procedures and IT systems to collect, validate, and verify the information and adjust existing ways to comply with the AFCARS requirements is estimated at 6,700 hours annually. States provided estimates in response to the ANPRM that ranged from 1,000 to 20,000 hours, which varied widely depending on the size of the state's out-of-home care population, type, sophistication, and age of systems. To estimate the annual hours, we chose to use the median of these estimates provided by the state commenters, rather than relying on the average of those provided in the comments, because it would be distorted by the considerable hour range. The median hours from state's estimates was 10,000, and we reduced it by 33 percent since that represents the reduction in data elements to be reported per this NPRM, which is 6,700 hours. Thus, we estimate 6,700 hours annually for this bullet. (10,000 × 0.67 = 6,700 hours)
- Administrative tasks associated with training personnel on the AFCARS requirements (*e.g.,* reviewing instructions, developing the training and manuals) and training personnel on AFCARS requirements we estimate will take on average 7,086 hours annually. In response to the ANPRM, states provided varying estimates for the hours and cost of training that were not broken out the same way. For example, one estimate was 40 hours to develop training materials and 2 hours of training per staff person. Other estimates were only totals of training hours that ranged between 42,712 to 102,000 hours encompassing initial and ongoing training to implement the 2016 final rule. Another estimate broke out ongoing training at 8,500 hours annually. To estimate the annual hours related to training tasks, we used the median of the hours provided from the ANPRM comments, rather than relying on the average, because it would be distorted by the considerable hour ranges and associated tasks. We understand that training hours will vary depending on the size of the agency's workforce needing training. The median hours from state's estimates was 10,576, and we reduced it by 33 percent since that represents the reduction in data elements to be reported per this NPRM, which is 7,086 hours. Thus we estimate 7,086 hours annually for this bullet. (10,576 × 0.67 = 7,086 hours)

Reporting: We estimate that extracting the information for AFCARS reporting and transmitting the information to ACF would take on average 17 hours annually. Very few states broke out reporting in their ANPRM comments and the average of the hours provided came to 26 hours. Since the NPRM reduces the data elements by 33 percent, we reduced the estimated burden related to reporting that amount. Thus we estimate 17 hours for this task. (26 × 0.67 = 17 hours)

Collection—AFCARS	Number of respondents	Number of responses per respondent	Average burden hours per response	Total annual burden hours for NPRM
Recordkeeping	66	2	9,183	1,212,163
Reporting	66	2	17	2,244
Total				1,214,407

Title IV–E agencies must comply with the current AFCARS requirements in 45 CFR 1355.40 and the appendix to part 1355 until September 30, 2020 (45 CFR 1355.40, per the final rule on implementation delay published August 21, 2018, 83 FR 42225). On October 1, 2020 (FY 2021), title IV–E agencies must comply with the provisions of the 2016 final rule. When this NPRM is finalized, title IV–E agencies must comply with the provisions proposed in this NPRM, which is scheduled to begin on October 1, 2020 (FY 2021), because this NPRM does not propose to change the implementation date. Because we anticipate that this NPRM will be finalized before the 2016 final rule becomes effective, the year in which title IV–E agencies will experience savings from the 2016 final rule is FY 2021. We used fiscal years in this estimate because AFCARS data reporting periods are categorized by

fiscal years. The savings is generated by the reductions proposed in this NPRM, which reduces the data that title IV–E agencies must report from what was published in the 2016 final rule. As discussed above, we estimate approximately a 33 percent reduction in the total items that we propose agencies to report in this NPRM from the 2016 final rule, as discussed previously. These charts represent the burden hour and cost savings we estimate that this NPRM will have over the 2016 final rule's requirements. This NPRM will save approximately 544,337 burden hours. After multiplying by the average wage rate of affected individuals, this amounts to $39,192,264 in savings each year relative to the 2016 final rule, in the year this NPRM (when finalized) will become effective, FY 2021.

SAVINGS OF NPRM RELATIVE TO 2016 FINAL RULE

Burden hour savings of NPRM	Total annual burden hours for 2016 final rule	Total annual burden hours for NPRM	Difference (hours)
FY 2021	1,768,744	1,214,407	554,337

In the above estimates, ACF acknowledges: (1) ACF has used average figures for title IV–E agencies of very different sizes and of which, some may have larger populations of children served than other agencies, and (2) these are rough estimates based on the ANPRM comments in which they ranged in the level of detail they provided regarding burden hours, costs, and work needing to be completed.

OMB is required to make a decision concerning the collection of information contained in this regulation between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to the Department on the proposed regulations. Written comments to OMB or the proposed information collection should be sent directly to the following: Office of Management and Budget, either by fax to 202–395–6974 or by email to *OIRA_submission@omb.eop.gov.* Please mark faxes and emails to the attention of the desk officer for ACF.

VIII. Tribal Consultation Statement

ACF is committed to consulting with Indian tribes and tribal leadership to the extent practicable and permitted by law, prior to promulgating any regulation that has tribal implications and within the requirements of E.O. 13175 *Consultation and Coordination With Indian Tribal Governments.* Section II of this NPRM provides a summary and analysis of the ANPRM comments. The comments to the ANPRM allowed us to assess whether and how we could potentially reduce burden on title IV–E agencies to report AFCARS data, per E.O. 13777, while still adhering to the requirements of section 479 of the Act and collecting useful data that will inform efforts to improve the child welfare system. This includes assessing the need for ICWA-related data elements as strongly illustrated by the tribal commenters. Additionally during the comment period of the ANPRM, CB held consultation on May 15 and 16, 2018 where the ANPRM and history of the AFCARS regulation, including the Executive Order precipitating another look at AFCARS, was presented by CB officials. During this time, tribal leaders, officials and representatives identified the ICWA-related information they felt was important to retain in AFCARS because it was essential in determining whether ICWA applied for a child or it provided basic information on ICWA's requirements. Prior to these information sessions, the ANPRM, 2016 final rule and other AFCARS supplementary information was linked to on the CB website. Additionally, links to the ANPRM and the AFCARS supplementary information was emailed to CB's tribal lists (on March 13, 2018 when the ANPRM was available for public inspection and March 15, 2018 when the ANPRM was published), and CB issued ACYF–CB–IM–18–01 (issued March 16, 2018). CB also issued ACYF–CB–IM–18–03 on August 21, 2018 announcing publication of the final rule regarding implementation of the 2016 final rule and announcing our intent to issue a NPRM to revise the data elements per the spring 2018 unified agenda. This was also emailed to CB's tribal lists. Additionally, ACF held a tribal consultation on November 6, 2017 during which tribes requested that ACF leave the 2016 final rule in place, stating that the ICWA-related data elements are very necessary for accountability. At a meeting with tribal representatives at the Secretary's Tribal Advisory Committee on May 9 and 10, 2018, representatives stated the following: They supported the 2016 final rule, have concerns that states are not following ICWA, that the ICWA-related data elements are critical to informing Congress, HHS, states, and tribes on how Native children and families are doing in state child welfare systems and that AFCARS information would help inform issues such as foster care disproportionality.

As we developed this proposed rule, we carefully considered the comments to the ANPRM from Indian tribes and organizations representing tribal interests, whose comments unequivocally supported keeping most, if not all, ICWA-related data elements in AFCARS. However, we must balance the need for data with the needs of our grantees, the title IV–E agencies, that must revise their systems to meet new AFCARS requirements and will ultimately be held accountable via compliance and penalties to report the data. We look forward to engaging in consultation during the comment period of this NPRM and to receiving comments on this proposal.

List of Subjects in 45 CFR Part 1355

Adoption and foster care, Child welfare, Grant programs—social programs.

(Catalog of Federal Domestic Assistance Program Number 93.658, Foster Care Maintenance; 93.659, Adoption Assistance; 93.645, Child Welfare Services—State Grants).

Dated: February 5, 2019.

Lynn A. Johnson,

Assistant Secretary for Children and Families.

Approved: February 12, 2019.

Alex M. Azar II,

Secretary.

For the reasons set forth in the preamble, HHS and ACF propose to amend 45 CFR part 1355 as follows:

PART 1355—GENERAL

■ 1. The authority citation for part 1355 continues to read as follows:

Authority: 42 U.S.C. 620 *et seq.,* 42 U.S.C. 670 *et seq.,* 42 U.S.C. 1302.

■ 2. In § 1355.41, revise paragraphs (c)(1) and (2) to read as follows:

§ 1355.41 Scope of the Adoption and Foster Care Analysis and Reporting System.

* * * * *

(c) * * *

(1) Terms in §§ 1355.41 through 1355.47 are defined as they appear in § 1355.20, except that for purposes of data elements related to the Indian Child Welfare Act of 1978 (ICWA), terms that appear in § 1344.44(b)(3) through (6), (c)(3) and (4), (e)(10) and (15), and (h)(4) and (9) are defined as they appear in 25 CFR 23.2 and 25 U.S.C. 1903.

(2) For state title IV–E agencies only: If the state title IV–E agency indicated ''yes'' to § 1355.44(b)(5)(i), for § 1355.44(c)(1) and (2) and (d)(3), the term ''legal guardian'' includes an Indian custodian as defined in ICWA at 25 U.S.C. 1903 if the Indian custodian has legal responsibility for the child.

■ 3. In § 1355.43, revise paragraph (b)(3) to read as follows:

§ 1355.43 Data reporting requirements.

* * * * *

(b) * * *

(3) For a child who had an out-of-home care episode(s) as defined in § 1355.42(a) prior to October 1, 2020, the title IV–E agency must report only the information for the data described in § 1355.44(d)(1) and (g)(1) and (3) for the out-of-home care episode(s) that occurred prior to October 1, 2020.

* * * * *

■ 4. Revise § 1355.44 to read as follows:

§ 1355.44 Out-of-home care data file elements.

(a) *General information*—(1) *Title IV–E agency.* Indicate the title IV–E agency responsible for submitting the AFCARS data in a format according to ACF's specifications.

(2) *Report date.* The report date corresponds with the end of the report period. Indicate the last month and the year of the report period.

(3) *Local agency.* Indicate the local county, jurisdiction, or equivalent unit that has primary responsibility for the child in a format according to ACF's specifications.

(4) *Child record number.* Indicate the child's record number. This is an encrypted, unique person identification number that is the same for the child, no matter where the child lives while in the placement and care responsibility of the title IV–E agency in out-of-home care and across all report periods and episodes. The title IV–E agency must apply and retain the same encryption routine or method for the person identification number across all report periods. The record number must be encrypted in accordance with ACF standards.

(b) *Child information*—(1) *Child's date of birth.* Indicate the month, day and year of the child's birth. If the actual date of birth is unknown because the child has been abandoned, provide an estimated date of birth. Abandoned means that the child was left alone or with others and the identity of the parent(s) or legal guardian(s) is unknown and cannot be ascertained. This includes a child left at a ''safe haven.''

(2) *Child's sex.* Indicate whether the child is ''male'' or ''female.''

(3) *Reason to know a child is an ''Indian Child'' as defined in the Indian Child Welfare Act.* For state title IV–E agencies only: Indicate whether the state title IV–E agency made inquiries whether the child is an Indian child as defined in ICWA. Indicate ''yes'' or ''no.''

(4) *Child's tribal membership.* For state title IV–E agencies only:

(i) Indicate whether the child is a member of or eligible for membership in an Indian tribe. Indicate ''yes,'' ''no,'' or ''unknown''.

(ii) If the state title IV–E agency indicated ''yes'' in paragraph (b)(4)(i) of this section, indicate all federally recognized Indian tribe(s) that may potentially be the Indian child's tribe(s). The title IV–E agency must submit the information in a format according to ACF's specifications.

(5) *Application of ICWA.* For state title IV–E agencies only:

(i) Indicate whether ICWA applies for the child. Indicate ''yes,'' ''no,'' or ''unknown''.

(ii) If the state title IV–E agency indicated ''yes'' in paragraph (b)(5)(i) of this section, indicate the date that the state title IV–E agency was notified by the Indian tribe or state or tribal court that ICWA applies.

(6) *Notification.* For state title IV–E agencies only: If the state title IV–E agency indicated ''yes'' to paragraph (b)(5)(i) of this section, the state title IV–E agency must indicate whether the Indian child's tribe(s) was sent legal notice in accordance with 25 U.S.C. 1912(a). Indicate ''yes'' or ''no''.

(7) *Child's race.* In general, a child's race is determined by the child, the child's parent(s) or legal guardian(s). Indicate whether each race category listed in paragraphs (b)(7)(i) through (vii) of this section applies with a ''yes'' or ''no.''

(i) *Race—American Indian or Alaska Native.* An American Indian or Alaska Native child has origins in any of the original peoples of North or South America (including Central America), and maintains tribal affiliation or community attachment.

(ii) *Race—Asian.* An Asian child has origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

(iii) *Race—Black or African American.* A Black or African American child has origins in any of the black racial groups of Africa.

(iv) *Race—Native Hawaiian or Other Pacific Islander.* A Native Hawaiian or Other Pacific Islander child has origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

(v) *Race—White.* A white child has origins in any of the original peoples of Europe, the Middle East or North Africa.

(vi) *Race—unknown.* The child or parent or legal guardian does not know, or is unable to communicate the race, or at least one race of the child is not known. This category does not apply when the child has been abandoned or the parents failed to return and the identity of the child, parent(s), or legal guardian(s) is known.

(vii) *Race—abandoned.* The child's race is unknown because the child has been abandoned. Abandoned means that the child was left alone or with others and the identity of the parent(s) or legal guardian(s) is unknown and cannot be ascertained. This includes a child left at a ''safe haven.''

(viii) *Race—declined.* The child or parent(s) or legal guardian(s) has declined to identify a race.

(8) *Child's Hispanic or Latino ethnicity.* In general, a child's ethnicity is determined by the child or the child's parent(s) or legal guardian(s). A child is of Hispanic or Latino ethnicity if the child is a person of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin, regardless of race. Indicate whether this category applies with a ''yes'' or ''no.'' If the child or the child's parent(s) or legal guardian(s) does not know or is unable to communicate whether the child is of Hispanic or Latino ethnicity, indicate ''unknown.'' If the child is abandoned indicate ''abandoned.'' Abandoned means that the child was left alone or with others and the identity of the parent(s) or legal guardian(s) is unknown and cannot be ascertained. This includes a child left at a ''safe haven.'' If the child or the child's parent(s) or legal guardian(s) refuses to

identify the child's ethnicity, indicate ''declined.''

(9) *Health assessment.* Indicate whether the child had a health assessment during the current out-of-home care episode. This assessment could include an initial health screening or any follow-up health screening per section 422(b)(15)(A) of the Act. Indicate ''yes'' or ''no.''

(10) *Health, behavioral or mental health conditions.* Indicate whether the child was diagnosed by a qualified professional, as defined by the state or tribe, as having a health, behavioral or mental health condition, prior to or during the child's current out-of-home care episode as of the last day of the report period. Indicate ''child has a diagnosed condition'' if a qualified professional has made such a diagnosis and for each paragraph (b)(10)(i) through (xi) of this section, indicate ''existing condition,'' ''previous condition'' or ''does not apply,'' as applicable. ''Previous condition'' means a previous diagnoses that no longer exists as a current condition. Indicate ''no exam or assessment conducted'' if a qualified professional has not conducted a medical exam or assessment of the child and leave paragraphs (b)(10)(i) through (xi) blank. Indicate ''exam or assessment conducted and none of the conditions apply'' if a qualified professional has conducted a medical exam or assessment and has concluded that the child does not have one of the conditions listed and leave paragraphs (b)(10)(i) through (xi) of this section blank. Indicate ''exam or assessment conducted but results not received'' if a qualified professional has conducted a medical exam or assessment but the title IV–E agency has not yet received the results of such an exam or assessment and leave paragraphs (b)(10)(i) through (xi) of this section blank.

(i) *Intellectual disability.* The child has, or had previously, significantly sub-average general cognitive and motor functioning existing concurrently with deficits in adaptive behavior manifested during the developmental period that adversely affect the child's socialization and learning.

(ii) *Autism spectrum disorder.* The child has, or had previously, a neurodevelopment disorder, characterized by social impairments, communication difficulties, and restricted, repetitive, and stereotyped patterns of behavior. This includes the range of disorders from autistic disorder, sometimes called autism or classical autism spectrum disorder, to milder forms known as Asperger syndrome and pervasive developmental disorder not otherwise specified.

(iii) *Visual impairment and blindness.* The child has, or had previously, a visual impairment that may adversely affects the day-to-day functioning or educational performance, such as blindness, amblyopia, or color blindness.

(iv) *Hearing impairment and deafness.* The child has, or had previously, an impairment in hearing, whether permanent or fluctuating, that adversely affects the child's day-to-day functioning and educational performance.

(v) *Orthopedic impairment or other physical condition.* The child has, or had previously, a physical deformity, such as amputations and fractures or burns that cause contractures, or an orthopedic impairment, including impairments caused by a congenital anomalies or disease, such as cerebral palsy, spina bifida, multiple sclerosis, or muscular dystrophy.

(vi) *Mental/emotional disorders.* The child has, or had previously, one or more mood or personality disorders or conditions over a long period of time and to a marked degree, such as conduct disorder, oppositional defiant disorder, emotional disturbance, anxiety disorder, obsessive-compulsive disorder, or eating disorder.

(vii) *Attention deficit hyperactivity disorder.* The child has, or had previously, a diagnosis of the neurobehavioral disorders of attention deficit or hyperactivity disorder (ADHD) or attention deficit disorder (ADD).

(viii) *Serious mental disorders.* The child has, or had previously, a diagnosis of a serious mental disorder or illness, such as bipolar disorder, depression, psychotic disorders, or schizophrenia.

(ix) *Developmental delay.* The child has been assessed by appropriate diagnostic instruments and procedures and is experiencing delays in one or more of the following areas: Physical development or motor skills, cognitive development, communication, language, or speech development, social or emotional development, or adaptive development.

(x) *Developmental disability.* The child has, or had previously been diagnosed with a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (Pub. L. 106–402), section 102(8). This means a severe, chronic disability of an individual that is attributable to a mental or physical impairment or combination of mental and physical impairments that manifests before the age of 22, is likely to continue indefinitely and results in substantial functional limitations in three or more areas of major life activity. Areas of major life activity include: Self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, economic self-sufficiency, and reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated. If a child is given the diagnosis of ''developmental disability,'' do not indicate the individual conditions that form the basis of this diagnosis separately in other data elements.

(xi) *Other diagnosed condition.* The child has, or had previously, a diagnosed condition or other health impairment other than those described in paragraphs (b)(10)(i) through (x) of this section, which requires special medical care, such as asthma, diabetes, chronic illnesses, a diagnosis as HIV positive or AIDS, epilepsy, traumatic brain injury, other neurological disorders, speech/language impairment, learning disability, or substance use issues.

(11) *School enrollment.* Indicate whether the child is a full-time student at and enrolled in (or in the process of enrolling in) ''elementary'' or ''secondary'' education, or is a full or part-time student at and enrolled in ''post-secondary education or training'' or ''college,'' as of the earlier of the last day of the report period or the day of exit for a child exiting out-of-home care prior to the end of the report period. A child is still considered enrolled in school if the child would otherwise be enrolled in a school that is currently out of session. An ''elementary or secondary school student'' is defined in section 471(a)(30) of the Act as a child that is: Enrolled (or in the process of enrolling) in an institution which provides elementary or secondary education, as determined under the law of the state or other jurisdiction in which the institution is located, instructed in elementary or secondary education at home in accordance with a home school law of the state or other jurisdiction in which the home is located, in an independent study elementary or secondary education program in accordance with the law of the state or other jurisdiction in which the program is located, which is administered by the local school or school district, or incapable of attending school on a full-time basis due to the medical condition of the child, which incapability is

supported by a regularly updated information in the case plan of the child. Enrollment in ''post-secondary education or training'' refers to full or part-time enrollment in any post-secondary education or training, other than an education pursued at a college or university. Enrollment in ''college'' refers to a child that is enrolled full or part-time at a college or university. If child has not reached compulsory school age, indicate ''not school-age.'' If the child has reached compulsory school-age, but is not enrolled or is in the process of enrolling in any school setting full-time, indicate ''not enrolled.''

(12) *Educational level.* Indicate the highest educational level from kindergarten to college or post-secondary education/training completed by the child as of the last day of the report period. If child has not reached compulsory school-age, indicate ''not school-age.'' Indicate ''kindergarten'' if the child is currently in or about to begin 1st grade. Indicate ''1st grade'' if the child is currently in or about to begin 2nd grade. Indicate ''2nd grade'' if the child is currently in or about to begin 3rd grade. Indicate ''3rd grade'' if the child is currently in or about to begin 4th grade. Indicate ''4th grade'' if the child is currently in or about to begin 5th grade. Indicate ''5th grade'' if the child is currently in or about to begin 6th grade. Indicate ''6th grade'' if the child is currently in or about to begin 7th grade. Indicate ''7th grade'' if the child is currently in or about to begin 8th grade. Indicate ''8th grade'' if the child is currently in or about to begin 9th grade. Indicate ''9th grade'' if the child is currently in or about to begin 10th grade. Indicate ''10th grade'' if the child is currently in or about to begin 11th grade. Indicate ''11th grade'' if the child is currently in or about to begin 12th grade. Indicate ''12th grade'' if the child has graduated from high school. Indicate ''GED'' if the child has completed a general equivalency degree or other high school equivalent. Indicate ''Post-secondary education or training'' if the child has completed any post-secondary education or training, including vocational training, other than an education pursued at a college or university. Indicate ''College'' if the child has completed at least a semester of study at a college or university.

(13) *Pregnant or parenting.* (i) Indicate whether the child is pregnant as of the end of the report period. Indicate ''yes'' or ''no.''

(ii) Indicate whether the child has ever fathered or bore a child. Indicate ''yes'' or ''no.''

(iii) Indicate whether the child and his/her child(ren) are placed together at any point during the report period, if the response in paragraph (b)(13)(ii) of this section is ''yes.'' Indicate ''yes,'' ''no,'' or ''not applicable'' if the response in paragraph (b)(13)(ii) of this section is ''no.''

(14) *Special education.* Indicate whether the child has an Individualized Education Program (IEP) as defined in section 614(d)(1) of Part B of Title I of the Individuals with Disabilities Education Act (IDEA) and implementing regulations, or an Individualized Family Service Program (IFSP) as defined in section 636 of Part C of Title I of IDEA and implementing regulations, as of the end of the report period. Indicate ''yes'' if the child has either an IEP or an IFSP or ''no'' if the child has neither.

(15) *Prior adoption.* Indicate whether the child experienced a prior legal adoption before the current out-of-home care episode. Include any public, private or independent adoption in the United States or adoption in another country and tribal customary adoptions. Indicate ''yes,'' ''no'' or ''abandoned'' if the information is unknown because the child has been abandoned. Abandoned means that the child was left alone or with others and the identity of the parent(s) or legal guardian(s) is unknown and cannot be ascertained. This includes a child left at a ''safe haven.'' If the child has experienced a prior legal adoption, the title IV–E agency must complete paragraphs (b)(15)(i) and (ii) of this section; otherwise the title IV–E agency must leave those paragraphs blank.

(i) *Prior adoption date.* Indicate the month and year that the most recent prior adoption was finalized. In the case of a prior intercountry adoption where the adoptive parent(s) readopted the child in the United States, the title IV–E agency must provide the date of the adoption (either the original adoption in the home country or the re-adoption in the United States) that is considered final in accordance with applicable laws.

(ii) *Prior adoption intercountry.* Indicate whether the child's most recent prior adoption was an intercountry adoption, meaning that the child's prior adoption occurred in another country or the child was brought into the United States for the purposes of finalizing the prior adoption. Indicate ''yes'' or ''no.''

(16)(i) *Prior guardianship.* Indicate whether the child experienced a prior legal guardianship before the current out-of-home care episode. Include any public, private or independent guardianship(s) in the United States that meets the definition in section 475(d) of the Act. This includes any judicially created relationship between a child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: Protection, education, care and control, custody, and decision making. Indicate ''yes,'' ''no,'' or ''abandoned'' if the information is unknown because the child has been abandoned. Abandoned means that the child was left alone or with others and the identity of the parent(s) or legal guardian(s) is unknown and cannot be ascertained. This includes a child left at a ''safe haven.'' If the child has experienced a prior legal guardianship, the title IV–E agency must complete paragraph (b)(16)(ii) of this section; otherwise the title IV–E agency must leave it blank.

(ii) *Prior guardianship date.* Indicate the month and year that the most recent prior guardianship became legalized.

(17) *Child financial and medical assistance.* Indicate whether the child received financial and medical assistance at any point during the six-month report period. Indicate ''child has received support/assistance'' if the child was the recipient of such assistance during the report period, and indicate which of the following sources of support described in paragraphs (b)(17)(i) through (viii) of this section ''applies'' or ''does not apply.'' Indicate ''no support/assistance received'' if none of these apply.

(i) *State/Tribal adoption assistance.* The child is receiving an adoption subsidy or other adoption assistance paid for solely by the state or Indian tribe.

(ii) *State/Tribal foster care.* The child is receiving a foster care payment that is solely funded by the state or Indian tribe.

(iii) *Title IV–E adoption subsidy.* The child is determined eligible for a title IV–E adoption assistance subsidy.

(iv) *Title IV–E guardianship assistance.* The child is determined eligible for a title IV–E guardianship assistance subsidy.

(v) *Title IV–A TANF.* The child is living with relatives who are receiving a Temporary Assistance for Needy Families (TANF) cash assistance payment on behalf of the child.

(vi) *Title IV–B.* The child's living arrangement is supported by funds under title IV–B of the Act.

(vii) *Chafee Foster Care Independence Program.* The child is living independently and is supported by funds under the John F. Chafee Foster Care Independence Program.

(viii) *Other.* The child is receiving financial support from another source not previously listed in paragraphs (b)(17)(i) through (vii) of this section.

(18) *Title IV–E foster care during report period.* Indicate whether a title IV–E foster care maintenance payment was paid on behalf of the child at any point during the report period that is claimed under title IV–E foster care with a ''yes'' or ''no,'' as appropriate. Indicate ''yes'' if the child has met all eligibility requirements of section 472(a) of the Act and the title IV–E agency has claimed, or intends to claim, federal reimbursement for foster care maintenance payments made on the child's behalf during the report period.

(19) *Total number of siblings.* Indicate the total number of siblings of the child. A sibling to the child is his or her brother or sister by biological, legal, or marital connection. Do not include the child who is subject of this record in the total number. If the child does not have any siblings, the title IV–E agency must indicate ''0.'' If the title IV–E agency indicates ''0,'' the title IV–E agency must leave paragraphs (b)(20) and (21) of this section blank.

(20) *Siblings in foster care.* Indicate the number of siblings of the child who are in foster care as defined in § 1355.20. A sibling to the child is his or her brother or sister by biological, legal, or marital connection. Do not include the child who is subject of this record in the total number. If the child does not have any siblings, the title IV–E agency must leave this paragraph blank. If the child has siblings, but they are not in foster care as defined in § 1355.20, the title IV–E agency must indicate ''0.'' If the title IV–E agency reported ''0,'' leave paragraph (b)(21) of this section blank.

(21) *Siblings in living arrangement.* Indicate the number of siblings of the child who are in the same living arrangement as the child, on the last day of the report period. A sibling to the child is his or her brother or sister by biological, legal, or marital connection. Do not include the child who is subject of this record in the total number. If the child does not have any siblings, the title IV–E agency must leave this paragraph blank. If the child has siblings, but they are not in the same living arrangement as the child, the title IV–E agency must indicate ''0.''

(c) *Parent or legal guardian information*—(1) *Year of birth of first parent or legal guardian.* If applicable, indicate the year of birth of the first parent (biological, legal or adoptive) or legal guardian of the child. To the extent that a child has both a parent and a legal guardian, or two different sets of legal parents, the title IV–E agency must report on those who had legal responsibility for the child. We are not seeking information on putative parent(s) in this paragraph. If there is only one parent or legal guardian of the child, that person's year of birth must be reported here. If the child was abandoned indicate ''abandoned.'' Abandoned means that the child was left alone or with others and the identity of the child's parent(s) or legal guardian(s) is unknown and cannot be ascertained. This includes a child left at a ''safe haven.''

(2) *Year of birth of second parent or legal guardian.* If applicable, indicate the year of birth of the second parent (biological, legal or adoptive) or legal guardian of the child. We are not seeking information on putative parent(s) in this paragraph. If the child was abandoned, indicate ''abandoned.'' Abandoned means that the child was left alone or with others and the identity of the child's parent(s) or legal guardian(s) is unknown and cannot be ascertained. This includes a child left at a ''safe haven.'' Indicate ''not applicable'' if there is not another parent or legal guardian.

(3) *Tribal membership mother.* For state title IV–E agencies only: Indicate whether the biological or adoptive mother is a member of an Indian tribe. Indicate ''yes,'' ''no,'' or ''unknown.''

(4) *Tribal membership father.* For state title IV–E agencies only: Indicate whether the biological or adoptive father is a member of an Indian tribe. Indicate ''yes,'' ''no,'' or ''unknown.''

(5) *Termination/modification of parental rights.* Indicate whether the termination/modification of parental rights for each parent (biological, legal and/or putative) was voluntary or involuntary. Voluntary means the parent voluntary relinquished their parental rights to the title IV–E agency, with or without court involvement. Indicate ''voluntary'' or ''involuntary.'' Indicate ''not applicable'' if there was no termination/modification and leave paragraphs (c)(5)(i) and (ii) of this section blank.

(i) *Termination/modification of parental rights petition.* Indicate the month, day and year that each petition to terminate/modify the parental rights of a biological, legal and/or putative parent was filed in court, if applicable. Indicate ''deceased'' if the parent is deceased.

(ii) *Termination/modification of parental rights.* Enter the month, day and year that the parental rights were voluntarily or involuntarily terminated/modified, for each biological, legal and/or putative parent, if applicable. If the parent is deceased, enter the date of death.

(d) *Removal information*—(1) *Date of child's removal.* Indicate the removal date(s) in month, day and year format for each removal of a child who enters the placement and care responsibility of the title IV–E agency. For a child who is removed and is placed initially in foster care, indicate the date that the title IV–E agency received placement and care responsibility. For a child who ran away or whose whereabouts are unknown at the time the child is removed and is placed in the placement and care responsibility of the title IV–E agency, indicate the date that the title IV–E agency received placement and care responsibility. For a child who is removed and is placed initially in a non-foster care setting, indicate the date that the child enters foster care as the date of removal.

(2) *Removal transaction date.* A non-modifiable, computer-generated date which accurately indicates the month, day and year each response to paragraph (d)(1) of this section was entered into the information system.

(3) *Environment at removal.* Indicate the type of environment (household or facility) the child was living in at the time of each removal for each removal reported in paragraph (d)(1) of this section. Indicate ''parent household'' if the child was living in a household that included one or both of the child's parents, whether biological, adoptive or legal. Indicate ''relative household'' if the child was living with a relative(s), the relative(s) is not the child's legal guardian and neither of the child's parents were living in the household. Indicate ''legal guardian household'' if the child was living with a legal guardian(s), the guardian(s) is not the child's relative and neither of the child's parents were living in the household. Indicate ''relative legal guardian household'' if the child was living with a relative(s) who is also the child's legal guardian. Indicate ''justice facility'' if the child was in a detention center, jail or other similar setting where the child was detained. Indicate ''medical/mental health facility'' if the child was living in a facility such as a medical or psychiatric hospital or residential treatment center. Indicate ''other'' if the child was living in another situation not so described, such as living independently or homeless.

(4) *Child and family circumstances at removal.* Indicate all child and family circumstances that were present at the time of the child's removal and/or related to the child being placed into foster care for each removal reported in paragraph (d)(1) of this section. Indicate

whether each circumstance described in paragraphs (d)(4)(i) through (xxxiv) of this section ''applies'' or ''does not apply'' for each removal indicated in paragraph (d)(1) of this section.

(i) *Runaway.* The child has left, without authorization, the home or facility where the child was residing.

(ii) *Whereabouts unknown.* The child's whereabouts are unknown and the title IV–E agency does not consider the child to have run away.

(iii) *Physical abuse.* Alleged or substantiated physical abuse, injury or maltreatment of the child by a person responsible for the child's welfare.

(iv) *Sexual abuse.* Alleged or substantiated sexual abuse or exploitation of the child by a person who is responsible for the child's welfare.

(v) *Psychological or emotional abuse.* Alleged or substantiated psychological or emotional abuse, including verbal abuse, of the child by a person who is responsible for the child's welfare.

(vi) *Neglect.* Alleged or substantiated negligent treatment or maltreatment of the child, including failure to provide adequate food, clothing, shelter, supervision or care by a person who is responsible for the child's welfare.

(vii) *Medical neglect.* Alleged or substantiated medical neglect caused by a failure to provide for the appropriate health care of the child by a person who is responsible for the child's welfare, although the person was financially able to do so, or was offered financial or other means to do so.

(viii) *Domestic violence.* Alleged or substantiated violent act(s), including any forceful detention of an individual that results in, threatens to result in, or attempts to cause physical injury or mental harm. This is committed by a person against another individual residing in the child's home and with whom such person is in an intimate relationship, dating relationship, is or was related by marriage, or has a child in common. This circumstance includes domestic violence between the child and his or her partner and applies to a child or youth of any age (including those younger and older than the age of majority. This does not include alleged or substantiated maltreatment of the child by a person who is responsible for the child's welfare.

(ix) *Abandonment.* The child was left alone or with others and the parent or legal guardian's identity is unknown and cannot be ascertained. This does not include a child left at a ''safe haven'' as defined by the title IV–E agency. This category does not apply when the identity of the parent(s) or legal guardian(s) is known.

(x) *Failure to return.* The parent, legal guardian or caretaker did not or has not returned for the child or made his or her whereabouts known. This category does not apply when the identity of the parent, legal guardian or caretaker is unknown.

(xi) *Caretaker's alcohol use.* A parent, legal guardian or other caretaker responsible for the child uses alcohol compulsively that is not of a temporary nature.

(xii) *Caretaker's drug use.* A parent, legal guardian or other caretaker responsible for the child uses drugs compulsively that is not of a temporary nature.

(xiii) *Child alcohol use.* The child uses alcohol.

(xiv) *Child drug use.* The child uses drugs.

(xv) *Prenatal alcohol exposure.* The child has been identified as prenatally exposed to alcohol, resulting in fetal alcohol spectrum disorders such as fetal alcohol exposure, fetal alcohol effect or fetal alcohol syndrome.

(xvi) *Prenatal drug exposure.* The child has been identified as prenatally exposed to drugs.

(xvii) *Diagnosed condition.* The child has a clinical diagnosis by a qualified professional of a health, behavioral or mental health condition, such as one or more of the following: Intellectual disability, emotional disturbance, specific learning disability, hearing, speech or sight impairment, physical disability or other clinically diagnosed condition.

(xviii) *Inadequate access to mental health services.* The child and/or child's family has inadequate resources to access the necessary mental health services outside of the child's out-of-home care placement.

(xix) *Inadequate access to medical services.* The child and/or child's family has inadequate resources to access the necessary medical services outside of the child's out-of-home care placement.

(xx) *Child behavior problem.* The child's behavior in his or her school and/or community adversely affects his or her socialization, learning, growth and/or moral development. This includes all child behavior problems, as well as adjudicated and non-adjudicated status or delinquency offenses and convictions.

(xxi) *Death of caretaker.* Existing family stress in caring for the child or an inability to care for the child due to the death of a parent, legal guardian or other caretaker.

(xxii) *Incarceration of caretaker.* The child's parent, legal guardian or caretaker is temporarily or permanently placed in jail or prison which adversely affects his or her ability to care for the child.

(xxiii) *Caretaker's significant impairment—physical/emotional.* A physical or emotional illness or disabling condition of the child's parent, legal guardian or caretaker that adversely limits his or her ability to care for the child.

(xxiv) *Caretaker's significant impairment—cognitive.* The child's parent, legal guardian or caretaker has cognitive limitations that impact his or her ability to function in areas of daily life, which adversely affect his or her ability to care for the child. It also may be characterized by a significantly below-average score on a test of mental ability or intelligence.

(xxv) *Inadequate housing.* The child's or his or her family's housing is substandard, overcrowded, unsafe or otherwise inadequate which results in it being inappropriate for the child to reside.

(xxvi) *Voluntary relinquishment for adoption.* The child's parent has voluntarily relinquished the child by assigning the physical and legal custody of the child to the title IV–E agency, in writing, for the purpose of having the child adopted. This includes a child left at a ''safe haven'' as defined by the title IV–E agency.

(xxvii) *Child requested placement.* The child, age 18 or older, has requested placement into foster care.

(xxviii) *Sex trafficking.* The child is a victim of sex trafficking at the time of removal.

(xxix) *Parental immigration detainment or deportation.* The parent is or was detained or deported by immigration officials.

(xxx) *Family conflict related to child's sexual orientation, gender identity, or gender expression.* There is family conflict related to the child's expressed or perceived sexual orientation, gender identity, or gender expression. This includes any conflict related to the ways in which a child manifests masculinity or femininity.

(xxxi) *Educational neglect.* Alleged or substantiated failure of a parent or caregiver to enroll a child of mandatory school age in school or provide appropriate home schooling or needed special educational training, thus allowing the child or youth to engage in chronic truancy.

(xxxii) *Public agency title IV–E agreement.* The child is in the placement and care responsibility of another public agency that has an agreement with the title IV–E agency pursuant to section 472(a)(2)(B) of the Act and on whose behalf title IV–E

foster care maintenance payments are made.

(xxxiii) *Tribal title IV–E agreement.* The child is in the placement and care responsibility of an Indian tribe, tribal organization or consortium with which the title IV–E agency has an agreement and on whose behalf title IV–E foster care maintenance payments are made.

(xxxiv) *Homelessness.* The child or his or her family has no regular or adequate place to live. This includes living in a car, or on the street, or staying in a homeless or other temporary shelter.

(5) *Victim of sex trafficking prior to entering foster care.* Indicate whether the child had been a victim of sex trafficking before the current out-of-home care episode. Indicate ''yes'' if the child was a victim or ''no'' if the child had not been a victim.

(i) *Report to law enforcement.* If the title IV–E agency indicated ''yes'' in paragraph (d)(5) introductory text of this section, indicate whether the title IV–E agency made a report to law enforcement for entry into the National Crime Information Center (NCIC) database. Indicate ''yes'' if the agency made a report to law enforcement and indicate ''no'' if the agency did not make a report.

(ii) *Date.* If the title IV–E agency indicated ''yes'' in paragraph (d)(5)(i) of this section, indicate the date that the agency made the report to law enforcement.

(6) *Victim of sex trafficking while in foster care.* Indicate ''yes'' if the child was a victim of sex trafficking while in out-of-home care during the current out-of-home care episode. Indicate ''no'' if the child was not a victim of sex trafficking during the current out-of-home care episode.

(i) *Report to law enforcement.* If the title IV–E agency indicated ''yes'' in this paragraph (d)(6) of this section, indicate whether the agency made a report to law enforcement for entry into the NCIC database. Indicate ''yes'' if the title IV–E agency made a report(s) to law enforcement and indicate ''no'' if the title IV–E agency did not make a report.

(ii) *Date.* If the title IV–E agency indicated ''yes'' in paragraph (d)(6)(i) of this section, indicate the date(s) the agency made the report(s) to law enforcement.

(e) *Living arrangement and provider information*—(1) *Date of living arrangement.* Indicate the month, day and year representing the first date of placement in each of the child's living arrangements for each out-of-home care episode. In the case of a child who has run away, whose whereabouts are unknown, or who is already in a living arrangement and remains there when the title IV–E agency receives placement and care responsibility, indicate the date of the VPA or court order providing the title IV–E agency with placement and care responsibility for the child, rather than the date when the child was originally placed in the living arrangement.

(2) *Foster family home.* Indicate whether each of the child's living arrangements is a foster family home, with a ''yes'' or ''no'' as appropriate. If the child has run away or the child's whereabouts are unknown, indicate ''no.'' If the title IV–E agency indicates that the child is living in a foster family home, by indicating ''yes,'' the title IV–E agency must complete paragraph (e)(3) of this section. If the title IV–E agency indicates ''no,'' the title IV–E agency must complete paragraph (e)(4) of this section.

(3) *Foster family home type.* If the title IV–E agency indicated that the child is living in a foster family home in paragraph (e)(2) of this section, indicate whether each foster family home type listed in paragraphs (e)(3)(i) through (vi) of this section applies or does not apply; otherwise the title IV–E agency must leave this paragraph (e)(3) blank.

(i) *Licensed home.* The child's living arrangement is licensed or approved by the state or tribal licensing/approval authority.

(ii) *Therapeutic foster family home.* The home provides specialized care and services.

(iii) *Shelter care foster family home.* The home is so designated by the state or tribal licensing/approval authority, and is designed to provide short-term or transitional care.

(iv) *Relative foster family home.* The foster parent(s) is related to the child by biological, legal or marital connection and the relative foster parent(s) lives in the home as his or her primary residence.

(v) *Pre-adoptive home.* The home is one in which the family and the title IV–E agency have agreed on a plan to adopt the child.

(vi) *Kin foster family home.* The home is one in which there is a kin relationship as defined by the title IV–E agency, such as one where there is a psychological, cultural or emotional relationship between the child or the child's family and the foster parent(s) and there is not a legal, biological, or marital connection between the child and foster parent.

(4) *Other living arrangement type.* If the title IV–E agency indicated that the child's living arrangement is other than a foster family home in paragraph (e)(2) of this section, indicate the type of setting; otherwise the title IV–E agency must leave this paragraph blank. Indicate ''group home-family operated'' if the child is in a group home that provides 24-hour care in a private family home where the family members are the primary caregivers. Indicate ''group home-staff operated'' if the child is in a group home that provides 24-hour care for children where the care-giving is provided by shift or rotating staff. Indicate ''group home-shelter care'' if the child is in a group home that provides 24-hour care which is short-term or transitional in nature, and is designated by the state or tribal licensing/approval authority to provide shelter care. Indicate ''residential treatment center'' if the child is in a facility that has the purpose of treating children with mental health or behavioral conditions or if the child is placed with a parent who is in a licensed residential family-based treatment facility for substance abuse per section 472(j) of the Act. This does not include a qualified residential treatment program defined in section 472(k)(4) of the Act. Indicate ''qualified residential treatment program'' if the child is in a placement that meets all of the requirements of section 472(k)(2)(A) and (4) of the Act. Indicate ''child care institution'' if the child is in a private child care institution, or a public child care institution which accommodates no more than 25 children, and is licensed by the state or tribal authority responsible for licensing or approving child care institutions. This includes a setting specializing in providing prenatal, post-partum, or parenting supports for youth per section 472(k)(2)(B) of the Act, and a setting providing high-quality residential care and supportive services to children and youth who have been found to be, or are at risk of becoming, sex trafficking victims per section 472(k)(2)(D) of the Act. This does not include detention facilities, forestry camps, training schools or any other facility operated primarily for the detention of children who are determined to be delinquent. Indicate ''child care institution-shelter care'' if the child is in a child care institution and the institution is designated to provide shelter care by the state or tribal authority responsible for licensing or approving child care institutions and is short-term or transitional in nature. Indicate ''supervised independent living'' if the child is living independently in a supervised setting. Indicate ''juvenile justice facility'' if the child is in a secure facility or institution where alleged or adjudicated juvenile delinquents are

housed. Indicate ''medical or rehabilitative facility'' if the child is in a facility where an individual receives medical or physical health care, such as a hospital. Indicate ''psychiatric hospital'' if the child is in a facility that provides emotional or psychological health care and is licensed or accredited as a hospital. Indicate ''runaway'' if the child has left, without authorization, the home or facility where the child was placed. Indicate ''whereabouts unknown'' if the child is not in the physical custody of the title IV–E agency or person or institution with whom the child has been placed, the child's whereabouts are unknown and the title IV–E agency does not consider the child to have run away. Indicate ''placed at home'' if the child is home with the parent(s) or legal guardian(s) in preparation for the title IV–E agency to return the child home permanently.

(5) *Location of living arrangement.* Indicate whether each of the child's living arrangements reported in paragraph (e)(1) of this section is located within or outside of the reporting state or tribal service area or is outside of the country. Indicate ''out-of-state or out-of-tribal service area'' if the child's living arrangement is located outside of the reporting state or tribal service area but inside the United States. Indicate ''in-state or in-tribal service area'' if the child's living arrangement is located within the reporting state or tribal service area. Indicate ''out-of-country'' if the child's living arrangement is outside of the United States. Indicate ''runaway or whereabouts unknown'' if the child has run away from his or her living arrangement or the child's whereabouts are unknown. If the title IV–E agency indicates either ''out-of-state or out-of-tribal service area'' or ''out-of-country'' for the child's living arrangement, the title IV–E agency must complete paragraph (e)(6) of this section; otherwise the title IV–E agency must leave paragraph (e)(6) of this section blank.

(6) *Jurisdiction or country where child is living.* Indicate the state, tribal service area, Indian reservation, or country where the reporting title IV–E agency placed the child for each living arrangement, if the title IV–E agency indicated either ''out-of-state'' or ''out-of-tribal service area'' or ''out-of-country'' in paragraph (e)(5) of this section; otherwise the title IV–E agency must leave paragraph (e)(6) of this section blank. The title IV–E agency must report the information in a format according to ACF's specifications.

(7) *Marital status of the foster parent(s).* Indicate the marital status of the child's foster parent(s) for each foster family home living arrangement in which the child is placed, as indicated in paragraph (e)(3) of this section. Indicate ''married couple'' if the foster parents are considered united in matrimony according to applicable laws. Include common law marriage, where provided by applicable laws. Indicate ''unmarried couple'' if the foster parents are living together as a couple, but are not united in matrimony according to applicable laws. Indicate ''separated'' if the foster parent is legally separated or is living apart from his or her spouse. Indicate ''single adult'' if the foster parent is not married and is not living with another individual as part of a couple. If the response is either ''married couple'' or ''unmarried couple,'' the title IV–E agency must complete the paragraphs for the second foster parent in paragraphs (e)(14) through (18) of this section; otherwise the title IV–E agency must leave those paragraphs blank.

(8) *Child's relationships to the foster parent(s).* Indicate the type of relationship between the child and his or her foster parent(s), for each foster family home living arrangement in which the child is placed, as indicated in paragraph (e)(3) of this section. Indicate ''relative(s)'' if the foster parent(s) is the child's relative (by biological, legal or marital connection). Indicate ''non-relative(s)'' if the foster parent(s) is not related to the child (by biological, legal or marital connection). Indicate ''kin'' if the foster parent(s) has kin relationship to the child as defined by the title IV–E agency, such as one where there is a psychological, cultural or emotional relationship between the child or the child's family and the foster parent(s) and there is not a legal, biological, or marital connection between the child and foster parent.

(9) *Year of birth for first foster parent.* Indicate the year of birth for the first foster parent for each foster family home living arrangement in which the child is placed, as indicated in paragraph (e)(3) of this section.

(10) *First foster parent tribal membership.* For state title IV–E agencies only: Indicate whether the first foster parent is a member of an Indian tribe. Indicate ''yes,'' ''no,'' or ''unknown.''

(11) *Race of first foster parent.* Indicate the race of the first foster parent for each foster family home living arrangement in which the child is placed, as indicated in paragraph (e)(3) of this section. In general, an individual's race is determined by the individual. Indicate whether each race category listed in paragraphs (e)(11)(i) through (vii) of this section applies with a ''yes'' or ''no.''

(i) *Race—American Indian or Alaska Native.* An American Indian or Alaska Native individual has origins in any of the original peoples of North or South America (including Central America) and maintains tribal affiliation or community attachment.

(ii) *Race—Asian.* An Asian individual has origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

(iii) *Race—Black or African American.* A Black or African American individual has origins in any of the black racial groups of Africa.

(iv) *Race—Native Hawaiian or Other Pacific Islander.* A Native Hawaiian or Other Pacific Islander individual has origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

(v) *Race—White.* A White individual has origins in any of the original peoples of Europe, the Middle East or North Africa.

(vi) *Race—unknown.* The foster parent does not know his or her race, or at least one race.

(vii) *Race—declined.* The first foster parent has declined to identify a race.

(12) *Hispanic or Latino ethnicity of first foster parent.* Indicate the Hispanic or Latino ethnicity of the first foster parent for each foster family home living arrangement in which the child is placed, as indicated in paragraph (e)(3) of this section. In general, an individual's ethnicity is determined by the individual. An individual is of Hispanic or Latino ethnicity if the individual is a person of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin, regardless of race. Indicate whether this category applies with a ''yes'' or ''no.'' If the first foster parent does not know his or her ethnicity indicate ''unknown.'' If the individual refuses to identify his or her ethnicity, indicate ''declined.''

(13) *Sex of first foster parent.* Indicate whether the first foster parent is ''female'' or ''male.''

(14) *Year of birth for second foster parent.* Indicate the birth year of the second foster parent for each foster family home living arrangement in which the child is placed, as indicated in paragraph (e)(3) of this section, if applicable. The title IV–E agency must leave this paragraph blank if there is no second foster parent according to paragraph (e)(7) of this section.

(15) *Second foster parent tribal membership.* For state title IV–E agencies only: Indicate whether the second foster parent is a member of an Indian tribe. Indicate ''yes,'' ''no,'' or ''unknown.''

(16) *Race of second foster parent.* Indicate the race of the second foster parent for each foster family home living arrangement in which the child is placed, as indicated in paragraph (e)(3) of this section, if applicable. In general, an individual's race is determined by the individual. Indicate whether each race category listed in paragraphs (e)(16)(i) through (vii) of this section applies with a ''yes'' or ''no.'' The title IV–E agency must leave this paragraph blank if there is no second foster parent according to paragraph (e)(7) of this section.

(i) *Race—American Indian or Alaska Native.* An American Indian or Alaska Native individual has origins in any of the original peoples of North or South America (including Central America) and maintains tribal affiliation or community attachment.

(ii) *Race—Asian.* An Asian individual has origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

(iii) *Race—Black or African American.* A Black or African American individual has origins in any of the black racial groups of Africa.

(iv) *Race—Native Hawaiian or Other Pacific Islander.* A Native Hawaiian or Other Pacific Islander individual has origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

(v) *Race—White.* A White individual has origins in any of the original peoples of Europe, the Middle East or North Africa.

(vi) *Race—unknown.* The second foster parent does not know his or her race, or at least one race.

(vii) *Race—declined.* The second foster parent has declined to identify a race.

(17) *Hispanic or Latino ethnicity of second foster parent.* Indicate the Hispanic or Latino ethnicity of the second foster parent for each foster family home living arrangement in which the child is placed, as indicated in paragraph (e)(3) of this section, if applicable. In general, an individual's ethnicity is determined by the individual. An individual is of Hispanic or Latino ethnicity if the individual is a person of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin, regardless of race. Indicate whether this category applies with a ''yes'' or ''no.'' If the second foster parent does not know his or her ethnicity, indicate ''unknown.'' If the individual refuses to identify his or her ethnicity, indicate ''declined.'' The title IV–E agency must leave this paragraph blank if there is no second foster parent according to paragraph (e)(7) of this section.

(18) *Sex of second foster parent.* Indicate whether the second foster parent is ''female'' or ''male.''

(f) *Permanency planning*—(1) *Permanency plan.* Indicate each permanency plan established for the child. Indicate ''reunify with parent(s) or legal guardian(s)'' if the plan is to keep the child in out-of-home care for a limited time and the title IV–E agency is to work with the child's parent(s) or legal guardian(s) to establish a stable family environment. Indicate ''live with other relatives'' if the plan is for the child to live permanently with a relative(s) (by biological, legal or marital connection) who is not the child's parent(s) or legal guardian(s). Indicate ''adoption'' if the plan is to facilitate the child's adoption by relatives, foster parents, kin or other unrelated individuals. Indicate ''guardianship'' if the plan is to establish a new legal guardianship. Indicate ''planned permanent living arrangement'' if the plan is for the child to remain in foster care until the title IV–E agency's placement and care responsibility ends. The title IV–E agency must only select ''planned permanent living arrangement'' consistent with the requirements in section 475(5)(C)(i) of the Act. Indicate ''permanency plan not established'' if a permanency plan has not yet been established.

(2) *Date of permanency plan.* Indicate the month, day and year that each permanency plan(s) was established during each out-of-home care episode.

(3) *Date of periodic review.* Enter the month, day and year of each periodic review, either by a court or by administrative review (as defined in section 475(6) of the Act) that meets the requirements of section 475(5)(B) of the Act.

(4) *Date of permanency hearing.* Enter the month, day and year of each permanency hearing held by a court or an administrative body appointed or approved by the court that meets the requirements of section 475(5)(C) of the Act.

(5) *Caseworker visit dates.* Enter each date in which a caseworker had an in-person, face-to-face visit with the child consistent with section 422(b)(17) of the Act. Indicate the month, day and year of each visit.

(6) *Caseworker visit location.* Indicate the location of each in-person, face-to-face visit between the caseworker and the child. Indicate ''child's residence'' if the visit occurred at the location where the child is currently residing, such as the current foster care provider's home, child care institution or facility. Indicate ''other location'' if the visit occurred at any location other than where the child currently resides, such as the child's school, a court, a child welfare office or in the larger community.

(g) *General exit information.* Provide exit information for each out-of-home care episode. An exit occurs when the title IV–E agency's placement and care responsibility of the child ends.

(1) *Date of exit.* Indicate the month, day and year for each of the child's exits from out-of-home care. An exit occurs when the title IV–E agency's placement and care responsibility of the child ends. If the child has not exited out-of-home care the title IV–E agency must leave this paragraph blank. If this paragraph is applicable, paragraphs (g)(2) and (3) of this section must have a response.

(2) *Exit transaction date.* A non-modifiable, computer-generated date which accurately indicates the month, day and year each response to paragraph (g)(1) of this section was entered into the information system.

(3) *Exit reason.* Indicate the reason for each of the child's exits from out-of-home care. Indicate ''not applicable'' if the child has not exited out-of-home care. Indicate ''reunify with parent(s)/legal guardian(s)'' if the child was returned to his or her parent(s) or legal guardian(s) and the title IV–E agency no longer has placement and care responsibility. Indicate ''live with other relatives'' if the child exited to live with a relative (related by a biological, legal or marital connection) other than his or her parent(s) or legal guardian(s). Indicate ''adoption'' if the child was legally adopted. Indicate ''emancipation'' if the child exited care due to age. Indicate ''guardianship'' if the child exited due to a legal guardianship of the child. Indicate ''runaway or whereabouts unknown'' if the child ran away or the child's whereabouts were unknown at the time that the title IV–E agency's placement and care responsibility ends. Indicate ''death of child'' if the child died while in out-of-home care. Indicate ''transfer to another agency'' if placement and care responsibility for the child was transferred to another agency, either within or outside of the reporting state or tribal service area.

(4) *Transfer to another agency.* If the title IV–E agency indicated the child was transferred to another agency in paragraph (g)(3) of this section, indicate the type of agency that received placement and care responsibility for the child from the following options: ''State title IV–E agency,'' ''Tribal title IV–E agency,'' ''Indian tribe or tribal agency (non-IV–E),'' ''juvenile justice agency,'' ''mental health agency,'' ''other public agency'' or ''private agency.''

(h) *Exit to adoption and guardianship information.* Report information in paragraph (h) only if the title IV–E agency indicated the child exited to adoption or legal guardianship in paragraph (g)(3) of this section. Otherwise the title IV–E agency must leave paragraphs (h)(1) through (15) of this section blank.

(1) *Marital status of the adoptive parent(s) or guardian(s).* Indicate the marital status of the adoptive parent(s) or legal guardian(s). Indicate ''married couple'' if the adoptive parents or legal guardians are considered united in matrimony according to applicable laws. Include common law marriage, where provided by applicable laws. Indicate ''married but individually adopting or obtaining legal guardianship'' if the adoptive parents or legal guardians are considered united in matrimony according to applicable laws, but are individually adopting or obtaining legal guardianship. Indicate ''separated'' if the foster parent is legally separated or is living apart from his or her spouse. Indicate ''unmarried couple'' if the adoptive parents or guardians are living together as a couple, but are not united in matrimony according to applicable laws. Use this response option even if only one person of the unmarried couple is the adoptive parent or legal guardian of the child. Indicate ''single adult'' if the adoptive parent or legal guardian is not married and is not living with another individual as part of a couple. If the response is ''married couple'' or ''unmarried couple,'' the title IV–E agency also must complete paragraphs for the second adoptive parent or second legal guardian in paragraphs (h)(8) through (12) of this section; otherwise the title IV–E agency must leave those paragraphs blank.

(2) *Child's relationship to the adoptive parent(s) or guardian(s).* Indicate the type of relationship between the child and his or her adoptive parent(s) or legal guardian(s). Indicate whether each relationship listed in paragraphs (h)(2)(i) through (iv) of this section ''applies'' or ''does not apply.''

(i) *Relative(s).* The adoptive parent(s) or legal guardian(s) is the child's relative (by biological, legal or marital connection).

(ii) *Kin.* The adoptive parent(s) or legal guardian(s) has a kin relationship with the child, as defined by the title IV–E agency, such as one where there is a psychological, cultural or emotional relationship between the child or the child's family and the adoptive parent(s) or legal guardian(s) and there is not a legal, biological, or marital connection between the child and foster parent.

(iii) *Non-relative(s).* The adoptive parent(s) or legal guardian(s) is not related to the child by biological, legal or marital connection.

(iv) *Foster parent(s).* The adoptive parent(s) or legal guardian(s) was the child's foster parent(s).

(3) *Date of birth of first adoptive parent or guardian.* Indicate the month, day and year of the birth of the first adoptive parent or legal guardian.

(4) *First adoptive parent or guardian tribal membership.* For state title IV–E agencies only: Indicate whether the first adoptive parent or guardian is a member of an Indian tribe. Indicate ''yes,'' ''no'' or ''unknown.''

(5) *Race of first adoptive parent or guardian.* In general, an individual's race is determined by the individual. Indicate whether each race category listed in paragraphs (h)(5)(i) through (vii) of this section applies with a ''yes'' or ''no.''

(i) *Race—American Indian or Alaska Native.* An American Indian or Alaska Native individual has origins in any of the original peoples of North or South America (including Central America), and maintains tribal affiliation or community attachment.

(ii) *Race—Asian.* An Asian individual has origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

(iii) *Race—Black or African American.* A Black or African American individual has origins in any of the black racial groups of Africa.

(iv) *Race—Native Hawaiian or Other Pacific Islander.* A Native Hawaiian or Other Pacific Islander individual has origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

(v) *Race—White.* A White individual has origins in any of the original peoples of Europe, the Middle East or North Africa.

(vi) *Race—Unknown.* The first adoptive parent or legal guardian does not know his or her race, or at least one race.

(vii) *Race—Declined.* The first adoptive parent, or legal guardian has declined to identify a race.

(6) *Hispanic or Latino ethnicity of first adoptive parent or guardian.* In general, an individual's ethnicity is determined by the individual. An individual is of Hispanic or Latino ethnicity if the individual is a person of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin, regardless of race. Indicate whether this category applies with a ''yes'' or ''no.'' If the first adoptive parent or legal guardian does not know his or her ethnicity, indicate ''unknown.'' If the individual refuses to identify his or her ethnicity, indicate ''declined.''

(7) *Sex of first adoptive parent or guardian.* Indicate whether the first adoptive parent is ''female'' or ''male.''

(8) *Date of birth of second adoptive parent, guardian, or other member of the couple.* Indicate the month, day and year of the date of birth of the second adoptive parent, legal guardian, or other member of the couple. The title IV–E agency must leave this paragraph blank if there is no second adoptive parent, legal guardian, or other member of the couple according to paragraph (h)(1) of this section.

(9) *Second adoptive parent, guardian, or other member of the couple tribal membership.* For state title IV–E agencies only: Indicate whether the second adoptive parent or guardian is a member of an Indian tribe. Indicate ''yes,'' ''no'' or ''unknown.''

(10) *Race of second adoptive parent, guardian, or other member of the couple.* In general, an individual's race is determined by the individual. Indicate whether each race category listed in paragraphs (h)(10)(i) through (vii) of this section applies with a ''yes'' or ''no.'' The title IV–E agency must leave this paragraph blank if there is no second adoptive parent, legal guardian, or other member of the couple according to paragraph (h)(1) of this section.

(i) *Race—American Indian or Alaska Native.* An American Indian or Alaska Native individual has origins in any of the original peoples of North or South America (including Central America), and maintains tribal affiliation or community attachment.

(ii) *Race—Asian.* An Asian individual has origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

(iii) *Race—Black or African American.* A Black or African American individual has origins in any of the black racial groups of Africa.

(iv) *Race—Native Hawaiian or Other Pacific Islander.* A Native Hawaiian or Other Pacific Islander individual has origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

(v) *Race—White.* A White individual has origins in any of the original peoples of Europe, the Middle East or North Africa.

(vi) *Race—Unknown.* The second adoptive parent, legal guardian, or other member of the couple does not know his or her race, or at least one race.

(vii) *Race—Declined.* The second adoptive parent, legal guardian, or other member of the couple has declined to identify a race.

(11) *Hispanic or Latino ethnicity of second adoptive parent, guardian, or other member of the couple.* In general, an individual's ethnicity is determined by the individual. An individual is of Hispanic or Latino ethnicity if the individual is a person of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin, regardless of race. Indicate whether this category applies with a ''yes'' or ''no.'' If the second adoptive parent, legal guardian, or other member of the couple does not know his or her ethnicity, indicate ''unknown.'' If the individual refuses to identify his or her ethnicity, indicate ''declined.'' The title IV–E agency must leave this paragraph blank if there is no second adoptive parent, legal guardian, or other member of the couple according to paragraph (h)(1) of this section.

(12) *Sex of second adoptive parent, guardian, or other member of the couple.* Indicate whether the second adoptive parent, guardian, or other member of the couple is ''female'' or ''male.''

(13) *Inter/Intrajurisdictional adoption or guardianship.* Indicate whether the child was placed within the state or tribal service area, outside of the state or tribal service area or into another country for adoption or legal guardianship. Indicate ''interjurisdictional adoption or guardianship'' if the reporting title IV–E agency placed the child for adoption or legal guardianship outside of the state or tribal service area but within the United States. Indicate ''intercountry adoption or guardianship'' if the reporting title IV–E agency placed the child for adoption or legal guardianship outside of the United States. Indicate ''intrajurisdictional adoption or guardianship'' if the reporting title IV–E agency placed the child within the same state or tribal service area as the one with placing responsibility.

(14) *Assistance agreement type.* Indicate the type of assistance agreement between the title IV–E agency and the adoptive parent(s) or legal guardian(s): ''Title IV–E adoption assistance agreement''; ''State/tribal adoption assistance agreement''; ''Adoption-Title IV–E agreement non-recurring expenses only''; ''Adoption-Title IV–E agreement Medicaid only''; ''Title IV–E guardianship assistance agreement''; ''State/tribal guardianship assistance agreement''; or ''no agreement'' if there is no assistance agreement.

(15) *Siblings in adoptive or guardianship home.* Indicate the number of siblings of the child who are in the same adoptive or guardianship home as the child. A sibling to the child is his or her brother or sister by biological, legal, or marital connection. Do not include the child who is subject of this record in the total number. If the child does not have any siblings, the title IV–E agency must indicate ''not applicable.'' If the child has siblings, but they are not in the same adoptive or guardianship home as the child, the title IV–E agency must indicate ''0.''

■ 5. In § 1355.45, revise paragraphs (b)(2) and (b)(3)(vi) and add paragraph (f) to read as follows:

§ 1355.45 Adoption and guardianship assistance data file elements.

* * * * *

(b) * * *

(2) *Child's sex.* Indicate ''male'' or ''female.''

(3) * * *

(vi) *Race—Unknown.* The child or parent or legal guardian does not know the race, or at least one race of the child is not known. This category does not apply when the child has been abandoned or the parents failed to return and the identity of the child, parent(s), or legal guardian(s) is known.

* * * * *

(f) *Adoption or guardianship placing agency.* Indicate the agency that placed the child for adoption or legal guardianship. Indicate ''title IV–E agency'' if the reporting title IV–E agency placed the child for adoption or legal guardianship. Indicate ''private agency under agreement'' if a private agency placed the child for adoption or legal guardianship through an agreement with the reporting title IV–E agency. Indicate ''Indian tribe under contract/agreement'' if an Indian tribe, tribal organization or consortia placed the child for adoption or legal guardianship through a contract or an agreement with the reporting title IV–E agency.

■ 6. In § 1355.46, revise the second sentence of paragraph (c)(2) to read as follows:

§ 1355.46 Compliance.

* * * * *

(c) * * *

(2) * * * In addition, each record subject to compliance standards within the data file must have the data elements described in §§ 1355.44(a)(1) through (4), 1355.44(b)(1) and (2), and 1355.45(a) and (b)(1) and (2) be 100 percent free of missing data, invalid data and internally inconsistent data (see paragraphs (b)(1) through (3) of this section). * * *

* * * * *

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